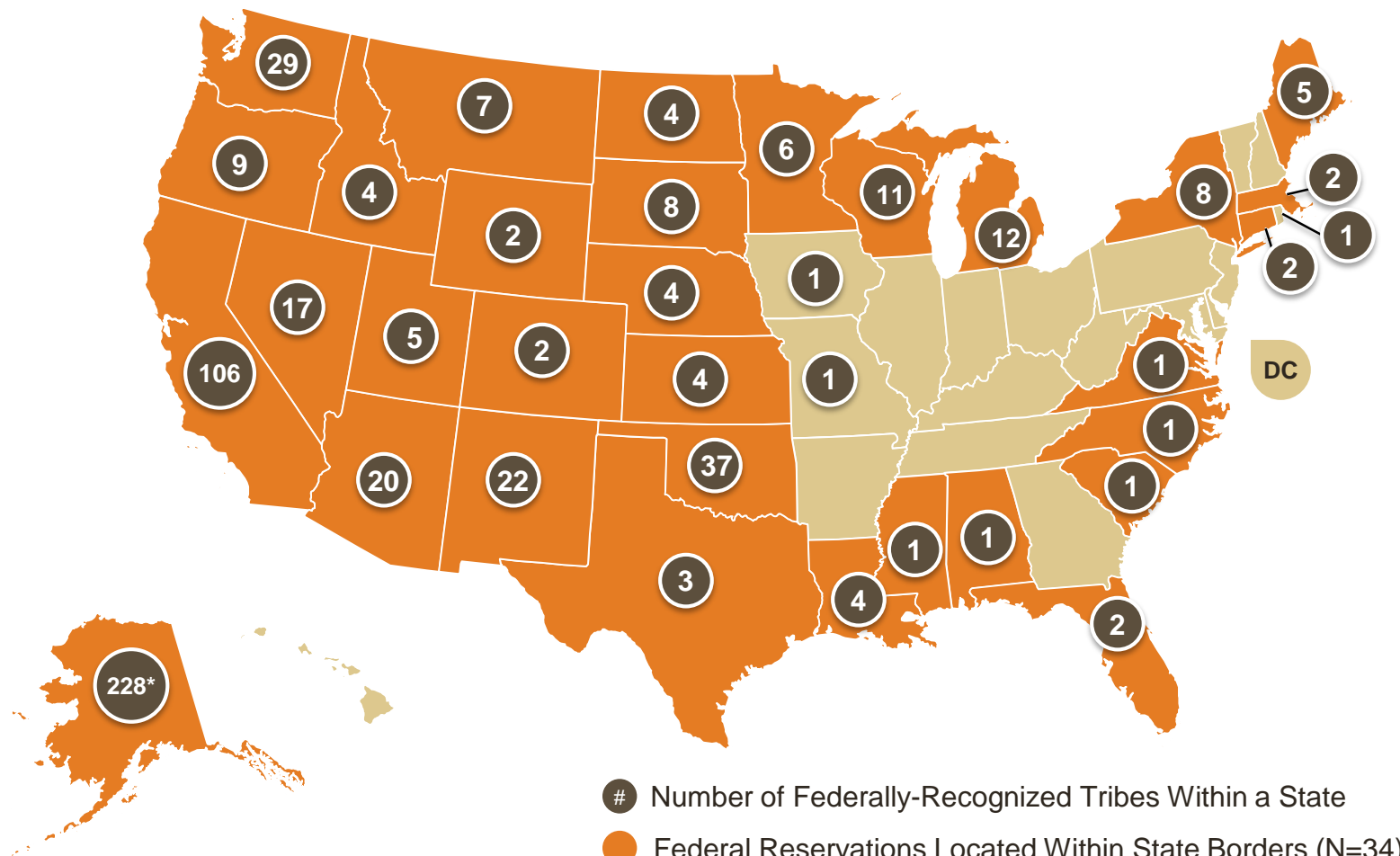


Figure 1: Indian Reservations and Tribes in the United States, 2015



* Only one of Alaska's many tribes occupies Federal reservation land.

- # Number of Federally-Recognized Tribes Within a State
- Orange Federal Reservations Located Within State Borders (N=34)
- Light Green N/A – No Reservation Within State Borders (N=17)

Source: This information was compiled from information from the Bureau of Indian Affairs.

