

New York State Department of Taxation and Finance
Taxpayer Services Division
Technical Services Bureau

TSB-M-90 (5) M
Cigarette Tax

Subject: 1990 Cigarette tax rate increase and floor tax due

Chapter 190 of the Laws of 1990 amended the Cigarette Tax Law (Article 20), effective June 1, 1990, to increase the excise tax on cigarettes from 33 cents to 39 cents per pack of 20 cigarettes. This means that the joint New York State - New York City cigarette tax rate increased from 41 cents to 47 cents per pack of 20 cigarettes.

The Cigarette Tax Law requires the imposition of a floor tax on all stamped cigarettes and unaffixed cigarette tax stamps in the possession of cigarette agents and wholesale and retail dealers. An inventory must be taken of all stamped cigarettes on hand as of the close of business on May 31, 1990. All cigarette agents and dealers with stamped cigarettes must file a floor tax return and pay a floor tax of 6 cents for each pack of 20 cigarettes stamped at the old 33 cents or 41 cent rate. Cigarette agents are also required to account for and pay a floor tax on all unaffixed cigarette tax stamps (bearing the old rate(s)) in their possession. The floor tax return and payment are required to be filed and paid on or before July 16, 1990. The duplicate floor tax return and supporting inventory documents must be retained by dealers for a period of three years. The cigarette floor tax returns are subject to audit by this Department.