

STATE OF MONTANA
DEPARTMENT OF JUSTICE
AGENCY LEGAL SERVICES BUREAU

Mike McGrath
Attorney General



1712 Ninth Avenue
P.O. Box 201440
Helena, MT 59620-1440

NOTICE
To Montana Licensed Wholesalers
April 25, 2003

On April 17, 2003, "An Act Enhancing Enforcement of the Tobacco Products Reserve Fund Law" 2003 Mont. Laws Ch. 397 (HB 663) was signed by the Governor and became law. This new law requires the Attorney General's Office to publish a list of tobacco product manufacturers and brands that are compliant with Montana law. **Only those Brands and Brand Families listed in the directory will be permitted to be offered for sale, possessed for sale, stamped for sale or sold in Montana.** The new law can be found at: <http://data.opi.state.mt.us/bills/2003/billhtml/HB0663.htm>.

On July 16, 2003, the Office of the Attorney General will release a directory of tobacco products and manufacturers that are fully compliant with Montana law. The directory will list the names of all compliant tobacco product manufacturers, together with those Brands and/or Brand Families of the respective manufacturers which have been certified by the Attorney General as being fully compliant with the law. The directory will be available on line at the Attorney General's website. **Only those Brands and Brand Families listed in the directory are legally allowed to be offered for sale, possessed for sale, sold, or stamped for sale in Montana.** Any licensed wholesaler who sells, possesses for sale, stamps for sale or offers for sale in Montana a Brand which is not listed on the directory will be subject to those penalties detailed in 2003 Mont. Laws Ch. 397. These penalties, which can be cumulative, include:

- 1) license suspension;
- 2) license revocation;
- 3) civil penalty of \$250 for the first full or partial pack and \$10 per pack for each additional full or partial pack to which a tax insignia is affixed or is sold or offered for sale;
- 4) seizure, forfeiture, and destruction of contraband products;
- 5) injunction on the sale of contraband products;
- 6) misdemeanor criminal penalty of a fine of not more than \$100, imprisonment for not more than 6 months, or both;

- 7) prosecution for engaging in unfair and deceptive trade practices; and
- 8) reward of costs of investigation, expert witness fees, costs of the action and reasonable attorney fees; and surrender of any profit, gain, or benefit from any violation.

Each stamp affixed to and each offer to sell cigarettes not listed on the directory shall constitute a *separate* violation.

2003 Mont. Laws Ch. 397 requires you to provide this office with your current address and email address, and advise us if it changes. Please complete the attached form and return it to the Attorney General's Office by May 5, 2003.

The new law also requires licensed wholesalers to report certain information to the Attorney General. This office will provide you with the reporting forms and instructions for their use prior to the due date of the first report, August 15, 2003. Until that time, please continue to file the monthly "Master Settlement Reporting Form Non-Participating Manufacturers" with the Department of Revenue.

We strongly advise that you read the new law to determine how it will affect your business.

If you have any questions, please direct them to: Kelly O'Sullivan, Assistant Attorney General at the above address or (406) 444-2026 phone, or (406) 444-3549 fax.

On release of the directory, it will be posted on the Attorney General's website, along with required forms, at:

<http://www.doj.state.mt.us/safety/tobaccosettlement.asp>

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**State of Montana
Wholesaler Address Reporting Form**

Due May 5, 2003

Return to:

Ms. Elana Icenogge
Attorney General's Office
P.O. Box 201440
Helena, MT 59620-1440
Fax number (406) 444-4303
eicenogge@state.mt.us

LICENSED MONTANA WHOLESALER INFORMATION:

Company: _____

Address: _____

City, State, Zip Code: _____

Phone: _____ Fax: _____

Email: _____

Name/Title of Contact Person: _____