



**DEPARTMENT OF JUSTICE**  
CIVIL ENFORCEMENT DIVISION

**MEMORANDUM**

DATE: September 27, 2010

TO: All Oregon-Licensed Tobacco Distributors

FROM: Lisa M. Udland, Sr. Assistant Attorney General  
Civil Recovery Section

SUBJECT: Prevent All Cigarette Trafficking (“PACT”) Act, 15 U.S.C. §§ 375, *et seq.*

The federal Prevent All Cigarette Trafficking (“PACT”) Act, 15 U.S.C. §§ 375, *et seq.*, became effective on June 30, 2010. Pursuant to the PACT Act, all persons who sell, transfer, or ship cigarettes in interstate commerce for profit must: (1) register with the tobacco tax administrator of the state into which shipment is made and (2) 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. These provisions apply to out-of-state distributors that ship cigarettes into Oregon as well as all distributors that ship cigarettes to Oregon tribal reservations.

Pursuant to ORS 180.435(8), the Attorney General may require a distributor to submit any additional information that will enable the Attorney General to determine whether tobacco product manufacturers are in full compliance with ORS 180.400 *et seq.* and the related administrative rules. As you know, ORS 180.410, 180.415 and 180.425 require the Attorney General to consider a number of factors when deciding whether to certify tobacco product manufacturers. Key factors that the Attorney General must consider include disclosure of units sold in Oregon and deposit of escrow. Distributors’ PACT Act reports will enable the Attorney General to determine whether manufacturers are in compliance with these requirements.

Effective immediately, all distributors are required to provide the Attorney General with copies of their PACT Act reports that were submitted to the Oregon Department of Revenue. These reports are due on the 10th of each month, and should be sent to Oregon Department of Justice, Attn. Tobacco Enforcement, 1162 Court St. NE, Salem, OR 97301. Please be advised that these reports are in addition to the monthly brand specific reports required under ORS 180.435(1).

LMU/kb2/2270434-v1