

PACT Act

The Prevent All Cigarette Trafficking (“PACT”) Act, 15 U.S.C. §§ 375, *et seq.* requires all persons who sell, transfer, or ship (or advertise or offer to sell, transfer or ship) cigarettes or smokeless tobacco in interstate commerce for profit to: (i) register with the tobacco tax administrator of the State into which shipment (or advertisement or offer) is made (for South Carolina, the administrator is the South Carolina Department of Revenue); and (ii) file monthly reports with the tobacco tax administrator, no later than the 10th of each month, identifying the brands, quantities, and recipients of cigarette and smokeless tobacco shipments into such state. 15 U.S.C. § 376. These provisions apply to all tobacco product manufacturers, including Non-Participating Manufacturers as defined in the South Carolina Escrow Fund Act.

In addition to the registration and reporting requirements, the PACT Act requires that each delivery seller comply with “all State, local, tribal, and other laws generally applicable to sales of cigarettes or smokeless tobacco as if the delivery sales occurred entirely within the specific State and place, including laws imposing – (A) excise taxes; (B) licensing and tax-stamping requirements; (C) restrictions on sales to minors; and (D) other payment obligations or legal requirements relating to the sale, distribution, or delivery of cigarettes or smokeless tobacco.” U.S.C. § 376a(a)(3).

Whoever violates PACT shall be guilty of a misdemeanor and shall be fined not more than \$1,000, or imprisoned not more than 6 months, or both. 15 U.S.C. § 377. The AGO “may bring an action in a United States district court to prevent and restrain violations of [PACT] by any person or to obtain any other appropriate relief from any person for violations of [PACT], including civil penalties, money damages, and injunctive or other equitable relief.” 15 U.S.C. § 378(c)(1)(A).

For additional requirements of the PACT Act, see U.S.C. §§ 375, *et seq.*