
Important Notice: Directory of Vapor Products and Consumable Products Approved for Retail Sale in North Carolina

The following important information is addressed in this notice:

- Manufacturer certification of vapor products and consumable products eligible for retail sale in North Carolina
- Directory of vapor products and consumable products approved for retail sale in North Carolina
- Vapor products and consumable products prohibited from retail sale in North Carolina
- Compliance, fines, and civil penalties for retailers, distributors, and wholesalers

MANUFACTURER CERTIFICATION OF VAPOR PRODUCTS AND CONSUMABLE PRODUCTS ELIGIBLE FOR RETAIL SALE IN NORTH CAROLINA

The North Carolina General Assembly enacted Session Law 2024-31 requiring manufacturers of vapor products and consumable products sold for retail in North Carolina to annually execute and deliver a certification to the Secretary of Revenue. Additionally, the Secretary of the Department of Revenue shall make publicly available on the Department's website, www.ncdor.gov, a directory listing all manufacturers of vapor products and consumable products that have provided certifications and all product names, brand names, categories, and flavors for which for certifications have been approved by the Secretary¹. Only those products published in the Vapor Products and Consumable Products Directory may be sold at retail in North Carolina. Consumable products or vapor products not included in the directory may not be sold for retail sale in North Carolina, either directly or through an importer, distributor, wholesaler, retailer, or similar intermediary or intermediaries.²

DIRECTORY OF APPROVED VAPOR PRODUCTS AND CONSUMABLE PRODUCTS

Beginning on May 1, 2025, a directory listing all manufacturers of consumable products or vapor products that have complied with the certification process and all product names, brand names, categories, and flavors of vapor products and consumable products certified by the Secretary will be made publicly available at the following web address:

¹ N.C. Gen. Stat. §§ 143B-245.11 and 143B-245.12

² N.C. Gen. Stat. § 143B-245.13

<https://www.ncdor.gov/vapor-certification-directory>. The Secretary shall update the directory at least monthly to ensure accuracy.³

Taxpayers can access frequently asked questions regarding the North Carolina vapor product and consumable product directory at the following web address: <https://www.ncdor.gov/frequently-asked-questions-regarding-north-carolina-vapor-products-and-consumable-products>.

Additional Questions may be directed to the Excise Tax Division at telephone number (919) 707-7500 or toll free (877) 308-9092.

PRODUCTS PROHIBITED FROM RETAIL SALE IN NORTH CAROLINA

Each retailer shall have 60 days from the date the Secretary first makes the directory publicly available to sell products in its inventory that are not included in the directory or remove those products from inventory and return them to the distributor or wholesaler from whom the products were purchased for refund.

Each distributor or wholesaler shall have 60 days from the date the directory is made publicly available to remove those products intended for ultimate retail sale in North Carolina from its inventory.

After 60 calendar days following publication of the directory, consumable products or vapor products not listed in the directory may not be purchased or sold for retail sale in North Carolina.⁴

COMPLIANCE, FINES, AND PENALTIES FOR RETAILERS, DISTRIBUTORS, AND WHOLESALERS

Each retailer, distributor, and wholesaler that sells or distributes consumable products or vapor products in this State shall be subject to unannounced compliance checks.⁵ A retailer, distributor, or wholesaler who offers for sale a consumable product or vapor product intended for ultimate retail sale in this State that is not included in the directory is subject to the following penalties:

- First violation– subject to a warning with a mandatory re-inspection within 30 days.
- Second violation within a 12-month period– subject to a fine of at least \$500 but not more than \$750 and, if licensed, the licensee's license shall be suspended for 30 days.
- Third and subsequent violation(s) within a 12-month period- subject to a fine of at least \$1,000 but not more than \$1,500 and, if licensed, the licensee's license shall be revoked.

Upon a second or subsequent violation within a 12-month period, consumable or vapor products possessed by a wholesaler, distributor, or retailer that are not on the directory are subject to seizure, forfeiture and destruction. The person from whom the products are

³ N.C. Gen. Stat. § 143B-245.12

⁴ N.C. Gen. Stat. § 143B-245.13

⁵ N.C. Gen. Stat. § 143B-245.15

confiscated shall be responsible for the cost of such actions.⁶

A manufacturer who allows vapor products or consumable products not listed in the Vapor and Consumable Products Directory to be sold for retail sale in North Carolina, whether directly or through an importer, distributor, wholesaler, retailer, or similar intermediary, is subject to a civil penalty of ten thousand dollars (\$10,000) for each individual product offered for sale.⁷

In addition, any manufacturer who falsely represents any information required by a certification form shall be guilty of a misdemeanor for each false representation.

Repeated violations of Part 3 of Article 4 of Chapter 143B of the General Statutes shall constitute a deceptive trade practice under Chapter 75 of the North Carolina General Statutes.

ADVISEMENT

To the extent there is any change in the rate or amount of tax, amendment to a statute or regulation, or new case law after the date of this notice, the provisions in this notice may be superseded or voided. If a written response would require the Department to interpret the law in a manner not specifically addressed in a statute, regulation, or Departmental or IRS publication, the person requesting the written response must follow the procedure (and pay the required fee) for requesting a private letter ruling available on the Department's website at the following address: www.ncdor.gov/documents/nc-481-request-written-determination.

⁶ N.C. Gen. Stat. § 14-313(h)(1)

⁷ N.C. Gen. Stat. § 14-313(h)(2)