



Instructions for Forms MT-456 and MT-456-ATT

Alcoholic Beverages Tax Return and Attachment

New

Beginning November 16, 2024, alcoholic beverage manufacturers with the appropriate license issued by the State Liquor Authority may ship limited quantities of liquor, cider, mead, or braggot, directly to eligible consumers in New York State (NYS). Prior to this date, wine was the only alcoholic beverage that could be shipped directly.

The State Liquor Authority determines eligibility to ship directly to consumers. Before making sales to New York customers, manufacturers must be licensed with the State Liquor Authority and registered with the Tax Department.

General information

For information about the alcoholic beverages tax (ABT), visit our website (see *Need help?*) and search: *ABT*.

Before you file a paper return, consider filing electronically. Most registered distributors can use our easy, convenient, and secure Web File to electronically file using their Business Online Services Account.

Who must file

Distributors and noncommercial importers must complete this return and pay the ABT due on wines, liquors, cider, and beer.

Definitions

You are a *distributor* if you:

- import (or cause to be imported) any alcoholic beverages other than liquor into New York State for sale or use for any commercial purpose;
- import (or cause to be imported) liquor into New York State for sale or use in the state;
- purchase warehouse receipts for liquor, beer, cider, or wine stored in a bonded warehouse located in New York State, then remove the liquor, beer, cider, or wine from the warehouse;
- produce, distill, manufacture, brew, compound, mix, or ferment liquor, beer, cider, or wine in New York State for sale; or
- are an out-of-state alcoholic beverage manufacturer and have obtained a direct shipper's license from the State Liquor Authority (SLA) to make direct shipments of liquor, cider, mead, braggot, or wine to eligible New York State consumers from your out-of-state locations.

A *distributor of liquors* also includes:

- any person who imports, or causes to be imported, into New York City (NYC) from any location, liquor over 24% alcohol by volume (ABV), for sale or use. **Note:** Sales in NYC include sales to purchasers whose licensed premises are located within NYC, and sales for delivery to purchasers located within NYC;
- out-of-state alcoholic beverage manufacturers that obtained a direct shipper's license from the SLA and make direct shipments of liquor to eligible New York City consumers from their out-of-state locations.

A *noncommercial importer* is any person (other than a person who is a distributor of beer, wine, or cider) who imports or causes to be imported beer, wine, or cider into NYS that will **not** be offered for sale or used for any commercial purpose.

Persons purchasing beer, wine, or cider outside NYS during a trip may meet the exemption for travelers. For information on the traveler's exemption, visit our website and search: *ABT*.

Note: The term *noncommercial importer* does not apply to liquors.

A *direct shipper* is any out-of-state liquor, cider, mead, braggot, or wine manufacturer licensed by the SLA as a direct shipper and registered with the New York State Tax Department for sales tax (Certificate of Authority) and as a distributor of alcoholic beverages.

For additional **ABT definitions**, visit our website and search: *ABT*.

When to file

Distributors must file Form MT-456 each month on or before the 20th day of the following month, even if no tax is due. Cider distributors, along with certain wine, beer, and liquor distributors may file on an annual basis.

For information on **annual filing eligibility**, visit our website and search: *ABT*.

Noncommercial importers and other persons who are not required to register as a distributor of alcoholic beverages must file Form MT-456 on or before the 20th day after the month alcoholic beverages are imported into NYS.

Taxpayer information

If you are a distributor, enter your taxpayer identification number, business telephone number, legal name, and business mailing address.

If you are a noncommercial importer, or other person not required to register as a distributor of alcoholic beverages, enter your Social Security number (SSN) on the line for taxpayer identification number.

Monthly filers: Enter the beginning and ending month, day, and year for the period covered by this return.

Annual filers: Enter the beginning and ending month, day, and year for the period covered by this return.

Abbreviated annual filers: If you have been approved to file on an annual basis and are filing an annual return for a period of less than the full calendar year, you **must** file an **abbreviated** annual return.

