

This document is for guidance purposes only.

WHEN TO CONTACT THE DEPT. OF REVENUE OVER TOBACCO/VAPE ISSUES

Amended 4/12/22

Some things to know:

- Tobacco/vape vendors are required to maintain invoices of their purchases from wholesalers/manufacturers to prove they have paid their state excise taxes;
- All vape products are taxed at the state level, including non-nicotine products;
- Cigarettes have an excise tax stamp on the bottom of the package. Cigars, loose tobacco, spit tobacco, and vape products are also subject to excise taxes of varying amounts. These products do not have a stamp or any other way to identify that the appropriate excise tax has been paid;
- All tobacco/vape products are subject to the state's sales tax and paid by the consumer at the time the consumer purchases them.

When to contact DOR:

- Report if there are any untaxed or out-of-state taxed cigarettes, regardless of whether or not they are menthol (which is also prohibited), and you find at least 100 individual packs of cigarettes;
- It is nearly impossible for a retailer to have a product (menthol tobacco, flavored vapes in non-age restricted or adult-only retail tobacco stores) that can be obtained legally.
- Report if you find more than 100 cans/tins of smokeless tobacco, more than 200 units of cigars, and/or more than 2000 units of vape products.
- Report if you have an establishment claiming it is a Smoking Bar but cannot produce a valid Smoking Bar License from DOR.

What the DOR is likely to do if they observe a violation:

- DOR can confiscate untaxed products. They will give the retailer a receipt and inventory the products when they are back in the DOR office. They will not confiscate properly taxed products that are in violation of the state's flavored tobacco/vape product sales restriction law.
- Boards of Health should not confiscate, but can instruct the retailer to package up the products. It is good procedure to then tape the box and have the enforcement agent and retailer sign their name and date across the tape in order to know if the box has been subsequently opened.

Steps in contacting DOR:

You enter an establishment for inspection and find unstamped cigarettes and/ or cigars that you suspect are also untaxed:

- Ask the retailer to remove the flavored products from the premises or secure it in boxes for them.
- Complete the DOR form and email to ITTF@dor.state.ma.us
- No need to contact DOR immediately, the form will be triaged to either the Criminal Investigations Bureau or the Miscellaneous Tax Unit for follow up.
- The ITTF form is located online at [DOR Illegal Tobacco Task Force at Mass.gov](https://www.mass.gov/info-details/dor-illegal-tobacco-task-force).

If you enter an establishment and encounter an unusually large amount of untaxed and suspicious product:

- Email your finding to ITTF@dor.state.ma.us and report what you see and provide a cell phone number for someone to call you back. Someone from the CIB or MTU will contact you shortly and provide guidance as to what to do next.
1. A note on cigarette minimum price:

It is advisable to share the DOR contact information with a retailer who is complaining about another retailer selling cigarettes too inexpensively. Massachusetts has minimum pricing on cigarettes and DOR does the enforcement on this.