

DEPARTMENT OF REVENUE

Taxation Division

CIGARETTE TAX, TOBACCO ESCROW FUNDS - MASTER SETTLEMENT AGREEMENT,
TOBACCO PRODUCTS TAX, NICOTINE PRODUCTS TAX

1 CCR 201-7

Rule 39-28-116. Minimum Price for Cigarettes.

Basis and Purpose. The bases for this rule are sections 39-21-112(1) and 39-28-116, C.R.S. The purpose of this rule is to clarify the meaning of “applicable taxes” that are included in the minimum price for the purchase of cigarettes.

(1) **General Rule.** No person shall sell or offer for sale cigarettes to a consumer for less than the amounts set forth in section 39-28-116, C.R.S., including all applicable taxes.

(2) **Applicable Taxes.**

(a) As used in section 39-28-116(1) and (2), C.R.S., the term “applicable taxes” includes:

(i) cigarette taxes imposed pursuant to section 39-28-103, C.R.S.; and

(ii) cigarette taxes imposed pursuant to section 39-28-103.5, C.R.S., and section 21 of article X of the Colorado Constitution.

(b) As used in section 39-28-116(1) and (2), C.R.S., the term “applicable taxes” excludes:

(i) any sales and use tax imposed by the state; and

(ii) any sales and use tax imposed by a statutory or home rule city, town, city and county, county, or special district.