If you no longer meet one of the requirements for annual filing, you **must** file an **abbreviated** annual return based on the period ending with the month the requirement was no longer met. After that, you must file monthly returns for the remainder of the calendar year. To reapply for annual filing status in a subsequent year, you must file Form MT-38, *Application for Annual Filing Status for Certain Liquor, Beer, and Wine Manufacturers*.

Abbreviated annual return – Enter the period covered by this return (for example, enter **01/01/24** after the word *From:* and **03/31/24** after the word *to:*). Then, mark an **X** in the box.

Amended return – If this return amends a previously filed return, enter the filing period covered by the amended return in the space provided and mark an **X** in the box. The amended return **must** indicate the correct figures for that period; not the difference between the amount previously reported and the new figures. A full explanation of the changes must accompany the amended return.

Final return – If you are discontinuing business in NYS for ABT purposes, mark an **X** in the box.

Cancel registration – For each ABT registration you are requesting be canceled, mark an **X** in the box.

Change of business information

If you need to change your business information or address, you can do so online. Visit our website (see *Need help?*) and search: *update* and make the corrections through your Business Online Services account. If you do **not** have a Business Online Services account, either create one or you can submit Form DTF-95, *Business Tax Account Update*.

If only your address needs to be changed, you can submit Form DTF-96, *Report of Address Change for Business Tax Accounts*, instead of Form DTF-95. You can get these forms from our website or by calling the Miscellaneous Tax Information Center for assistance (see *Need help?*).

Calculation of the alcoholic beverages tax

The tax on liquor is calculated on whole **liters**. The tax on wine, beer, and cider is calculated on whole **gallons**.

Complete and accurate records **must** be maintained for the actual volume of alcoholic beverages sold, purchased, and produced, whether the amounts are whole (or partial) liters or gallons. However, for tax purposes, each total **must** be rounded to whole liters or gallons.

Rounding whole liters and gallons – A quantity of less than 0.5 liter (or 0.5 gallon) should be rounded down to the nearest whole liter (or whole gallon). A quantity of 0.5 liter (or 0.5 gallon) or more should be rounded up to the nearest whole liter (or whole gallon).

Special instructions for out-of-state direct shippers and noncommercial importers

Out-of-state direct shippers – Do **not** complete lines 1 through 13, Schedule A, Schedule B, or Form MT-456-ATT.

On line 14, enter the net quantity taxable in the appropriate column for the amount of liquor, cider, mead, braggot, and wine, shipped into NYS and delivered directly to NYS residents during the filing period covered by this return.

Multiply the amounts on line 14, columns A through E by the ABT rate on line 15 and enter the results in the corresponding columns on line 16. Complete applicable lines down to and including line 25 and all items in the certification section including your signature and the date.

Note - You must complete all applicable lines and schedules on this return, if you are a liquor, cider, mead, braggot, or wine manufacturer that holds a license:

- as a distributor of alcoholic beverages **and**
- as a direct shipper from the SLA that allows you to make direct shipments to eligible NYS customers from your out-of-state locations.

You must also include on line 14, the amount of liquor, cider, mead, braggot, or wine shipped directly to eligible NYS customers from your out-of-state locations.

Direct liquor shippers: If you made direct shipments of liquor and wine containing more than 24% ABV to NYC residents, enter the net taxable liters directly on line 18a. Do not complete Form MT-456-ATT.

Direct braggot shippers: If you made direct shipments of braggot to NYC residents, enter the net taxable gallons directly on line 18b. Do not complete Form MT-456-ATT.

Noncommercial importers: Complete Schedule A of Form MT-456 **only** and lines 2, 4, 8, and 14 through 25, as applicable. If you import, or cause to be imported, beer into NYC, for which the city tax has not been paid, enter the number of gallons directly onto line 18b. Do not complete Form MT-456-ATT.

Distributors of alcoholic beverages that do not maintain inventory in NYS

Skip lines 1 through 7. Enter on line 8, the number of liters or gallons of each type of alcoholic beverage you imported into NYS during the reporting period for sales or use in NYS. Continue with the form.

