



STATE OF MONTANA
AUSTIN KNUDSEN
ATTORNEY GENERAL

**OFFICE OF CONSUMER
PROTECTION**
555 Fuller Avenue
P.O. Box 200151
Helena, MT 59620-0151

RE: Prevent All Cigarette Trafficking Act, 15 U.S.C. §§ 375, et seq.

On June 30, 2010, the Prevent All Cigarette Trafficking (“PACT”) Act, 15 U.S.C. §§ 375, *et seq.*, became effective. The Act requires all persons who sell, transfer, or ship cigarettes for profit to: (1) register with the tobacco tax administrator of the state into which shipment is made, and (2) file monthly reports no later than the 10th of each month with both the tobacco tax administrator and the State’s Attorney General, fully outlining the quantity, brands, and recipients of cigarette shipments into this state. These provisions clearly apply to tobacco product manufacturers, including Non-Participating Manufacturers (“NPMs”) within the meaning of the Mont. Code Ann. § 16-11-502(5).

Pursuant to Mont. Code Ann. § 16-11-507(4), the Montana Attorney General may require a distributor or tobacco product manufacturer to submit additional information as necessary to determine compliance with Montana’s escrow and reporting obligations.

Tobacco product manufacturers must comply with all applicable laws to be eligible for listing on the Montana Tobacco Product Directory, e.g., Mont. Code Ann. § 16-11-503. Those provisions relating to the deposit of proper escrow are among the key conditions. Given the breadth of information required by the PACT Act, this memorandum is meant to inform you that compliance with the PACT Act is deemed to be a requirement of continued listing on the Tobacco Product Directory. Proper reporting under that Act will assist the Attorney General in assuring that necessary escrow has been deposited for all NPM cigarette sales into Montana.

Accordingly, please send all PACT Act reports to:

Attorney General’s Office
Office of Consumer Protection
Tobacco Enforcement Program
P.O. Box 200151
Helena, MT 59620-0451
Email: AGTobacco@mt.gov

AND

Department of Revenue
Attn: Jason Lay
Miscellaneous Tax Unit Manager
P.O. Box 5805
Helena, MT 59604-5805
Email: Jason.Lay@mt.gov

If you have any questions, please contact the Tobacco Enforcement Attorney at 406-444-4500.

Thank you for your attention to this matter.