S T A T E O F N E W Y O R K

8428

I N S E N A T E

July 7, 2010

Introduced by Sen. KLEIN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the tax law, in relation to increasing the presumed "cost of the agent" relating to cigarette marketing standards

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subparagraph (B) of paragraph 1 of subdivision (b) of section 483 of the tax law, as amended by chapter 1 of the laws of 1999, is amended to read as follows:

(B) In the absence of the filing with the commissioner of satisfactory proof of a lesser cost of doing business of the agent making the sale, the cost of doing business by the agent shall be presumed to be seven-eighths of one percent of the basic cost of cigarettes for sales to wholesale dealers plus [one cent] SIX CENTS per package of ten cigarettes, [two] TWELVE cents per package of twenty cigarettes and in the case of a package containing more than twenty cigarettes, [two] FIFTEEN cents [and one-half of a cent] for each five cigarettes in excess of twenty cigarettes, one and one-half percent of the basic cost of cigarettes for sales to chain stores plus [one cent] SIX CENTS per package of ten cigarettes, [two] TWELVE cents per package of twenty cigarettes and in the case of a package containing more than twenty cigarettes, [two] FIFTEEN cents [and one-half of a cent] for each five cigarettes in excess of twenty cigarettes and three and seven-eighths percent of the basic cost of cigarettes with respect to sales to retail dealers plus [one cent] SIX CENTS per package of ten cigarettes, [two] TWELVE cents per package of twenty cigarettes and in the case of a package containing more than twenty cigarettes, [two] FIFTEEN cents [and one-half of a cent] for each five cigarettes in excess of twenty cigarettes and the foregoing cents per pack shall be included in the "cost of doing business by the agent" referred to in paragraphs two and three of this subdivision.

S 2. This act shall take effect July 1, 2010; provided, however, that if this act shall not have become a law on or before July 1, 2010, then this act shall take effect immediately and shall be deemed to have been in full force and effect on and after July 1, 2010.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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