

**Form TT-8**

**Virginia Tobacco Products  
Tax Return (OTP)**



**For Periods Beginning on or After January 1, 2021**

For assistance, call 804.371.0730.

Name	Account Number <b>74-</b>
Address	Period
Address	Due Date
City, State, ZIP	Permit Number

For adjustments in Column B, enter negative numbers in brackets.	A	B	C	D	E
	Total Sales/Purchases	Adjustments	Net Sales/Purchases Column A ± Column B	Tax Rate	Tax Due Column C X Column D
1. Cigars (dollars) .....				.20	
2. Pipe Tobacco (dollars) ...				.20	
3. Roll-Your-Own (dollars)...				.10	
4. Other (dollars) .....				.20	
5. Moist Snuff (ounces) .....				.36	
<b>Loose-Leaf</b> (see instructions)					
6. Units less than 4 oz. (number of units).....				.42	
7. Units 4-8 oz. (number of units).....				.80	
8. Units more than 8-24 oz. (number of units) .....				1.40	
9. Units more than 24 oz. (number of units) .....				See instructions	
10. Liquid Nicotine (milliliters) .....				.066	
11. Heated Products (sticks).....				.0225	
12. Tax. Add Tax Due Amounts in Column E.....					
13. Dealer's Discount. Timely filed returns multiply Line 12 by .02.....					
14. Total Tax. Line 12 minus Line 13.....					
15. Penalty (see instructions) .....					
16. Interest (see instructions) .....					
17. Total due. Add Lines 14-16. Also enter on Form TT-8V.....					

**Declaration and Signature** I declare that this return (including accompanying schedules and statements) has been examined by me and, to the best of my knowledge and belief, is true, correct and complete.

Taxpayer's Signature		Date	Phone Number
Signature of Preparer	Individual or Firm of Tax Preparer	Date	Preparer's Phone Number
Preparer's Address			Preparer's FEIN, PTIN or SSN







# Instructions for Form TT-8

## Virginia Tobacco Products Tax Return

### Purpose

Form TT-8, Virginia Tobacco Products Tax Return (OTP), must be filed monthly by any person engaged in the business as a tobacco products distributor who purchases tobacco products for sale in the Commonwealth. Payment of the OTP tax is due with the return.

A distributor is liable for the OTP tax if they are engaged in the business of selling tobacco products in the Commonwealth or if they bring into the Commonwealth any untaxed tobacco products for sale to retail dealers in the Commonwealth. Any retail dealer in the Commonwealth in possession of untaxed tobacco products is liable for the OTP tax when the tobacco products are purchased.

The tax is due in the month the product is sold to a Virginia retailer. For Cigars, Pipe Tobacco, Roll-Your-Own, and "Other," the tax is based on the distributor's purchase price of the products sold. Moist snuff and loose leaf tobacco are taxed based on the weight of the products sold. Liquid Nicotine is taxed based on volume in milliliters.

For purposes of Form TT-8, the "Other" category includes items such as dry snuff, plug tobacco and twist tobacco.

All taxes are assessed on, and are the responsibility of, the wholesale distributor, not the distributor's retail customer.

Distributors and retailers purchasing tax-paid products are not liable for any additional OTP tax on those purchases.

*Note: Cigarettes are not subject to the OTP tax.*

### Registration

You must register as an Other Tobacco Products ("OTP") distributor before filing Form TT-8. OTP distributors making taxable purchases of roll-your-own (RYO) tobacco, and who are not currently registered as a cigarette stamping agent, are required to apply for a dual registration permit as both an OTP distributor and a cigarette stamping agent.

To register, complete Form TT-1, Application for Cigarette Stamping Permit and Tobacco Products Tax Distributor's License, and Schedule A which are available on our website: [www.tax.virginia.gov](http://www.tax.virginia.gov).

For assistance, call **804.371.0730** or write to the **Virginia Department of Taxation, P.O. Box 715, Richmond, VA 23218-0715**. You can obtain most Virginia tax forms from our website: [www.tax.virginia.gov](http://www.tax.virginia.gov) or by calling **804.367.8037**.

### Return and Payment

Form TT-8 and your OTP tax payment are due on the twentieth of the month for sales/purchases of untaxed OTP made and sold in Virginia during the preceding month.

