

MinnesotaCare Tax

2018 Legend Drug Use Tax

Information and instructions for filing your MinnesotaCare tax return (Minnesota Statutes Chapter 295)

Information and Assistance

Website/e-Services

www.revenue.state.mn.us

Email

MinnesotaCare.tax@state.mn.us

Phone

651-282-5533

(Weekdays, 8 a.m. - 4:30 p.m.)

Fax

651-556-5233

Business Registration

Email:

business.registration@state.mn.us

Phone:

651-282-5225 or 1-800-657-3605

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This information is available in alternate formats.

Your 2018 Annual Return is Due March 15, 2019

File your return electronically starting **January 22, 2019**.

Go to our website and log in to e-Services to file or pay.

What's New

Coming Soon:

A Better Revenue Website

We are redesigning the Minnesota Department of Revenue website to make it easier for you to find and use the information you rely on to meet your state tax obligations. Watch for a beta (preview) version of our new website in early 2019!

Visit www.revenue.state.mn.us for more information and to get the latest tax news and updates.

Sign Up to Receive Email Updates

Stay informed about MinnesotaCare taxes! Sign up to receive email updates about:

- filing and payment due date reminders
- new or updated publications
- educational tax seminars

To sign up, go to our website at www.revenue.state.mn.us and subscribe for email updates. Enter your email address and select **MinnesotaCare Tax Updates** from the list.

Voluntary Disclosure Program

Have you been in business but were unaware of your MinnesotaCare tax obligations? Did you recently learn you were subject to tax? If so, you may qualify for our Voluntary Disclosure Program.

Benefits of the program include:

- immediate compliance with MinnesotaCare taxes
- look-back period of generally three years
- possible waiver of penalties

For information on how to apply, see the department's new Voluntary Disclosure Program web page and online application. Go to our website at www.revenue.state.mn.us and type **Voluntary Disclosure** into the Search box.

Registering for a Minnesota Tax ID

Before you can file a MinnesotaCare tax return and/or make estimated tax payments, you must have a Minnesota Tax ID Number. This is a seven-digit number assigned to you when you register with the department.

If you do not have a Minnesota Tax ID Number, you must apply for one. You can apply online at www.revenue.state.mn.us or by contacting Business Registration (see *Information and Assistance* on this page).

If your business currently has a Minnesota Tax ID Number for other Minnesota taxes, you can add a MinnesotaCare tax account to your number. To update your business information, go to our website and log in to e-Services or contact Business Registration.

General Information

Who Must File

You're required to file a MinnesotaCare Legend Drug Use Tax Return if you receive legend drugs from a vendor that is not subject to the MinnesotaCare Wholesale Drug Distributor Tax.

The following situations are common examples of when you would be subject to the tax:

- You are a pharmacy that receives legend drugs from a vendor that is not subject to the Wholesale Drug Distributor Tax
- You are a mail order pharmacy that has nexus in Minnesota and receives legend drugs that you sell in Minnesota

To determine if a vendor is subject to tax, check your purchase invoice for a MinnesotaCare tax expense charge or contact the vendor for verification.

Definition of Legend Drugs

Legend drugs are drugs or gases that are classified by the FDA as a drug, not a device, and are required by federal law to be sold or dispensed in a container labeled with one of the following statements:

- "Caution: Federal law prohibits dispensing without prescription"
- "Rx only"

Blood, blood components, and blood derivatives. Blood and blood components are not considered legend drugs under Minnesota law and are not subject to Legend Drug Use Tax.

Blood derivatives, however, which are derived from blood, plasma, or serum through a chemical manufacturing process, are considered legend drugs and are taxable.

Electronic Filing and Payments

Annual Returns

You must file your annual return electronically using our e-Services system (*see page 3*).

Payments

You are required to pay electronically if your tax liability was more than \$10,000 for any one Minnesota business tax during the previous fiscal year (July 1–June 30).

If you are required to pay any Minnesota business tax electronically for one year, you must pay all Minnesota business taxes electronically for *all future years*. We will send you a notice the first year you are required to pay electronically.

A 5 percent penalty will be assessed on any non-electronic payments if you fail to pay electronically when required.

Filing Due Date

Annual Tax Return

The regular due date to file your annual MinnesotaCare tax return and pay any additional tax due for the previous calendar year is March 15.

