

ST 18-0028-GIL 11/19/2018 CIGARETTE TAX ACT

This letter addresses the sale of unstamped cigarettes to out-of-State distributors. See 86 Ill. Adm. Code 440.170. (This is a GIL.)

November 19, 2018

Dear Xxxxx:

This letter is in response to your letter, in which you requested information. The Department issues two types of letter rulings. Private Letter Rulings (“PLRs”) are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. A PLR is binding on the Department, but only as to the taxpayer who is the subject of the request for ruling and only to the extent the facts recited in the PLR are correct and complete. Persons seeking PLRs must comply with the procedures for PLRs found in the Department’s regulations at 2 Ill. Adm. Code 1200.110. The purpose of a General Information Letter (“GIL”) is to direct taxpayers to Department regulations or other sources of information regarding the topic about which they have inquired. A GIL is not a statement of Department policy and is not binding on the Department. See 2 Ill. Adm. Code 1200.120. You may access our website at www.tax.illinois.gov to review regulations, letter rulings and other types of information relevant to your inquiry.

The nature of your inquiry and the information you have provided require that we respond with a GIL. In your letter you have stated and made inquiry as follows:

COMPANY, located in CITY, IL, is a wholesaler and holds Cigarette Tax License ### and Tobacco Products license ###. COMPANY has an opportunity to sell unstamped cigarettes and tobacco product to a Missouri licensed distributor.

Il have been advised by our IL Dept. of Revenue – Alcohol & Tobacco Processing Section to request a “Private Letter Ruling” regarding this matter. Can you help me?

I look forward to hearing from you at your earliest convenience as our potential customer is considering purchasing product from COMPANY in the very near future.

DEPARTMENT’S RESPONSE:

The regulation that addresses the sale of unstamped cigarettes to out-of-State distributors can be found at 86 Ill. Adm. Code 440.170. The regulation that addresses exempt sales of tobacco products to out-of-State purchasers can be found at 86 Ill. Adm. Code 660.30. These regulations can be found on the Department’s website.

I hope this information is helpful. If you have further questions related to the Illinois sales tax laws, please visit our website at www.tax.illinois.gov or contact the Department's Taxpayer Information Division at (217) 782-3336.

Very truly yours,

Richard S. Wolters
Chairman, Private Letter Ruling Committee

RSW:bkl