You are required to electronically file Form TT-8 and submit payment using the Department's online **eForms** option available at [www.tax.virginia.gov](http://www.tax.virginia.gov). Payments can be remitted by direct debit when filing the form or by an ACH credit transaction arranged through your financial institution.

**eForms** allows you to file your return at your convenience and schedule your direct debit payment for any date between the time you file online through the due date of the return.

Submit your return and payment as soon as possible after the close of the reporting period, but no later than the 20th day of the following month. A return must be filed for each monthly reporting period even if no tax is due.

Payments returned by the bank will be subject to a returned payment fee in addition to any other penalties that may be incurred.

If you are unable to meet the electronic filing requirements, you must request a temporary waiver. If you have been granted a waiver, mail your return and payment to **Virginia Department of Taxation, P.O. Box 26627, Richmond, VA 23261-6627**. Visit [www.tax.virginia.gov](http://www.tax.virginia.gov) for more information.

### Definitions

**Loose Leaf Tobacco:** Any leaf tobacco that is not intended to be smoked (chewing tobacco), but does not include Moist Snuff.

**Manufacturer's Sales Price:** The actual price for which a manufacturer, or other person, sells OTP to an unaffiliated distributor or retailer. If a distributor is unable to determine the manufacturer's sales price, he may use his purchase price (prior to any discounts) of the tobacco products to compute the tax liability.

**Moist Snuff:** Any finely cut, ground or powdered tobacco that is not intended to be smoked but does not include any such tobacco that is intended to be placed in the nasal cavity. Moist Snuff includes items such as snus and dissolvable tobacco products.

**Liquid Nicotine:** A liquid or other substance containing nicotine in any concentration that is sold, marketed, or intended for use in a nicotine vapor product.

**Heated Products:** A product containing tobacco that produces an inhalable aerosol (i) by heating the tobacco by means of an electronic device without combustion of the tobacco or (ii) by heat generated from a combustion source that only or primarily heats rather than burns the tobacco.

### Tax Rates

Other tobacco products are taxed at different rates, depending on the product.

**Cigars, Pipe Tobacco and "Other":** 20% (.20) of the manufacturer's sales price.

**Roll-Your- Own (RYO):** 10% (.10) of the manufacturer's sales price.

**Moist Snuff:** \$.36 per ounce, based on net weight. There is a proportionate tax at the same rate on all fractional parts of an ounce.

**Loose Leaf Tobacco:** \$.42 for each unit less than 4 ounces; \$.80 for each unit at least 4 ounces but not more than 8 ounces; \$1.40 per unit at more than 8 ounces but not more than 24 ounces. Units that exceed 24 ounces are taxed by net weight at \$.42 per unit plus \$.42 for each increment of 4 ounces, or portion thereof that exceeds 16 ounces.

All products taxed by weight are based on the weight of the consumer sized unit produced by the manufacturer to be sold to consumers as a single unit and containing one individual package.

**Liquid Nicotine:** Effective July 1, 2020, there is a tobacco products tax on sales of liquid nicotine at the rate of \$0.066 per milliliter.

## Instructions for Form TT – 8

### Virginia Tobacco Products Tax Return

**Heated Products:** Effective January 1, 2021, there is a tobacco products tax on imposed on any heated tobacco product at the rate of \$0.0225 per stick.

#### Line Instructions

**Taxpayer Information:** Complete the taxpayer information at the top of the form. Include your company's five-digit permit number issued by the Department of Taxation.

#### Line 1 through Line 11 - Total Sales/Purchases

**COLUMN A – Total Sales/Purchases:** Total Manufacturer's Sales Price sold in Virginia during the month. Taxable sales do not include sales to other Virginia licensed distributors or to entities of the federal government.

Sales for Cigars, Pipe Tobacco, Roll-Your-Own, and Other are reported in dollars.

The tax on moist snuff is based on the weight of product sold during the reporting month. Sales/purchases and adjustments are reported in ounces.

The tax on loose leaf tobacco is based on weight of product sold/purchased during the reporting month, but varies according to the weight of the unit. Sales/Purchases are reported in units divided into four categories: Less than 4 ounces; 4 ounces up to 8 ounces; more than 8 ounces up to 24 ounces. Units weighing more than 24 ounces are taxed for each increment of 4 ounces, or portion thereof, that exceeds 16 ounces.