Individuals that imported liquors for personal use

If you imported liquors into NYS or NYC for **personal use** from a location within the U.S., skip lines 1 through 13. Enter on line 14, the number of liters of liquor imported into NYS or NYC during the reporting period for personal use and consumption in NYS or NYC. For information on the traveler's exemption, visit our website and search: *ABT*.

Businesses engaged in rectifying, distilling, blending or fortifying alcoholic beverages

If you purchased finished alcoholic beverages from another distributor that you will use to produce your own alcoholic beverages, you must include the total number of liters or gallons of these purchases in line 2, *Purchases*, and line 5, *Purchases used for production*.

This includes any product you purchased for use in your own production including, but not limited to, rectifying, distilling, blending, or fortifying.

Example

A registered distributor purchases 50 gallons of finished wine from a farm winery. The wine is placed in a storage area for later use in blending. The wine must be included in the distributor's purchases on line 2, and on line 5 to show it is for use in production.

Line instructions

Complete the information within each column for all alcoholic beverages that you are registered to produce or distribute, even if you are not currently producing or distributing one or more of these products.

Example

A farm brewery license allows for the production and distribution of both beer and cider. If you indicated on Form TP-215, Application for Registration as a Distributor of Alcoholic Beverages, you were registering for both, you must complete both the beer and cider columns.

Negative amounts – Show any negative amounts with a minus (-) sign immediately to the left of the loss amount. Do not use [] brackets or () parentheses.

Line 1 – Enter the total number of liters or gallons of each type of alcoholic beverage that you have on hand at the beginning of the reporting period. This amount **only** includes alcoholic beverages that are finished and ready for sale.

Do **not** include:

- products that are aging or in the production process, or
- alcoholic beverages held in bonded warehouses.

Lines 2, 10, 11, 12, 18a, and 18b

Before completing these lines, you may need to first complete the schedules on Forms MT-456 and MT-456-ATT as follows:

- For lines 2 and 10, complete *Schedule A – Purchases schedule* on page 2 of Form MT-456.
- For lines 11 and 12, complete *Schedule B – Sales schedule* on page 3 of Form MT-456.
- For lines 18a and 18b, complete Form MT-456-ATT.

For details about each of these schedules and forms, see the appropriate sections of these instructions.

Line 2 – Transfer the totals for each product code in Schedule A from the *Total purchases* column to this line.

Line 3 – Enter the total number of liters or gallons of each finished product you produced during the period covered by this return. Include any finished product you produced after rectifying, blending, distilling, or fortifying. Do **not** include product that is in the production or aging process that is not finished and ready for sale.

Line 5 – Enter the total number of liters or gallons of each type of alcoholic beverage purchased during this reporting period that was used or will be used in production. This includes, but is not limited to, alcoholic beverages used in rectifying, distilling, blending, or fortifying. See *Businesses engaged in rectifying, distilling, blending, or fortifying alcoholic beverages*.

Line 6 – Enter the total number of liters or gallons of each type of alcoholic beverage that you have on hand at the end of the reporting period. This amount should only include alcoholic beverages that are finished and ready for sale.

Do **not** include:

- products that are aging or in the production process, or
- alcoholic beverages held in bonded warehouses.

Line 9 – Enter the total number of liters or gallons of loss and waste on the premises of each type of alcoholic beverage for the reporting period. Loss and waste includes known quantities of finished product lost due to breakage, casualty, or other unusual cause. Loss and waste does **not** include alcoholic beverages used, for example, for quality control, samples, or tastings. You **must** include a brief explanation about your loss and waste. These deductions are subject to review by the Tax Department.

Line 10 – Transfer the totals for each product code in Schedule A from the *Total tax-paid purchases* column to this line.

Line 11 – Transfer the totals for each product code in Schedule B from the *Total nontaxable sales and uses* column to this line.

Line 12 – Transfer the totals for each product code in Schedule B from the *Total out-of-state sales* column to this line.

Lines 18a and 18b – From Form MT-456-ATT, transfer the net taxable liters reported on line 7, *Liquor and wine containing more than 24% ABV* column, to line 18a, and transfer the net taxable gallons reported on line 7, *Beer* column, to line 18b.