The return must be filed even if there is no additional tax due. If March 15 falls on a weekend or holiday, returns filed on the next business day are considered timely.

Extension of Time to File

If you cannot file your return by the regular due date, you may request a 60-day filing extension. To request an extension for your 2018 return, call 651-282-5533 no later than March 15, 2019.

A filing extension does not extend the time you have to pay your tax. You must pay any tax you owe by the regular due date or you will be assessed penalties and interest. For 2018 returns, the regular due date is March 15, 2019. To pay electronically, go to our website and log in to e-Services.

Estimated Tax Requirements

You're required to make estimated tax payments during the year if your total annual MinnesotaCare tax will be more than \$500.

If your total annual tax will be \$500 or less, you may pay your tax when you file your annual tax return and are not required to make estimated payments during the year.

Due Dates. Estimated tax payments are due quarterly by the 15th day of April, July, and October of the current year and January 15 of the following year.

If the due date falls on a weekend or holiday, payments electronically made or postmarked the next business day are considered timely.

Each estimated tax payment must be at least the lesser of one of the following:

- 90 percent of one-fourth of your actual tax for the current year
- one-fourth of your actual tax for the previous year if you were in business for the entire year and you had a tax liability

To determine your estimated tax payments, see the *MinnesotaCare Estimated Tax Instructions* for Legend Drug Use Tax available on our website.

Additional Charge for Underpayment of Estimated Tax. If any payment is less than the required amount or is paid late, an additional tax charge (ATC) for underpaying the estimated tax will be assessed.

When you file your annual tax return, our e-Services system will calculate the ATC, if any, for you.

Reporting Business Changes

Be sure to update your business information if you do any of the following:

- change the name, address, owner/officers, or ownership of your business
- make any other changes (such as email address, phone number, or contact person)
- need to add or delete a tax type
- close your business
- are no longer required to file and pay MinnesotaCare tax

To update, go to our website and log in to e-Services. For additional information, see *Managing Your Account Profile in e-Services* on page 4.

Recordkeeping

You should keep all internal accounting records and external third-party documentation that support the amounts reported on your MinnesotaCare tax return.

This includes any paper records and any records you receive or store electronically. Some examples of paper and electronic records include:

- legend drug purchase invoices
- all other summary and detail reports, schedules, ledgers, and journals

All documentation should be made available on request for the department to review. If you are audited, you will be asked to provide between 4 and 6 years of records.

Statute of Limitations

The department may audit your return within 3½ years from the due date of the return or the date you filed the return, whichever is later. If there is an error in the amount of tax you reported, and the difference between the original amount and the correct amount is 25 percent or more, we have 6½ years to audit the return. There is no time limit if we find you have filed a false or fraudulent return, or if you have not filed a return.

General Information (continued)

Electronic Payment Options

e-Services

You can make payments online using our e-Services system. If you pay through e-Services, you will be able to view a record of your payments online once they are processed.

Go to our website at www.revenue.state.mn.us and log in to e-Services. You will need your bank's routing number and your account number. To be timely, you must submit your payment and receive a confirmation number on or before the payment due date. When paying electronically, you may not use an account associated with a foreign bank.

Credit or Debit Card

For a fee, you may charge your payments to your Visa, MasterCard, American Express, or Discover credit or debit card. To do so, have your card ready and go to www.paystatetax.com/mn or call 1-855-947-2966.

ACH Credit

ACH credit payments are initiated by you through your bank. You authorize your bank to transfer funds to the state's bank account. The bank must use ACH file formats, which are available on our website. Your bank may charge you a fee for these payments.

Bank Wire

You can authorize a direct transfer from your bank account to the Minnesota Department of Revenue. For information on how to make a bank wire transfer, call us at 651-556-3003 or 1-800-657-3909.

How to File Your Annual Return

Your 2018 MinnesotaCare tax return is due March 15, 2019. File your return using our e-Services system starting January 22, 2019.

Information You Will Need to File Your Return

You must file your MinnesotaCare tax return electronically using our online e-Services system. Before you can file your return, you will need the following:

- your username and password
- dates and amounts of any MinnesotaCare estimated tax payments you made for the year
- total legend drug purchases subject to use tax (see the *Line-By-Line Instructions* on this page for help calculating this amount)
- if you are making a payment with your return, your bank's nine-digit routing number and bank account number

You must be registered for MinnesotaCare Legend Drug Use Tax to file a return. To register or update your business information, log in to e-Services or contact Business Registration (*see page 1*).

