

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, record keeping, and increased penalties for criminal violations. The PACT Act also generally prohibits mailing cigarettes and smokeless tobacco through the U.S. Postal Service.

On December 27, 2020, the PACT Act was amended to include Electronic Nicotine Delivery Systems or "ENDS". This change is effective March 27, 2021.

What tobacco products are covered under the PACT Act?

Cigarettes and smokeless tobacco are covered.

According to 18 U.S.C. 2341 and 25 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, and
- an Electronic Nicotine Delivery System ENDS

Smokeless tobacco includes:

- Any finely cut, ground, powdered, or leaf tobacco, or other product containing tobacco, that is intended to be placed in the oral or nasal cavity or otherwise consumed without being combusted (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) roll-your-own, smokeless tobacco, or ENDS in interstate commerce. The roll-your-own smokeless tobacco must be shipped into another state, locality, or Indian nation that taxes the sale or use of roll-your-own or smokeless tobacco.

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.

Definition

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 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

Includes commerce between any place in the state and any place outside of the state, commerce between a state and Indian country in the state, or commerce between points in the same state but through any place outside 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.

Manufacturer's/Wholesale List Price

Generally means the invoice price, including all federal excise taxes, at which the seller of the tobacco product sells the tobacco product to consumers, excluding any discounts or other reductions based on the method of payment of the invoice or on time of payment of the invoice. The excise tax rate in some states is based upon the wholesaler's gross receipts, which includes their customer mark-up. Check with the specific state into which the tobacco products are begin shipped if you have questions about that state's specific definitions or tax base.

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

Business

Provide your business name, location and mailing address, reporting period, Federal Employer Identification Number (FEIN), e-mail 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.

Sales

Provide your customer's name, type of customer (see table of codes), address, federal description (see table of codes), brand family, invoice date, invoice number, quantity of retail packages, total weight/volume, retail sales price, and manufacturer's/wholesale list price (see definition).

Delivery Service

Please see definition of delivery seller and delivery sales above. Provide your delivery service name, address, and phone number.

Signature

Provide your signature, printed name, phone number, title, e-mail address and today's date. The person completing this section is considered the responsible party.

Table of Codes

Type of Customer

Native American	Manufacturer
Delivery Seller	Retailer
InterBranch Transfer	SubJobber
Wholesaler	Employee
Military	Distribution Center
Government	Customer
Distributor	Consumer
Other	

Federal Description

PACT Form Federal Description Meaning

Cigarette	<p>PA-1 Any roll of tobacco wrapped in paper or in any substance not containing tobacco.</p> <p>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.</p>
Snuff	<p>PA-2 Any finely cut, ground, or powdered tobacco that is not intended to be smoked.</p>
Chewing Tobacco	<p>PA-2 Any leaf tobacco that is not intended to be smoked.</p>
Roll Your Own	<p>PA-2 Any tobacco which, because of its appearance, type, packaging, or labeling, is suitable for use and likely to be offered to, or purchased by, consumers as tobacco for making cigarettes or cigars, or for use as wrappers thereof.</p>
ENDS	<p>PA-2 An Electronic Nicotine Delivery System “ENDS”, is any electronic device that, through an aerosolized solution, delivers nicotine, flavor, or any other substance to the user inhaling from the device;</p> <ul style="list-style-type: none"> (i) an e-cigarette; (ii) an e-hookah; (iii) an e-cigar (iv) a vape pen; (v) an advanced refillable personal vaporizer; (vi) an electronic pipe; and (vii) any component, liquid, part, or accessory of a device described in above.