

# Nicotine Products Tax Return for Unlicensed Activity

## Instructions

### General Information

#### Who Must File

This return must be filed by all persons or entities who are not licensed nicotine product distributors, receiving untaxed nicotine products from a distributor who neglected to remit taxes. "Nicotine product" means a product that contains nicotine derived from tobacco or created synthetically that is intended for human consumption, whether by vaporizing, chewing, smoking, absorbing, dissolving, inhaling, snorting, sniffing, aerosolizing, or by any other means, and that is not:

- a cigarette as defined in CRS 39-28-202(4)
- a tobacco product as defined in CRS 39-28.5-101(5)
- a drug, device, or combination such as prescription nicotine gums or patches covered by the US Department of Health and Human Services Federal Food, Drug, and Cosmetic Act, 21 U.S.C. sec. 301 et seq.

This return must be filed within thirty (30) days of taking possession of the product.

Enter your DOR account number or sales tax number, your name or the establishment name, month and year nicotine products were purchased for the period, your FEIN or SSN, and your address. Sign and date in the spaces provided.

To file electronically, send the completed return to DOR\_ExciseTax@state.co.us. Payment instructions will be provided in the response to your email.

To file by mail, send the return and make payment to:

Colorado Department of Revenue  
Excise Tax Accounting Section  
P.O. Box 17087  
Denver, CO 80217-0087

**Manufacturer's list price** means the price at which a manufacturer or supplier sells nicotine products exclusive of any discount or other reduction.

**Modified risk nicotine products** are ONLY nicotine products for which the Department of Health And Human Services has issued an order authorizing the product to be commercially sold as a modified risk product in accordance with 21 U.S.C. sec. 387k et seq.

### Specific Line Instructions

#### Line 1

Enter the gross purchases of nicotine products, at manufacturer list price, for the reporting period.

#### Line 2

Enter the amount of purchases for which excise tax has already been paid to the State of Colorado. (Attach copies of invoices.)

#### Line 3

Total untaxed nicotine products. Subtract line 2 from line 1.

#### Line 4

Tax Rates. Use the tax rate from the table below:

Period	Nicotine Products (Non-Modified Risk) Tax Rates	Modified Risk Nicotine Products Tax Rates
Calendar year 2021	30%	15%
Calendar year 2022	35%	17.5%
January 1, 2023 through June 30, 2024	50%	25%
July 1, 2024 through June 30, 2027	56%	28%
July 1, 2027 and later	62%	31%

#### Line 5

Tax Due. Multiply line 3 by the rate on line 4.

#### Line 6

Total Tax Due. Add both columns of line 5.

#### Line 7

Penalty. If return is filed more than thirty (30) days after taking possession, multiply line 6 by 500% (5.0).

#### Line 8

Interest percentage can be found on FYI General 11, available at [Tax.Colorado.gov](http://Tax.Colorado.gov)

#### Line 9

Amount owed. Add lines 6, 7, and 8.

## Nicotine Products Tax Return for Unlicensed Activity

DOR Account Number (if applicable)	Period (MM/YY - MM/YY)	FEIN	SSN	<b>0226-102</b>
Business Name or Last name		First name		Middle Initial
Address				
City			State	ZIP
	<b>Nicotine Products (Non-Modified Risk)</b>	<b>Modified Risk Nicotine Products</b>		
<b>1.</b> Total gross purchases of nicotine products (Manufacturer's list price) ● 1	00			00
<b>2.</b> Deduct purchases of tax-paid nicotine products ● 2	00			00
<b>3.</b> Untaxed purchases. Line 1 minus line 2 3	00			00
<b>4.</b> Nicotine products excise tax rates, use appropriate rate from the instructions page 4				
<b>5.</b> Tax due. Line 3 multiplied by line 4 ● 5	00			00
<b>6.</b> Total tax due. Add both columns of line 5	6			00
<b>7.</b> Penalty. If payment and/or return is filed more than thirty (30) days after taking possession, multiply line 6 by 500% (5.0)	7			00
<b>8.</b> Interest. The interest percentage can be found in FYI General 11, available at <i>Tax.Colorado.gov</i>	8			00
<b>9.</b> Amount Owed. Add lines 6, 7 and 8	9 \$			00
The State may convert your check to a one time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department of Revenue may collect the payment amount directly from your bank account electronically.				
<b>Signed under penalty of perjury in the second degree.</b>				
Signature of Agent or Officer			Date	