If you are registered for the tax, but the period you are filing is not listed in e-Services, please call the MinnesotaCare Tax Unit at 651-282-5533 so we can add it to your account.

To File Online

Go to our website at www.revenue.state.mn.us and log in to e-Services.

You will need Internet access with a browser that supports 128-bit encryption, such as Internet Explorer 8.0 to 11.0, Firefox 3.0 or higher, Google Chrome, or Safari 5.X.

Line-By-Line Instructions

Use this information when you electronically file your return.

Purchases Subject to Use Tax

Enter the total price you paid during the year for legend drugs that you received from vendors who were not subject to the Wholesale Drug Distributor Tax.

Do not include the price you paid for legend drugs:

- returned to vendors
- delivered or shipped outside of Minnesota (that were not subsequently returned to you)

For the definition of legend drugs, see page 2.

Tax

Our e-Services system will calculate your tax. The tax rate is 2 percent (0.02).

Estimated Payments

Any estimated payments you made for the year will be applied to your return. You will be asked to review the payments in e-Services when filing your return. If there are discrepancies between the payments in e-Services and your records, please contact us.

Penalties and Interest

Late Payment. A late payment penalty is assessed on any tax not paid by March 15. The penalty is 5 percent of the unpaid tax for every 30-day period (or part of a 30-day period) that your return payment is late, up to 15 percent.

Late Filing. There is also a penalty for filing your return after the due date. The late filing penalty is 5 percent of any unpaid tax.

Extended Delinquency. If the department sends a written demand to file a tax return and the return is not filed within 30 days, an extended delinquency penalty of 5 percent of the unpaid tax or \$100, whichever is greater, will be assessed. This penalty is in addition to any late filing penalty that may be assessed and applies to all unfiled returns, even if you paid the correct amount of tax on time, or do not have a tax liability.

How to File Your Annual Return (continued)

Payment Method. If you are required to make your tax payments electronically and do not, a 5 percent penalty will be assessed on any non-electronic payments (such as paper checks or money orders).

Interest. You must pay interest on the unpaid tax and penalty from the regular due date until the total is paid. The interest rate is determined each year.

The interest rate for 2018 is 4 percent.

Paying the Balance Due

If you owe additional tax, you can use e-Services to pay at the same time you file your return. You'll need your bank's routing number and your account number.

If you pay through e-Services, you will be able to view a record of your payments online once they are processed.

If you choose to pay electronically another way, see the additional payment options on page 3.

How to Amend Your Return

To adjust your return, you must file an amended return electronically using our online e-Services system.

To claim a refund, you must file your amended return within 3½ years of the regular due date for the year you are amending.

Keep all supporting documentation for any amended return you file. All documentation should be made available on request for the department to review. All amended returns are subject to audit.

Filing Instructions

To amend a return, go to our website at www.revenue.state.mn.us and log in to e-Services. Choose your Legend Drug Use Tax account and select "View Return" next to the period you want to amend. Then, select "Change" on the return screen and enter the corrected amount that should have been reported on your original return. You'll also need to enter the reason you are amending your return.

You will receive a confirmation number if your return is filed successfully.

If you need help or have questions about amending a return, please contact us.

Managing Your Account Profile in e-Services

"Manage my profile" in e-Services allows you to:

- update your login information
- store your email address, phone number, and banking information
- create access to your and other people's accounts
- add additional users with varying security, as well as request and approve third-party access

Set Up and Manage Users

There are two types of users in e-Services: e-Services Master and Account Manager. An e-Services Master can manage other users as well as view, file, and/or pay for specific account types. An Account Manager can view, file, and/or pay for specific account types depending on the access an e-Services Master has set up for the user.

e-Services has the following access level options:

- **All Access**—allows user total access to update the account, file, and pay
- **File**—allows user to view all information and file returns
- **Pay**—allows user to view all information and make payments
- **View**—allows user to only view all information

For instructions on how to create additional logons for users, see Help in e-Services.

Third-Party Access

Third-party access is for accountants and other non-employees who file returns and/or make payments on behalf of another business. In order to receive third-party access, the non-employee must request access from the taxpayer. The taxpayer must then grant the access and manage the login of the non-employee before the request can become active.

Both parties must be active in e-Services to request third-party access. For detailed instructions on how to request third-party access, go to our website.