Liquid Nicotine sales are reported in milliliters.

Heated products are reported by sticks.

**COLUMN B – Adjustments:** Taxable sales/purchases for each category may be adjusted to account for the following transactions:

- Less products sold but previously taxed when purchased by the distributor;
- Less previously taxed products returned to the distributor;

Total adjustments may not exceed total taxable transactions. Excess adjustments may be carried over to the following month's return. Please indicate negative adjustments by using [brackets].

**COLUMN C - Net Sales/Purchases:** COLUMN A plus or minus COLUMN B.

**COLUMN D - Tax Rate:** The tobacco products on Lines 1, 2 and 4 are taxed at twenty percent (20%) of net sales/purchase price.

Roll Your Own tobacco, on Line 3, is taxed at ten percent (10%).

On Line 5, Moist Snuff is taxed at \$.36 per ounce.

On Lines 6-9, Loose-Leaf Tobacco is taxed at the following rates: \$.42 for each unit weighing less than 4 ounces; \$.80 for each unit weighing at least 4 ounces up to 8 ounces; \$1.40 for each unit weighing more than 8 ounces up to 24 ounces. Units weighing more than 24 ounces are taxed at \$.42 each, plus \$0.42 for each increment of 4 ounces, or portion thereof, that exceeds 16 ounces.

On Line 10, Liquid Nicotine is taxed at \$.066 per milliliter.

On Line 11, Heated products are taxed at \$0.0225 per stick.

**COLUMN E - Tax Due:** Multiply the number in COLUMN C by the tax rate in COLUMN D and enter result in COLUMN E.

**Line 12 - Tax Due Total for COLUMN E:** Add the sum of all taxes due in COLUMN E.

**Line 13 - Dealer's Discount:** Enter the dealer's discount of 2%. Multiply Line 12 by 2% (.02). **A dealer's discount may be taken only if the return and payment are filed on time.**

**Line 14 - Total Tax:** Subtract Line 13 from Line 12.

**Line 15 - Penalty:** A penalty of five percent (5%) of the tax due is charged for the first month, or fraction thereof, the return or payment is late. An additional penalty of two percent (2%) is charged for each additional month, or fraction thereof, the return or payment is late. The maximum penalty for late filing or payment is 20%.

**Line 16 – Interest:** Interest is charged if you pay the tax after the due date. Interest is computed on the tax due at the rate established in Sec. 6621, IRS Code, plus 2% from the due date until the date paid.

**Line 17 - Total Due:** Add Lines 14-16. Make your check payable to the Virginia Department of Taxation.

**Declaration and Signature:** The taxpayer filing the return must sign and date the form in the signature block on the return. If a paid preparer completed the return, the preparer must also sign the return and provide the requested information on the return.

**Form TT-8V:** If you are filing by paper and making an OTP tax payment, complete Form TT-8V and enclose it with your Form TT-8 and your check.

#### Recordkeeping

Each distributor must keep complete and accurate records to support the amounts being reported on the Form TT-8. Records include itemized invoices of tobacco products purchased and brought into the Commonwealth for sale in the Commonwealth and shipped or transported to retailers in the Commonwealth. Records should include all sales, purchase and disbursement journals, other books of original entry, general ledgers, and other records required to calculate, verify, and document adjustments claimed and taxes paid. The Virginia Department of Taxation may enter any place of business during normal business hours to inspect the books and records.

All such books and records must be preserved for a period of at least three years from the due date of the return.

If a person liable for the OTP tax fails or refuses to file a correct and proper return, the Department may make an estimate of the amount of tax due from any information in its possession and assess taxes, penalties and interest due the Commonwealth by such taxpayer.

**Additional Information:** Additional information, including the Other Tobacco Product Guidelines and Form TT-8, is available on the Department's website at [www.tax.virginia.gov](http://www.tax.virginia.gov).

#### Contact Information:

**Phone:** 804.371.0730

**Email:** [TobaccoUnit@tax.virginia.gov](mailto:TobaccoUnit@tax.virginia.gov)  
This is an unsecured email address

**Mail:** Tobacco Unit  
P.O. Box 715  
Richmond, VA 23218-0715