On line 18a, multiply the net taxable liters by the *NYC tax rate* for liquor and wine containing more than 24% ABV and enter the result in the *NYC tax due* column. On line 18b, multiply the net taxable gallons by the *NYC tax rate* for beer and enter the result in the *NYC tax due* column.

Line 21 – If you file your return or pay any tax due after the due date, you may owe additional charges for late filing or payment based on the amount of tax due. You may calculate these additional charges by accessing our website and selecting Online Services, or you can call and we will calculate the penalty and interest for you (see *Need help?*).

Line 23 – Enter an amount on this line only if you are amending a previously filed return and marked an **X** in the amended return box at the top of your return. Enter the total amount you paid, including any penalty and interest, with your previously filed return.

Line 24 – If you do **not** file your return and pay all tax due on or before the due date, we may send you a bill that includes all applicable penalties and interest.

If your balance due is a negative amount for this filing period, we will review your return for accuracy before issuing a refund.

Line 25 – Fee for payments returned by banks – The law allows the Tax Department to charge a \$50 fee when a check, money order, or electronic payment is returned by a bank for nonpayment. However, if an electronic payment is returned as a result of an error by the bank or the department, the department won't charge the fee. If your payment is returned, we will send a separate bill for \$50 for each return or other tax document associated with the return payment.

Schedule A – Purchases schedule

List the supplier information and gallons or liters purchased for both your tax-paid and nontaxable purchases of alcoholic beverages during the reporting period.

Tax-paid purchases – Report the total of all purchases of alcoholic beverages made by you in NYS during the filing period that included the NYS ABT at the time of purchase. Include all alcoholic beverages purchased with tax included that were returned to you for credit by your customers. Do **not** include any alcoholic beverages on which the NYS ABT was paid that you returned to your supplier for credit, if they were originally purchased in NYS. All purchases and returns may be reported as a **one-item total** from each source.

Nontaxable purchases – Report the total of all purchases of alcoholic beverages made by you in NYS during the filing period that did not include the ABT. **Note:** Include purchases you made from another registered distributor that you did not pay tax on. See Form TP-218, *Exemption for Alcoholic Beverages Interdistributor Transactions*.

Include all alcoholic beverages on which the NYS ABT was not paid that were returned to you for credit by your customers. Do **not** include any alcoholic beverages that you returned to your supplier for credit, if they were originally purchased in NYS free of the NYS ABT. All purchases and returns may be reported as a one-item total from each source. However, bonded warehouse withdrawals **must** be listed separately by warehouse name, release number, and warehouse address.

Totals of tax-paid and nontaxable purchases for each product code – Complete this section before transferring your totals to page 1.

Schedule B – Sales schedule

List the customer information and gallons or liters sold for both nontaxable sales and uses and out-of-state sales of alcoholic beverages during the reporting period. These sales include:

- wine, liquor, cider, or beer sold between registered alcoholic beverage distributors;
- wine, liquor, cider, and beer furnished by a licensed producer of alcoholic beverages to a customer or prospective customer at a tasting held in accordance with the Alcoholic Beverage Control Law for consumption at the tasting;
- qualifying sales of wine, liquor, cider, and beer to the United States government or its agencies or instrumentalities, diplomatic missions and diplomatic personnel, and the United Nations;
- qualifying sales of wine to a church, synagogue, or other religious organizations.

For nontaxable uses at tastings, use the legal name and address where the tasting is taking place. Leave the *EIN of customer* row blank.

Nontaxable sales and uses – Report the total of all nontaxable sales and uses during the filing period.

Note: A NYS registered distributor **must** use Form TP-218 to purchase alcoholic beverages in NYS without tax.

Out-of-state sales – Report the total of all out-of-state sales made by you during the filing period.

Report direct sales to individual consumers as a one-item total for each alcoholic beverage product type in Schedule B.

For direct sales to individual consumers:

- enter *Direct sales to consumers* in the *Legal name and delivery address of customer* column;
- leave the *EIN of customer* column blank;
- enter the *Product code* of the alcoholic beverage type you are reporting out-of-state sales for;
- enter the total liters or total gallons of the alcoholic beverage type you are reporting out-of-state sales for, in the *Out-of-state sales* column.

