

## **Wholesale Dealers of Tobacco Products to Begin Filing Monthly Informational Returns**

The Tobacco Products Tax Regulations have been amended to require certain wholesale dealers of tobacco products licensed under Article 20 of the Tax Law to file monthly informational returns with the Tax Department (see 20 NYCRR Part 90). Affected wholesale dealers must file Form MT-203-W, *Wholesale Dealer of Tobacco Products Informational Return*, and attachments, Form MT-203-W-A, *Acquisitions of Cigars and Other Tobacco Products*, and Form MT-203-W-T, *Transfers and Sales of Cigars and Other Tobacco Products*, on or before the 20<sup>th</sup> day of each month to report their activities for the preceding month, or fraction of that month. The first monthly return is required for the reporting period beginning April 1, 2008, and is due May 20, 2008.

### **Who must file?**

Every wholesale dealer must file Form MT-203-W, *Wholesale Dealer of Tobacco Products Informational Return*, unless the wholesale dealer is:

- licensed only to operate vending machines; or
- appointed or required to be appointed as a distributor of tobacco products by the Tax Department.

A wholesale dealer is required to be appointed as a distributor of tobacco products if the dealer imports or causes to be imported more than 50 cigars or more than one pound of tobacco for resale in New York State or manufactures any tobacco products in New York State. In that case, the dealer should **not** file Form MT-203-W, but should request appointment as a distributor and file Form MT-203, *Distributor of Tobacco Products Tax Return*, instead. However, where the tax has been paid or assumed by a distributor appointed by the Tax Department, a wholesale dealer may import or cause to be imported more than 50 cigars or one pound of tobacco without being appointed as a distributor.

### **What information will be required?**

In addition to any other information that the Tax Department may require, a wholesale dealer must provide the following information for the month covered by the return:

- the quantity, by number of cigars and number of pounds of other tobacco products, on hand at the beginning of the month;
- the name, address, and federal employer identification number of each supplier from which cigars and other tobacco products have been purchased or otherwise acquired;

- the quantity and purchase price of the cigars and other tobacco products purchased or acquired from each supplier during the month;
- the name, address, and federal employer identification number of every purchaser, other than consumers, to which cigars and other tobacco products have been sold or transferred;
- the quantity and selling price of the cigars and other tobacco products sold or transferred to each purchaser during the month;
- the quantity of cigars and other tobacco products otherwise disposed of, including, but not limited to, those that were not suitable for sale, destroyed, or stolen during the month; and
- the quantity of cigars and other tobacco products on hand at the end of the month.

#### **Provisions relating to return requirements and license cancellations or suspensions**

If necessary to ensure the applicable Article 20 tax revenues, the Tax Department is authorized to require returns from all wholesale dealers or from any particular wholesale dealer to be made at any time and covering any other period as it may determine. In addition, the Tax Department may cancel or suspend the license of any wholesale dealer of tobacco products who fails to file Form MT-203-W.

#### **Need forms?**

Forms MT-203-W, MT-203-W-A, MT-203-W-T, and MT-203-W-I will be mailed to all affected wholesale dealers prior to May 1, 2008, and prior to subsequent filing periods. A wholesale dealer who does not receive the forms may obtain them on our Web site at [www.nystax.gov](http://www.nystax.gov) or by calling 1 800 462-8100.

NOTE: A TSB-M is an informational statement 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.