

PA-1: State CIGARETTE PACT Act Report for _____

(identify the state)

Part 1 - Identify Your Business

| | | | | | |
|--------------------------------------|------|----------------|----------------------|----------------------------|---|
| Name (please print) | | | | Reporting Period (MM/YYYY) | State Identification Number |
| Location Address (number and street) | City | State/Province | Zip Code/Postal Code | Country/Territory | Federal Employer Identification Number (FEIN) |
| Mailing Address | City | State/Province | Zip Code/Postal Code | Country/Territory | Email Address |

Part 2 - Identify Your Sales

| Customer Name* | Address* | Sales Price (\$)** | Brand Family* | Invoice Date | Invoice Number | Total Cigarettes* (no. of sticks) |
|----------------|----------|--------------------|---------------|--------------|----------------|-----------------------------------|
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| | | | | | | |
| Total | | | | | | |

Part 3 - Identify Your Delivery Service - Required for Delivery Sellers ONLY

| Delivery Service Name* | Address* | Phone Number* |
|------------------------|----------|---------------|
| | | () |
| | | () |

*Required by PACT Act / **Delivery Sellers Only

Part 4 - Sign Below

DECLARATION: I declare under penalties of perjury that I have examined this report and all attachments and, to the best of my knowledge and belief, it is true, correct, and complete.

| | | | | |
|--------------------------------|---|-------|-------------------------|------|
| Signature of Responsible Party | Responsible Party's Name (please print) | Title | Phone Number () | Date |
|--------------------------------|---|-------|-------------------------|------|

GENERAL INFORMATION

What is the PACT Act?

On June 29, 2010, the Prevent All Cigarette Trafficking Act (PACT Act) went into effect. This federal law amends the Jenkins Act, 15 U.S.C. Chapter 10A, which governs the collection of taxes on, and trafficking in, cigarettes and smokeless tobacco. The PACT Act revised definitions in the Jenkins Act, provided new requirements for registration, reporting, recordkeeping, and increased penalties for criminal violations. The PACT Act also generally prohibits mailing cigarettes and smokeless tobacco through the U.S. Postal Service.

What tobacco products are covered under the PACT Act?

Cigarettes and smokeless tobacco are covered.

According to 18 U.S.C. 2341 and 26 U.S.C. 5702, cigarettes include:

- Any roll of tobacco wrapped in paper or in any substance not containing tobacco.
- Any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling is likely to be offered to, or purchased by, consumers as a cigarette as described in the bullet above.
- Roll-your-own tobacco.

Smokeless tobacco includes:

- Tobacco products that are non-combustible (primarily various forms of chewing tobacco, snuff, snus, etc.)

Who must file this report?

You must file this report if you advertise, offer for sale, sell, transfer, or ship (for profit) cigarettes in interstate commerce. These cigarettes must be shipped into another state, locality, or Indian nation that taxes the sale or use of cigarettes.

When do I file?

The report is due no later than the 10th day of each calendar month for the previous calendar month's shipments.

Definitions

Common Carrier - Any person (other than a local messenger service or the U.S. Postal Service) that holds itself out to the general public as a provider for hire of the transportation by water, land, or air of merchandise (regardless of whether the person actually operates the vessel, vehicle, or aircraft by which the transportation is provided) between a port or place and a port or place in the United States.

Consumer - A consumer is any person who purchases cigarettes or smokeless tobacco. This does not include any person lawfully operating as a manufacturer, distributor, wholesaler, or retailer of cigarettes or smokeless tobacco.

Delivery Seller - A person who makes delivery sales.

Delivery Sale - Any sale of cigarettes or smokeless tobacco to a consumer if –

- the consumer orders by telephone or other method of voice transmission, the mail, or the Internet or other online service, or the seller is otherwise not in the physical presence of the buyer when the request for purchase or order is made; or
- the cigarettes or smokeless tobacco products are delivered to the buyer by common carrier, private delivery service, or other method of remote delivery, or
- the seller is not in the physical presence of the buyer when the buyer obtains possession of the cigarettes or smokeless tobacco.

Interstate Commerce - The term “interstate commerce” includes commerce between any place in a State and any place outside of that State, commerce between a State and Indian Country in the State, or commerce between points in the same State but through any place outside of the State or through any Indian Country. The term “State” includes the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States.

Person - The term “person” means an individual, corporation, company, association, firm, partnership, society, State government, local government, Indian tribal government, governmental organization of such a government, or joint stock company.

INSTRUCTIONS

Part 1

Identify Your Business

Provide your business name, location and mailing address, reporting period, Federal Employer Identification Number (FEIN), email address and your State Identification Number for the state you are shipping into. If you do not hold a license, permit, registration or other Identification Number in the state you are shipping into, write NONE in that field.

Part 2

Identify Your Sales

Provide your customer's name, address, sales price, brand family, Invoice date, Invoice number and total sticks of cigarettes sold. Do not report cigarettes in cases, cartons, or packs.

Part 3 - FOR DELIVERY SELLERS ONLY. Please see definition of delivery seller and delivery sales above.

Provide your delivery service name, address and phone number.

Part 4

Sign and date the form and provide the name, title and phone number of the responsible party.