



Ohio Administrative Code

Rule 5703-15-17 Storage of unstamped cigarettes by dealer.

Effective: April 14, 2024

(A) As used in this rule:

(1) "Dealer" means the holder of a current valid wholesale cigarette dealer's license issued pursuant to section 5743.15 of the Revised Code and who is authorized to purchase cigarette tax indicia from the department of taxation.

(2) "Unstamped cigarettes" means packages of cigarettes, to which Ohio cigarette tax indicia have not been applied and upon which the Ohio cigarette tax has not been paid.

(3) "Place of business" means the location where the dealer applies tax indicia to cigarettes, as referenced on his license.

(4) "Public warehouse" means a place operated by a person in the business of storing goods for others for consideration.

(5) "Warehouseman" means the individual, partnership, corporation, or other person that controls and operates a public warehouse.

(B) Except as provided in this rule, no dealer shall store unstamped cigarettes at any place other than their place of business.

(C) A dealer may store unopened cases of unstamped cigarettes at the same public warehouse where the manufacturer of the cigarettes, from whom the dealer purchased them, stored the cigarettes immediately prior to such purchase. The dealer may store unopened cases of unstamped cigarettes at any other public warehouse only after approval of the department of taxation.

(D) Within forty-eight hours of the purchase from the manufacturer, the dealer has a duty to notify the department of taxation, in writing, that they are storing unstamped cigarettes at a public



warehouse and include the name and location of the warehouse and the quantity of cigarettes purchased.

(E) Any cigarettes owned by the dealer and stored at a place other than their place of business are considered part of the dealer's inventory for purposes of Chapter 5743. of the Revised Code and Chapter 5703-15 of the Administrative Code.

(F) Except as provided in 5703-15-22, regulated common carrier is the only method available to transport unstamped cigarettes between warehouses, or between a warehouse and a dealer's place of business.

(G) Except as provided in 5703-15-22, a dealer shall not transfer title of unstamped cigarettes to any person in this state except the cigarette manufacturer from whom they were purchased, or transfer possession of such unstamped cigarettes to any person other than a warehouseman or regulated common carrier.

(H) A warehouseman or other person who acquires an interest in unstamped cigarettes through lien or judgment may only sell such cigarettes to a dealer or cigarette manufacturer, and then, only after prior approval of the department of taxation.

(I) Any violation of this rule constitutes cause for revocation of the dealer's wholesale license by the tax commissioner.