

810-7-1-.26 Procedures for Reporting Sales of Tobacco Products for Resale in this State.

(1) Pursuant to §40-25-16.1, Code of Ala. 1975, each wholesaler, jobber, semijobber, registered retailer, importer or any other person selling, receiving, or distributing tobacco products in this state for resale is required to file a monthly report of activity with the department. This code section specifies information required for the report as well as “any other information required by the department.” § 40-23-260, Code of Ala. 1975, requires that every seller of tobacco products making sales within this state on which sales or use tax was not collected at the time of sale shall file an informational report. The department shall allow the seller to file a consolidated report to meet the requirements of § 40-25-16.1.

(2) The report shall include, but shall not be limited to:

- (a) Invoice date.
- (b) Invoice number.
- (c) Customer’s full name.
- (d) Customer’s address.
- (e) Customer’s city.
- (f) Customer’s state.
- (g) Customer’s zip code.
- (h) Customer’s sales tax number.
- (i) Description of the tobacco products.
- (j) Product type (Cigarette, Cigars, Little Cigars, Filtered Cigars, Smoking Tobacco, Cigar Wrappers, Chewing Tobacco, or Snuff).
- (k) Quantity sold.
- (l) Total sales price.
- (m) The itemized Alabama state tobacco tax paid.
- (n) The itemized county tobacco tax paid.
- (o) The itemized city tobacco tax paid.

(3) The report shall be due no later than the twentieth of the month for the preceding calendar month's sales for resale activity.

(4) If Failure to timely file the report shall result in the levy of penalties according to the provisions of § 40-2A-11(a), Code of Ala. 1975.

(5) Retailers who only sell to end-users (consumers) and who make no sales for resale are not required to file this report.

(6) This report shall be filed electronically according to Revenue Rule 810-7-1-.25.

(7) Persons who fail to file this report, as required, may be subject to the revocation of their tobacco stamping permit or registration in accordance with the provisions of § 40-2A-8, Code of Ala. 1975.

(8) § 40-23-260, Code of Ala. 1975, provides the following penalties if the seller fails to properly file the required informational report in good faith on or before the 20<sup>th</sup> of the following month for periods on or after January 1, 2019:

(a) First violation – The first violation shall result in a written notice from the department advising the seller of the non-compliance and the penalty for future non-compliance if the report is not filed with thirty (30) days.

(b) Second violation – The second violation shall result in a penalty not to exceed \$500.00. This penalty will apply if a delinquent report is not properly filed within thirty (30) days of the first notice provided under this paragraph or if a report was not properly filed for any period subsequent to one for which a first notice was previously issued.

(c) Third and subsequent violations – The third and each subsequent violation shall result in a penalty not to exceed \$1,000.00.

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Authority: §§ 40-2A-7(a)(5), 40-23-260, 40-25-16.1 and Title 40, Chapter 30, Code of Ala. 1975.

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