To sell alcoholic beverages without tax to an out-of-state purchaser who is not a NYS registered distributor, possession of the alcoholic beverages must be transferred to the purchaser at a point outside of NYS. If an unregistered out-of-state purchaser, or their agent, takes possession of the alcoholic beverages within NYS, a taxable sale has taken place. The ABT is due on that sale and is not refundable to you.

Totals of nontaxable sales and uses and out-of-state sales for each product code – Complete this section before transferring your totals to page 1.

Instructions for Form MT-456-ATT

General information

To calculate the liters of liquor and wine containing more than 24% ABV, and gallons of beer that are subject to the additional ABT in NYC, complete Form MT-456-ATT.

You **must** complete this form if your business is involved in:

- the sale or commercial use of liquors containing more than 24% ABV in NYC; or
- the sale of liquors containing more than 24% ABV to a purchaser whose licensed premises are in NYC; or

- the sale or use of beer in NYC; or
- the sale of beer to a purchaser whose licensed premises are in NYC.

You **must** complete all applicable lines and schedules on this form, if you are a manufacturer of liquor and wine containing more than 24% ABV, or braggot that holds a license:

- as a distributor of alcoholic beverages, **and**
- as a direct shipper from the SLA that allows you to make direct shipments to eligible NYC customers from your out-of-state locations.

You must also include on Form MT-456, lines 18a and 18b, the amount of liquor and wine containing more than 24% ABV, or braggot shipped directly to eligible NYC customers from your out-of-state locations.

For definitions of liquor and beer, visit our website (see *Need help?*) and search: *ABT*.

Do **not** complete Form MT-456-ATT if you are one of the following:

- **Direct liquor shippers:** Instead, enter the net taxable liters of liquor and wine containing more than 24% ABV directly on line 18a.
- **Direct braggot shippers:** Instead, enter the net taxable gallons of beer directly on line 18b.
- **Noncommercial importers:** Instead, enter the number of gallons of beer that you imported or caused to be imported into NYC on line 18b.

Line instructions

Lines 2, 3, and 4

Before completing these lines, you must show details of your purchases and sales on Form MT-456-ATT in Schedules A, B, and C, as applicable.

Schedule A – Purchases on which NYC alcoholic beverages tax was paid

List the supplier information and liters of liquor and wine containing more than 24% ABV, and gallons of beer, for purchases of these alcoholic beverages made by you in NYC during the reporting period that included NYC ABT at the time of purchase. Include those purchased with tax included that were returned to you for credit by your customers. Do **not** include any alcoholic beverages on which the NYC ABT was paid that you returned to your supplier for credit, if they were originally purchased in NYC. All purchases and returns may be reported as a **one-item total** from each source.

Schedule B – Sales outside NYC that did not include NYC alcoholic beverages tax paid

List the customer information and liters of liquor and wine containing more than 24% ABV, and gallons of beer, for sales of these alcoholic beverages made by you outside of NYC during the reporting period. This includes out-of-state sales and NYS tax-paid and nontaxable sales within NYS but outside NYC. Do **not** include sales to purchasers whose licensed premises are in NYC.

Report direct sales to individual consumers as a one-item total in Schedule B. For direct sales to individual consumers, enter *Direct sales to consumers* in the *Name of customer* column, leave the *EIN of customer* and *Address of customer* columns blank, then enter the total liters of liquor and wine containing more than 24% ABV and the total gallons of braggot in the applicable columns.

Schedule C – Nontaxable sales and uses within NYC without NYC alcoholic beverages tax paid

List the customer information and liters of liquor and wine containing more than 24% ABV, and gallons of beer, for sales of these alcoholic beverages made by you in NYC during the reporting period that did not include the NYC ABT.

Line 2 – From Schedule A, enter the total liters or gallons purchased that included NYC ABT.

