

NOTICE TO ALL OKLAHOMA TOBACCO RETAILERS

October 20, 2014

Re: Tobacco Retailer Inspections

Dear Sir or Madam:

You have been identified as a retailer or distributor of cigarettes or roll-your-own (“RYO”) tobacco products sold in Oklahoma. This is to notify you of a new law that effects cigarette and other tobacco product sales in the State of Oklahoma. This law, HB2363, becomes effective November 1, 2014. Among other provisions of HB2363 is the addition of a new statute, Title 68 O.S. §360.10, that authorizes the Oklahoma Attorney General to conduct on premises inspections of tobacco product retailers and distributors to determine their compliance with Oklahoma laws regulating the sale of tobacco products. These inspections are in addition to inspections that are conducted by the Oklahoma Tax Commission.

Existing Oklahoma law provides that no cigarette or RYO tobacco product may be sold, offered or possessed for sale in Oklahoma unless the manufacturer and brand family are listed on the Attorney General’s Directory of Compliant Tobacco Product Manufacturers which is available on the Attorney General’s website.

A retailer or distributor of cigarettes or RYO that sells, offers for sale or possesses for sale cigarettes or RYO that are not on the Attorney General’s Directory or are not properly stamped may be subject to civil and criminal penalties as well as the loss or suspension of its license and the seizure and forfeiture of any non-compliant product.

Agents of the Oklahoma Attorney General will seize any cigarettes if they find any of the following:

- Cigarette brands that are not listed on the Attorney General’s Directory;
- No tax stamp affixed;
- A tax stamp for a state other than Oklahoma;
- A Tribal tax stamp in a non Tribal store;

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- Cigarettes or RYO tobacco products for which the retailer does not possess purchase invoices;
- A tax-exempt export-only cigarette (“gray market”);
- A counterfeit tax stamp affixed;
- A ½ stamp or less tax stamp affixed;
- Cigarettes not listed on the Oklahoma Fire Marshall’s Directory as Fire Safe Compliant;

A copy of 68 O.S. §360.10 is enclosed. Should you have any questions please feel free to contact us by telephone or e-mail.