

15 U.S.C. § 375

As used in this chapter, the following definitions apply:

(1) Attorney general

The term “attorney general”, with respect to a State, means the attorney general or other chief law enforcement officer of the State.

(2) Cigarette

(A) In general

The term “cigarette”--

(i) has the meaning given that term in section 2341 of Title 18; and

(ii) includes roll-your-own tobacco (as defined in section 5702 of the Internal Revenue Code of 1986).

(B) Exception

The term “cigarette” does not include a cigar (as defined in section 5702 of the Internal Revenue Code of 1986).

(3) Common carrier

The term “common carrier” means any person (other than a local messenger service or the United States 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.

(4) Consumer

The term “consumer”--

(A) means any person that purchases cigarettes or smokeless tobacco; and

(B) does not include any person lawfully operating as a manufacturer, distributor, wholesaler, or retailer of cigarettes or smokeless tobacco.

(5) Delivery sale

The term “delivery sale” means any sale of cigarettes or smokeless tobacco to a consumer if--

(A) the consumer submits the order for the sale by means of a telephone or other method of voice transmission, the mails, 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

(B) the cigarettes or smokeless tobacco 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.

(6) Delivery seller

The term “delivery seller” means a person who makes a delivery sale.

(7) Indian country

The term “Indian country”--

(A) has the meaning given that term in section 1151 of Title 18, except that within the State of Alaska that term applies only to the Metlakatla Indian Community, Annette Island Reserve; and

(B) includes any other land held by the United States in trust or restricted status for one or more Indian tribes.

(8) Indian tribe

The term “Indian tribe”, “tribe”, or “tribal” refers to an Indian tribe as defined in section 450b(e) of Title 25 or as listed pursuant to section 479a-1 of Title 25.

(9) Interstate commerce

(A) In general

The term “interstate commerce” means commerce between a State and any place outside the State, commerce between a State and any 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.

(B) Into a State, place, or locality

A sale, shipment, or transfer of cigarettes or smokeless tobacco that is made in interstate commerce, as defined in this paragraph, shall be deemed to have been made into the State, place, or locality in which such cigarettes or smokeless tobacco are delivered.

(10) 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.

(11) State

The term “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

(12) Smokeless tobacco

The term “smokeless tobacco” means 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.

(13) Tobacco tax administrator

The term “tobacco tax administrator” means the State, local, or tribal official duly authorized to collect the tobacco tax or administer the tax law of a State, locality, or tribe, respectively.

(14) Use

The term “use” includes the consumption, storage, handling, or disposal of cigarettes or smokeless tobacco.

CREDIT(S)

(Oct. 19, 1949, c. 699, § 1, as added Mar. 31, 2010, Pub.L. 111-154, § 2(a), 124 Stat. 1088.)