Line 3 – From Schedule B, enter the total liters or gallons sold outside of NYC that did not include NYC ABT. This includes out-of-state sales, as well as tax-paid and nontaxable sales within NYS but outside of NYC. Do **not** include sales to purchasers whose licensed premises are in NYC.

Line 4 – From Schedule C, enter the total liters or gallons of nontaxable sales and uses made in NYC that did not include NYC ABT.

Third-party designee

If you want to authorize another individual (third-party designee) to discuss this tax return with the New York State Tax Department mark an **X** in the Yes box in the third-party designee area of your return. Also print the designee's name, phone number, email address, and any five-digit number the designee chooses as their personal identification number (PIN). If you want to authorize the paid preparer who signed your return to discuss the return with the Tax Department, print the preparer's name in the space for the designee's name and enter the preparer's phone number in the space for the designee's phone number. You do not have to provide the other information requested. If you do not want to authorize another person, mark an **X** in the No box.

If you mark the Yes box, you are authorizing the Tax Department to discuss with the designee any questions related to this return. You are also authorizing the designee to give and receive confidential taxpayer information relating to:

- this return, including missing information,
- any notices or bills arising from this filing that you share with the designee (they will not be sent to the designee),
- any payments and collection activity arising from this filing, and
- the status of your return or refund.

This authorization will not expire but will only cover matters relating to this return. If you decide to revoke this designee's authority at any time, call us (see *Need help?*).

You are not authorizing the designee to receive your refund, bind you to anything (including any additional tax liability), or otherwise represent you before the Tax Department. If you want someone to represent you or perform services for you beyond the scope of the third-party designee, you must designate the person using a power of attorney (for example, Form POA-1, *Power of Attorney*).

Authorized person

If you are a sole proprietor, you must sign the return and print your name, title, email address, date, and telephone number. If you are filing this return for a corporation, partnership, or other type of entity, an owner, partner, officer, or employee must sign the return and print their name, title, date, and telephone number.

Keep a copy of your completed return for your records.

Paid preparer's signature

If you pay someone to prepare your return, the paid preparer must also sign it and fill in the other blanks in the paid preparer's area of your return. A person who prepares your return and does not charge you should not fill in the paid preparer's area.

Paid preparer's responsibilities – Under the law, all paid preparers must sign and complete the paid preparer section of the return. Paid preparers may be subject to civil and/or criminal sanctions if they fail to complete this section in full.

When completing this section, enter your New York tax preparer registration identification number (NYTPRIN) if you are required to have one. If you are not required to have a NYTPRIN, enter in the *NYTPRIN excl.* code box one of the specified 2-digit codes listed below that indicates why you are exempt from the registration requirement. You **must** enter a NYTPRIN or an exclusion code. Also, you must enter your federal preparer tax identification number (PTIN) if you have one; if not, you must enter your Social Security number.

Code	Exemption type	Code	Exemption type
01	Attorney	02	Employee of attorney
03	CPA	04	Employee of CPA
05	PA (Public Accountant)	06	Employee of PA
07	Enrolled agent	08	Employee of enrolled agent
09	Volunteer tax preparer	10	Employee of business preparing that business' return

See our website for more information about the tax preparer registration requirements.

Where to file

Attach your remittance to the return and mail to:

**NYS TAX DEPARTMENT
ABT PROCESSING
PO BOX 15196
ALBANY NY 12212-5196**

Private delivery services

If not using U.S. Mail, see Publication 55, *Designated Private Delivery Services*.

Need help?



Visit our website at **www.tax.ny.gov**

- get information and manage your taxes online
- check for new online services and features

Telephone assistance

Miscellaneous Tax Information Center: 518-457-5735
 To order forms and publications: 518-457-5431
 Text Telephone (TTY) or TDD equipment users: Dial 7-1-1 for the New York Relay Service

Privacy notification

New York State Law requires all government agencies that maintain a system of records to provide notification of the legal authority for any request for personal information, the principal purpose(s) for which the information is to be collected, and where it will be maintained. To view this information, visit our website, or, if you do not have Internet access, call and request Publication 54, *Privacy Notification*. See *Need help?* for the Web address and telephone number.