

RURAL AREA FLEXIBILITY ANALYSIS

DEPARTMENT OF TAXATION AND FINANCE

1. Types and estimated numbers of rural areas: There are approximately 115 licensed cigarette agents, 283 licensed wholesale dealers of cigarettes (approximately 110 of which are also licensed cigarette agents), and over 28,000 registered retail dealers of cigarettes, some of which are located in rural areas as defined in section 102(13) of the State Administrative Procedure Act, which will be affected by this rule.

2. Reporting, recordkeeping and other compliance requirements; and professional services: Chapter 93 of the Laws of 2002 authorized New York City to increase the New York City excise tax on cigarettes. The rule itself imposes no requirements for professional services upon regulated parties.

3. Costs: See paragraph 4 of the "Regulatory Impact Statement" for this rule. There are no variations in costs for public and private concerns in rural areas.

4. Minimizing adverse impact: The rule does not distinguish between rural areas and non-rural areas, nor is the rule explicitly designed to affect rural areas.

5. Rural area participation: The following organizations are being given an opportunity to participate in the rule's development: the Association of Towns of New York State; the Deputy Secretary of State for Local Government and Community Services; the Division of Small Business of Empire State Development; the National Federation of Independent Businesses; the New York State Association of Counties; the New York Conference of Mayors; the Small Business Council of the New York State Business Council; and the Retail Council of New York State.