

Tax Rate Increase on Cigars and Tobacco Products (other than snuff)

Chapter 57 of the Laws of 2009 amends Article 20 of the Tax Law to change the excise tax rate on tobacco products. Effective April 7, 2009, the New York State excise tax rate on cigars and tobacco products (other than snuff) increases from 37% to 46% of the wholesale price. The tax rate for snuff remains unchanged.

Definition of tobacco products

Tobacco products include any cigar or tobacco, other than cigarettes, intended for consumption by smoking, chewing, or as snuff.

Calculation of tax

For cigars and tobacco products (other than snuff) imported or caused to be imported into New York State or manufactured in New York State on or after April 7, 2009, the tobacco products tax will be computed at the rate of 46% of the wholesale price. There will be no floor tax on the inventory in your possession. Cigars and tobacco products (other than snuff) in inventory that were imported or caused to be imported into or manufactured in New York State prior to April 7, 2009, and taxed at 37% of the wholesale price, do not have to be recomputed at the new rate.

The tobacco products use tax must also be paid at a rate of 46% of the wholesale price on any cigars and tobacco products (other than snuff) used in New York State on or after April 7, 2009, on which the New York State tobacco products tax has not been paid and where the use of the tobacco products is not exempt from the tax. The tobacco products use tax is not imposed on cigars and tobacco products (other than snuff) where the amount brought into New York State on or in the possession of any person does not exceed (a) 250 cigars, (b) five pounds of tobacco, or (c) 36 ounces of roll-your-own (RYO) cigarette tobacco.

The excise and use tax rate for snuff continues to be 96 cents (\$0.96) per ounce, and a proportionate rate on any fractional part of an ounce over an ounce. The tax rate for cans or packages of snuff with a net weight of less than one ounce, as listed by the manufacturer, is 96 cents (\$0.96) per container.

NOTE: A TSB-M is an informational statement of existing department policies or of changes to the law, regulations, or department policies. It is accurate on the date issued. Subsequent changes in the law or regulations, judicial decisions, Tax Appeals Tribunal decisions, or changes in department policies could affect the validity of the information presented in a TSB-M.