



Special Notice

STATE BOARD OF EQUALIZATION

450 N STREET
SACRAMENTO, CA 95814

BOARD MEMBERS

BETTY T. YEE
First District
San Francisco

SEN. GEORGE RUNNER (RET.)
Second District
Lancaster

MICHELLE STEEL
Third District
Rolling Hills Estates

JEROME E. HORTON
Fourth District
Los Angeles

JOHN CHIANG
State Controller

INTERIM
EXECUTIVE DIRECTOR
KRISTINE CAZADD

BOE WEBSITE AND
BOARD MEMBER CONTACT
INFORMATION
www.boe.ca.gov

TAXPAYER INFORMATION
SECTION
800-400-7115
TTY
711



New Licensing Requirement for California Cigarette and Tobacco Products Manufacturers and Importers

On September 24, 2010, Assembly Bill (AB) 2496 (Chapter 265, Statutes 2010), was enacted. Effective January 1, 2011, AB 2496 enhances the Cigarette and Tobacco Products Licensing Act (Licensing Act) by requiring manufacturers and importers to comply with specific requirements to obtain and maintain a license. AB 2496 also imposes additional requirements for the purpose of enforcement of the Master Settlement Agreement and the Tobacco Directory Law.

Specifically, Business and Professions Code section 22979(a)(4) requires an applicant to waive any sovereign immunity defense that may apply to any enforcement action brought by the California Attorney General (AG) or the California State Board of Equalization (BOE) to enforce the Licensing Act, Master Settlement Agreement, and the Cigarette and Tobacco Products Tax Law. In lieu of such a waiver, the applicant may file a surety bond with the AG for a specified amount.

Before your license for calendar year 2012 can be processed, you must complete and file the applicable waiver of sovereign immunity form with the AG.

- **Form JUS-TOB9, Waiver of Tribal Sovereign Immunity by Native American Tribe.** All manufacturers and importers asserting a tribal sovereign immunity defense shall complete this form.
- **Form JUS-TOB10, Waiver of Sovereign Immunity by Government-Owned Tobacco Company.** All manufacturers located outside of the United States and all manufacturers and all importers that are owned in any part by a state, federal, or any other foreign or domestic governmental organization shall complete this form.
- **Form JUS-TOB11, Standard Waiver of Sovereign Immunity by Tobacco Company.** All other manufacturers and all other importers not described above shall complete this form.

If you choose not to waive sovereign immunity, you must file a surety bond and complete form **JUS-TOB14, California Tobacco Manufacturer and Importer Surety Bond**, with the AG's Office.

To download these forms, visit the AG's website at: <http://ag.ca.gov/tobacco/directory/forms.php>.

To allow time to process the renewal of your license, please submit a copy of your completed waiver or applicable form along with the renewal application to State Board of Equalization, Special Taxes and Fees Division, MIC:88, P.O. Box 942879, Sacramento, California, 94279-0088 on or before November 1, 2011.

If you have questions about this requirement or about the cigarette or tobacco products tax, please visit our website at www.boe.ca.gov. You may also call the Taxpayer Information Section at 800-400-7115 (TTY:711); from the main menu, select the option, *Special Taxes and Fees*. Assistance is available weekdays from 8:00 a.m. to 5:00 p.m. (Pacific time), except state holidays. The AG can be reached online at www.oag.ca.gov/tobacco, or by phone at 916-565-6486.