

SECTION .0900 - REPORTS AND RECORDS REQUIRED OF DISTRIBUTORS

17 NCAC 04C .0901 MONTHLY REPORT FOR RESIDENT DISTRIBUTORS

(a) Resident distributors filing a report pursuant to G.S. 105-113.18(1) shall file Form B-A-5 and Form B-A-7.

(b) Form B-A-5 requires the following:

- (1) the reporting period for the report;
- (2) information required by 17 NCAC 01C .0322(b);
- (3) the distributor's legal name and mailing address;
- (4) the trade name or doing-business-as name, if applicable;
- (5) if the distributor elects to designate a contact person, the identity of a contact person, including his or her legal name, phone number, and fax number;
- (6) the distributor's state of domicile;
- (7) designation of whether the form is an amended form;
- (8) an inventory of non-tax-paid cigarettes during the reporting period, designated by packs, including:
 - (A) the beginning inventory of non-tax-paid cigarettes possessed by the distributor on the first day of the reporting period;
 - (B) the number of non-tax-paid cigarettes sold to the distributor from a manufacturer, and the following information regarding these transactions to be included on Schedule C of the form:
 - (i) the invoice date;
 - (ii) the invoice number;
 - (iii) the name and address of the person who sold the distributor cigarettes; and
 - (iv) the amount of cigarettes sold to the distributor;
 - (C) the number of non-tax-paid cigarettes sold to the federal government, and the following information regarding these transactions to be included on Schedule B of the form:
 - (i) the date cigarettes were sold;
 - (ii) the name and address of the agency or instrumentality to whom cigarettes were sold; and
 - (iii) the amount of cigarettes sold;
 - (D) the number of non-tax-paid cigarettes sold outside North Carolina, and the following information regarding these transactions to be included on Schedule I:
 - (i) the date the cigarettes were shipped;
 - (ii) the shipping method (such as distributor truck, common or contract carrier, parcel post, or customer truck);
 - (iii) the name and address of the person to whom cigarettes were sold;
 - (iv) the identification of cigarette brands from a nonparticipating manufacturer; and
 - (v) the amount of cigarettes sold outside North Carolina;
 - (E) the number of non-tax-paid cigarettes returned to a manufacturer;
 - (F) other increases or decreases in non-tax paid inventory, with explanations provided with the form; and
 - (G) the ending physical inventory of non-tax-paid cigarettes possessed by the distributor on the last day of the reporting period;
- (9) an inventory of tax-paid cigarettes during the reporting period, designated by packs, and the following information to be included on Schedule D:
 - (A) the beginning inventory of tax-paid cigarettes possessed by the distributor on the first day of the reporting period;
 - (B) tax-paid cigarettes purchased or received from other sources, and the following information regarding these transactions to be included on Schedule E:
 - (i) the invoice date;
 - (ii) the invoice number;
 - (iii) the name and address of the person who sold the distributor cigarettes;
 - (iv) the amount of cigarettes sold; and
 - (v) copies of all invoices containing the information listed in Rule .0903(c) of this Subchapter;
 - (C) non-tax-paid purchases that are paid with the submission of the form;

- (D) other increases or decreases in tax paid inventory, with explanations provided with the form;
 - (E) the number of tax-paid cigarettes sold in North Carolina;
 - (F) the number of tax-paid cigarettes returned to the manufacturer; and
 - (G) the ending physical inventory of tax-paid cigarettes possessed by the distributor on the last day of the reporting period;
- (10) the excise tax due on non-tax-paid cigarettes;
 - (11) the discount under G.S. 105-113.21(a1), if applicable;
 - (12) penalty and interest due on non-tax paid cigarettes, if any, in accordance with G.S. 105-236 and G.S. 105-241.21;
 - (13) total payment due; and
 - (14) for the person authorized to legally bind the distributor, his or her:
 - (A) signature;
 - (B) job title;
 - (C) date of signature; and
 - (D) affirmation that the form is accurate and complete.
- (c) The distributor shall include a separate Schedule I for each state to which the distributor shipped cigarettes during the reporting period.
- (d) When cigarettes are returned to a manufacturer, the distributor shall include the following information on Schedule J:
- (1) the date the cigarettes were shipped;
 - (2) the shipping method (such as distributor truck, common or contract carrier, parcel post, or customer truck);
 - (3) the name and address of the manufacturer;
 - (4) the identification of cigarette brands from nonparticipating manufacturers;
 - (5) designating whether the cigarettes returned were non-tax paid cigarettes or tax-paid cigarettes; and
 - (6) the total non-tax paid cigarettes and total tax-paid cigarettes returned to the manufacturer.
- (e) Form B-A-5 shall be filed each month even if no cigarettes were sold, shipped, delivered, or otherwise disposed of during the reporting period.
- (f) The Department may disallow any deduction for the distributor's failure to include information on a designated schedule.
- (g) Form B-A-7 requires the following:
- (1) the reporting period for the report;
 - (2) information required by 17 NCAC 01C .0322(b);
 - (3) the legal name and mailing address of the person filing the form;
 - (4) the trade name or doing-business-as name, if applicable;
 - (5) if the person filing the form elects to designate a contact person, the identity of a contact person, including his or her legal name, phone number, and fax number;
 - (6) designation of whether the form is an amended form;
 - (7) for all tax-paid products from nonparticipating manufacturers, the person filing the form shall include:
 - (A) the brand name;
 - (B) the number of tax-paid cigarettes, designated by packs;
 - (C) the number of ounces of roll-your-own cigarette tobacco;
 - (D) the name and address of the nonparticipating manufacturer;
 - (E) the name and address of the person from whom the brand was purchased; and
 - (F) the name and address of the first importer of foreign manufactured brands; and
 - (8) for the person authorized to legally bind the person required to file the form, his or her:
 - (A) signature;
 - (B) job title;
 - (C) date of signature; and
 - (D) affirmation that the form is accurate and complete.
- (h) Form B-A-7 shall be filed each month even if no tobacco products from nonparticipating manufacturers were sold, shipped, delivered, or otherwise disposed of in this State for the reporting period.
- (i) Form B-A-7 shall be filed in duplicate.

*History Note: Authority G.S. 105-113.4G; 105-113.18; 105-262;
Eff. February 1, 1976;
Amended Eff. January 1, 1994;
Readopted Eff. January 1, 2021.*