

STATE OF NEW YORK

2133--A

2025-2026 Regular Sessions

IN SENATE

January 15, 2025

Introduced by Sens. RAMOS, ADDABBO, ASHBY, COMRIE, COONEY, FERNANDEZ, GALLIVAN, MARTINEZ, O'MARA, ORTT, PARKER, RIVERA, SEPULVEDA, STEC, WEBER -- read twice and ordered printed, and when printed to be committed to the Committee on Budget and Revenue -- recommitted to the Committee on Budget and Revenue in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the tax law, in relation to excise taxes on premium cigars

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 12 of section 470 of the tax law, as added by
2 chapter 61 of the laws of 1989, is amended to read as follows:
3 12. "Distributor." Any person who imports or causes to be imported
4 into this state any tobacco product (in excess of fifty cigars or one
5 pound of tobacco) for sale, or who manufactures any tobacco product in
6 this state, and any person within or without the state who is authorized
7 by the commissioner of taxation and finance to make returns and pay the
8 tax on tobacco products sold, shipped or delivered by ~~him~~ such person
9 to any person in the state. Provided, however, that a person who imports
10 or causes to be imported into the state premium cigars pursuant to sales
11 to consumers in the state shall not be deemed a "distributor", unless
12 during the previous calendar year or the current calendar year:
13 (a) the person's gross sales receipts of premium cigars to consumers
14 in the state exceeded one hundred thousand dollars; or
15 (b) the person sold premium cigars to consumers in the state in two
16 hundred or more separate transactions.
17 § 2. Subdivision 19 of section 470 of the tax law, as amended by
18 section 17 of part D of chapter 134 of the laws of 2010, is amended to
19 read as follows:

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

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1 19. "Cigar." Any roll of tobacco wrapped in leaf tobacco or in any
2 substance containing tobacco (other than any roll of tobacco that is a
3 cigarette as defined in subdivision one of this section). "Cigar" shall
4 include, except where expressly excluded, any little cigar or premium
5 cigar.

6 § 3. Section 470 of the tax law is amended by adding a new subdivision
7 22 to read as follows:

8 22. "Premium cigar." A cigar that:

9 (a) is wrapped in whole leaf tobacco; and

10 (b) contains a one hundred percent leaf tobacco binder; and

11 (c) is made by manually combining the wrapper, filler, and binder; and

12 (d) has no filter, tip, or non-tobacco mouthpiece and is capped by
13 hand; and

14 (e) weighs more than six pounds per one thousand units.

15 § 4. Paragraph (a) of subdivision 1 of section 471-b of the tax law,
16 as amended by section 18 of part D of chapter 134 of the laws of 2010,
17 is amended to read as follows:

18 (a) Such tax on tobacco products other than premium cigars, snuff and
19 little cigars shall be at the rate of seventy-five percent of the whole-
20 sale price, and is intended to be imposed only once upon the sale of any
21 tobacco products other than premium cigars, snuff and little cigars.

22 § 5. Subdivision 1 of section 471-b of the tax law is amended by
23 adding a new paragraph (d) to read as follows:

24 (d) Such tax on premium cigars shall be at the rate of seventy-five
25 percent of the wholesale price or fifty cents, whichever is less, and is
26 intended to be imposed only once upon the sale of any premium cigars.

27 § 6. Severability clause. If any clause, sentence, paragraph, subdivi-
28 sion, section or part of this act shall be adjudged by any court of
29 competent jurisdiction to be invalid, such judgment shall not affect,
30 impair, or invalidate the remainder thereof, but shall be confined in
31 its operation to the clause, sentence, paragraph, subdivision, section
32 or part thereof directly involved in the controversy in which such judg-
33 ment shall have been rendered. It is hereby declared to be the intent of
34 the legislature that this act would have been enacted even if such
35 invalid provisions had not been included herein.

36 § 7. This act shall take effect on the ninetieth day after it shall
37 have become a law. Effective immediately, the addition, amendment and/or
38 repeal of any rule or regulation necessary for the implementation of
39 this act on its effective date are authorized to be made and completed
40 on or before such effective date.