

TOBACCO PRODUCTS MANUFACTURER/IMPORTER RETURN OF TAXABLE DISTRIBUTIONS OF SAMPLES IN CALIFORNIA

STATE OF CALIFORNIA
BOARD OF EQUALIZATION

DUE ON OR BEFORE	
[FOID]	YOUR ACCOUNT NO.

BOE USE ONLY		
RA-B/A	AUD	REG
RR-QS	FILE	REF
EFF		

BOARD OF EQUALIZATION
SPECIAL TAXES AND FEES -
PO BOX 942879
SACRAMENTO CA 94279-0056 -

READ INSTRUCTIONS BEFORE PREPARING

GENERAL

The California State Board of Equalization (BOE) is responsible for administering the California Cigarette and Tobacco Products Tax Law. The law imposes a tax upon the distribution of tobacco products based on the wholesale cost of these products. This includes the distribution of untaxed tobacco products as samples by a manufacturer/importer or its agents or representatives. The tax rate is determined annually by the BOE and is equivalent to the combined rate of tax imposed on cigarettes.

FILING REQUIREMENTS

Every person that manufactures or imports tobacco products shall file this tax return on or before the 25th day of the month following the month for which the tax is due. The giving away in this state of untaxed tobacco products as samples is a taxable distribution and each package of sample tobacco products distributed shall be clearly marked as a sample. With the exception of line 1A below, the return should only include taxable distributions of sample tobacco products.

Detail of nontaxable transactions shall be furnished to the BOE on [BOE-501-MIT](#).

1A. Total wholesale cost of nontaxable transactions reported on BOE-501-MIT, column H.	1A.	\$
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Round cents to the nearest whole dollar

		WHOLESALE COST
1. Samples of snuff (including moist) and chewing tobacco	1.	\$.00
2. Samples of pipe tobacco	2.	\$.00
3. Samples of cigars	3.	\$.00
4. Samples of roll-your-own	4.	\$.00
5. Samples of nicotine and electronic cigarettes sold with nicotine	5.	\$.00
6. Other samples <i>(Please provide description of other tobacco product samples in the space provided.)</i>	6.	\$.00
7. Total distributions subject to tax <i>(add wholesale cost, lines 1 through 6)</i>	7.	\$.00
8. Tax rate	8.	
9. Total amount of tax due <i>(multiply line 7 by line 8)</i>	9.	\$.00
10. Penalty <i>[multiply line 9 by 10% (0.10) if your tax payment is made, or your return is filed, after the due date shown above]</i>	10.	\$.00
11. INTEREST: One month's interest is due on tax for each month or fraction of a month that payment is delayed after the due date. The adjusted monthly interest rate is Interest Rate Calculator	11.	\$.00
12. TOTAL AMOUNT DUE AND PAYABLE <i>(add lines 9, 10, and 11)</i>	12.	\$.00

<i>I hereby certify that this return, including any accompanying schedules and statements, has been examined by me and to the best of my knowledge and belief is a true, correct, and complete return.</i>	EMAIL ADDRESS	
SIGNATURE	PRINT NAME AND TITLE	TELEPHONE ()
		DATE

Make check or money order payable to State Board of Equalization.
Always write your account number on your check or money order. Make a copy of this document for your records.



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Payments: To make your payment online, go to the BOE website at www.boe.ca.gov and select the "Make a Payment" tab. You can also pay by credit card on the website, or by calling 1-855-292-8931. If you pay by credit card, a service fee will apply. If paying by check or money order, be sure to include your account number.

DEFINITIONS

Tobacco Products include, but are not limited to, a product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigars, little cigars, chewing tobacco, pipe tobacco, or snuff, but does not include cigarettes. Tobacco products also include electronic cigarettes.

Electronic Cigarettes mean any device or delivery system sold in combination with nicotine which can be used to deliver to a person nicotine in aerosolized or vaporized form, including, but not limited to, an eCigarette, eCigar, ePipe, vape pen, or eHookah. Electronic cigarettes include any component, part, or accessory of such a device that is used during the operation of the device when sold in combination with nicotine.

Wholesale Cost means the cost of tobacco products and samples, including the dollar value of samples, and the dollar value of any manufacturer's discounts or trade allowances (Revenue and Taxation Code section 30017, 30123, and 30131.2).

For example, the wholesale cost of any manufactured tobacco product that is distributed in a taxable manner shall include all manufacturing costs, the cost of raw materials, including waste materials not incorporated into the final product, the cost of labor, any direct and indirect overhead costs, and any Federal excise and/or U.S. Customs taxes paid.

In addition to the price paid for the tobacco product, the wholesale cost of any tobacco product that is imported into this state directly from outside the country shall include any Federal excise or U.S. Customs taxes paid.

Cigarette and Tobacco Products Tax Regulation 4076, *Wholesale Cost of Tobacco Products*, provides examples of calculating or estimating wholesale cost.

Importer means any purchaser for resale in the United States of cigarettes or tobacco products manufactured outside of the United States for the purpose of making a first sale or distribution within the United States (Revenue and Taxation Code section 30019).

Manufacturer means a manufacturer of cigarettes and tobacco products sold in this state (Business and Professions Code section 22971(1)).

Distributor includes every person who makes a "distribution" of tobacco products, or who sells or accepts orders for tobacco that are to be transported from outside California to a consumer within California (Revenue and Taxation Code section 30011).

RETURN PREPARATION

- Line 1A.** **Total Wholesale Cost of Untaxed Tobacco Products.** Enter the total wholesale cost of nontaxable tobacco products sold from form **BOE-501-MIT, column H.**
- Lines 1 thru 6.** **Wholesale Cost of All Tobacco Products Distributed.** Enter the total wholesale costs, as defined, of sample tobacco products that you distributed. The return should include only taxable distributions of sample tobacco products. Sales of tobacco products by manufacturers and importers (pursuant to Revenue and Taxation Code sections 30103 and 30105) shall be reported on BOE-501-MIT. All other taxable distributions (pursuant to Revenue and Taxation Code section 30008) of tobacco products shall be reported on BOE-501-CT, *Tobacco Products Distributor Tax Return*.
- Line 10.** **Penalty.** If you pay the tax due on line 9 or file your return after the due date shown on the front of this return, additional amounts are due for penalty charges. The penalty is ten percent (0.10) of the amount of tax owing.
- Line 11.** **Interest.** The interest rate for late payment is noted on line 11 on the front of this form and applies for each month or portion of a month after the due date.
- Line 12.** **Total Amount Due and Payable.** Enter the total amount due and payable including penalty and interest if applicable.

SIGN AND MAIL YOUR RETURN

Make your check or money order payable to the State Board of Equalization. Always write your account number on your check or money order. Mail your return and payment in the envelope provided, making sure the BOE's address shows through the window.

If you need additional information, please contact the State Board of Equalization, Special Taxes and Fees, P.O. Box 942879, Sacramento, CA 94279-0088. You may also visit the BOE website at www.boe.ca.gov or call the Customer Service Center at 1-800-400-7115 (TTY:711); from the main menu, select the option Taxes and Fees. Customer service representatives are available weekdays from 8:00 a.m. to 5:00 p.m. (Pacific time), except state holidays.