

REGULATORY FLEXIBILITY ANALYSIS

FOR SMALL BUSINESSES AND LOCAL GOVERNMENTS

1. Effect of rule: 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 may be small businesses as defined in section 102(8) of the State Administrative Procedure Act, which will be affected by this rule.

2. Compliance requirements: 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 compliance requirements upon regulated parties.

3. Professional services: The rule itself imposes no requirements for professional services upon regulated parties.

4. Compliance costs: See paragraph 4 of the "Regulatory Impact Statement" for this rule. There would be no variation in costs for small businesses.

5. Economic and Technological Feasibility: The rule does not impose any economic or technological compliance burdens on small businesses or local governments.

6. Minimizing adverse impact: The rule does not distinguish between affected small businesses and other types of businesses. The rule places no additional burdens on small businesses or local governments.

7. Small business and local government 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.