Figure 2: Sample Formula for Tax-Exempt Cigarette Allotment

**Probable Demand Per
Reservation (Annual)**

Average Annual
U.S. Cigarette
Consumption
(Per Capita)

X

of
Qualified
Indians on
Reservation

+

Amount
Required For
Official Tribal
Use

Figure 3: Overview of State Tribal Tobacco Sales Laws, 2015

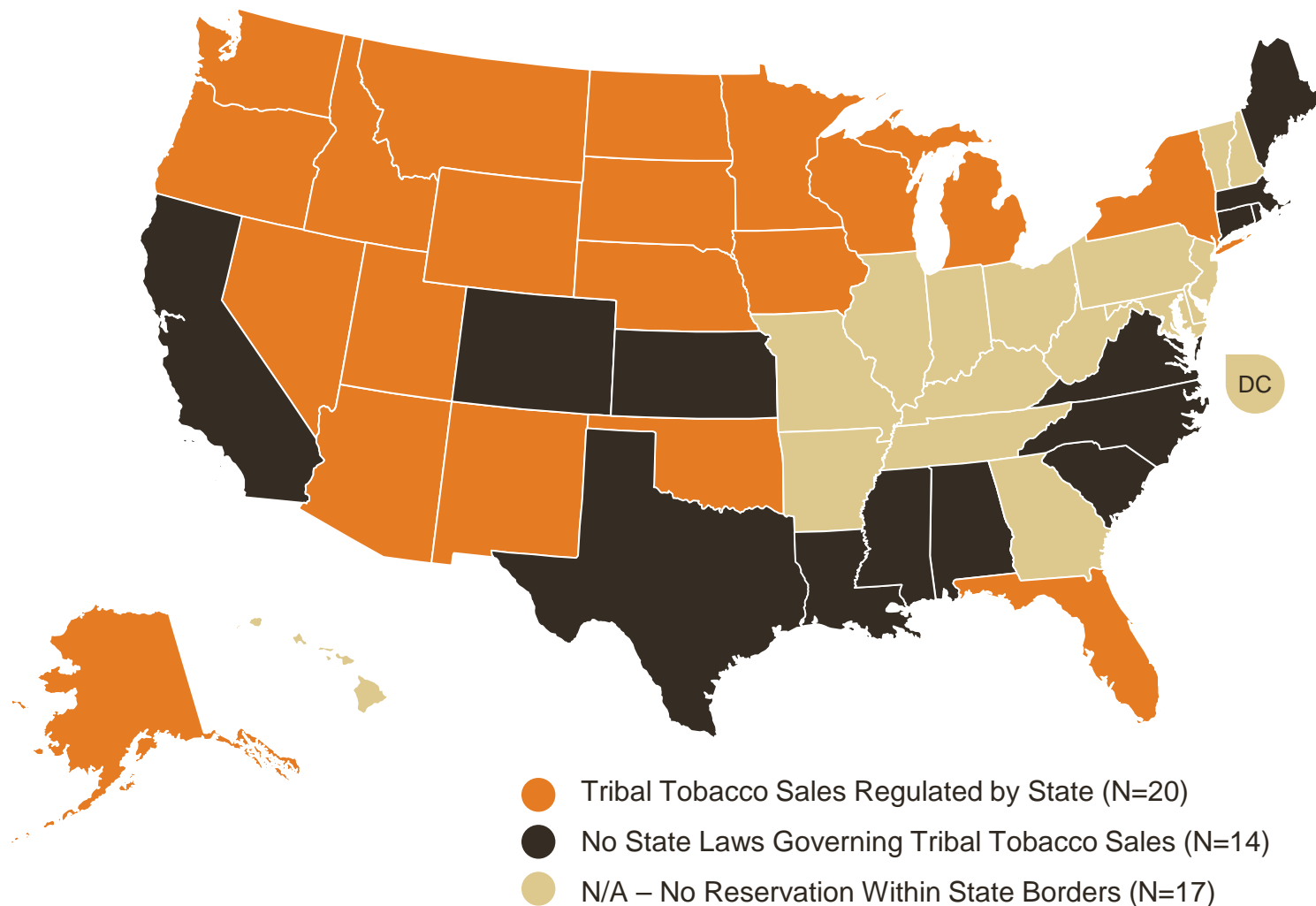


Figure 5: Changing Use of State-Tribal Compacts, 2005 vs 2015

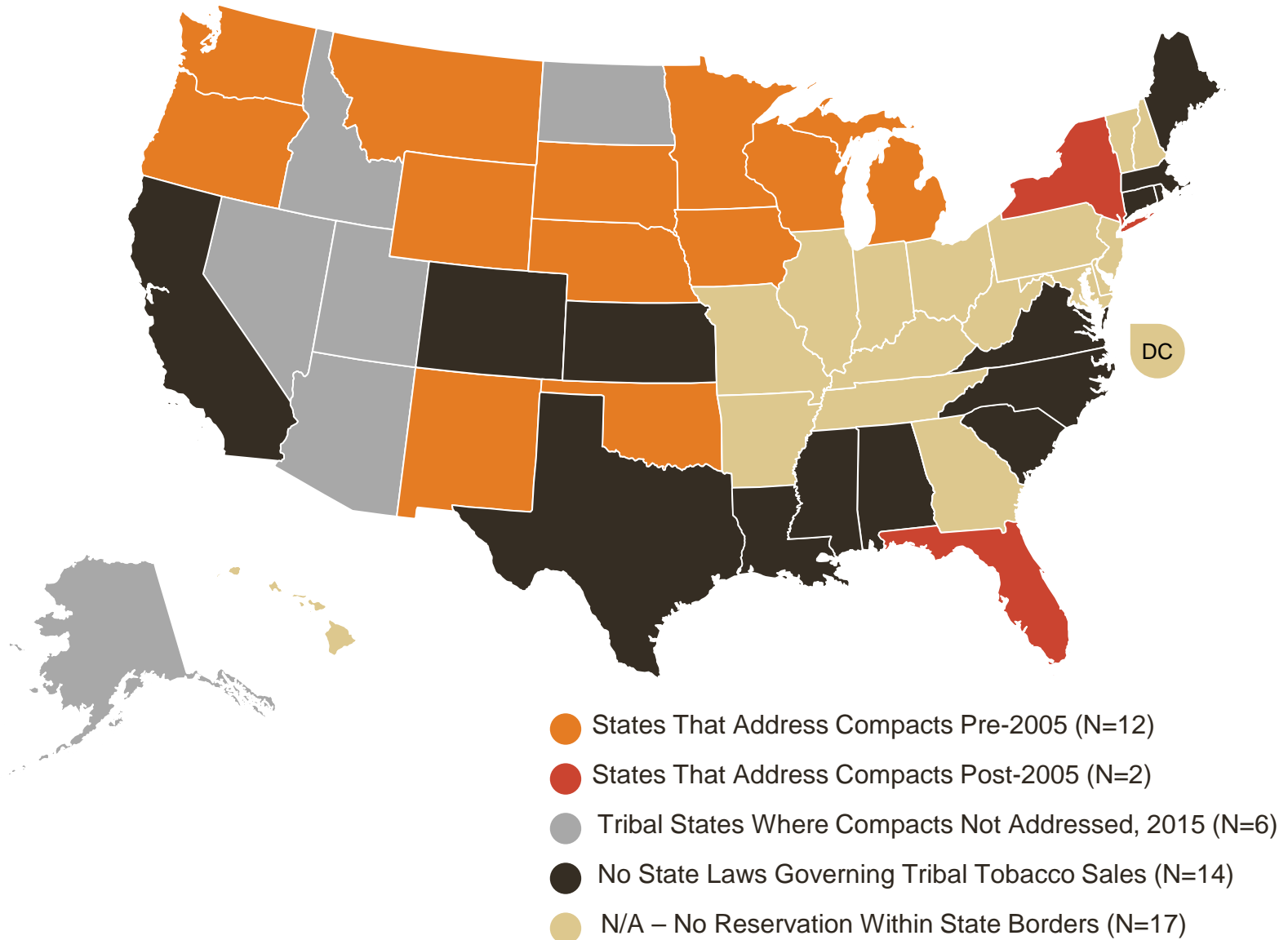
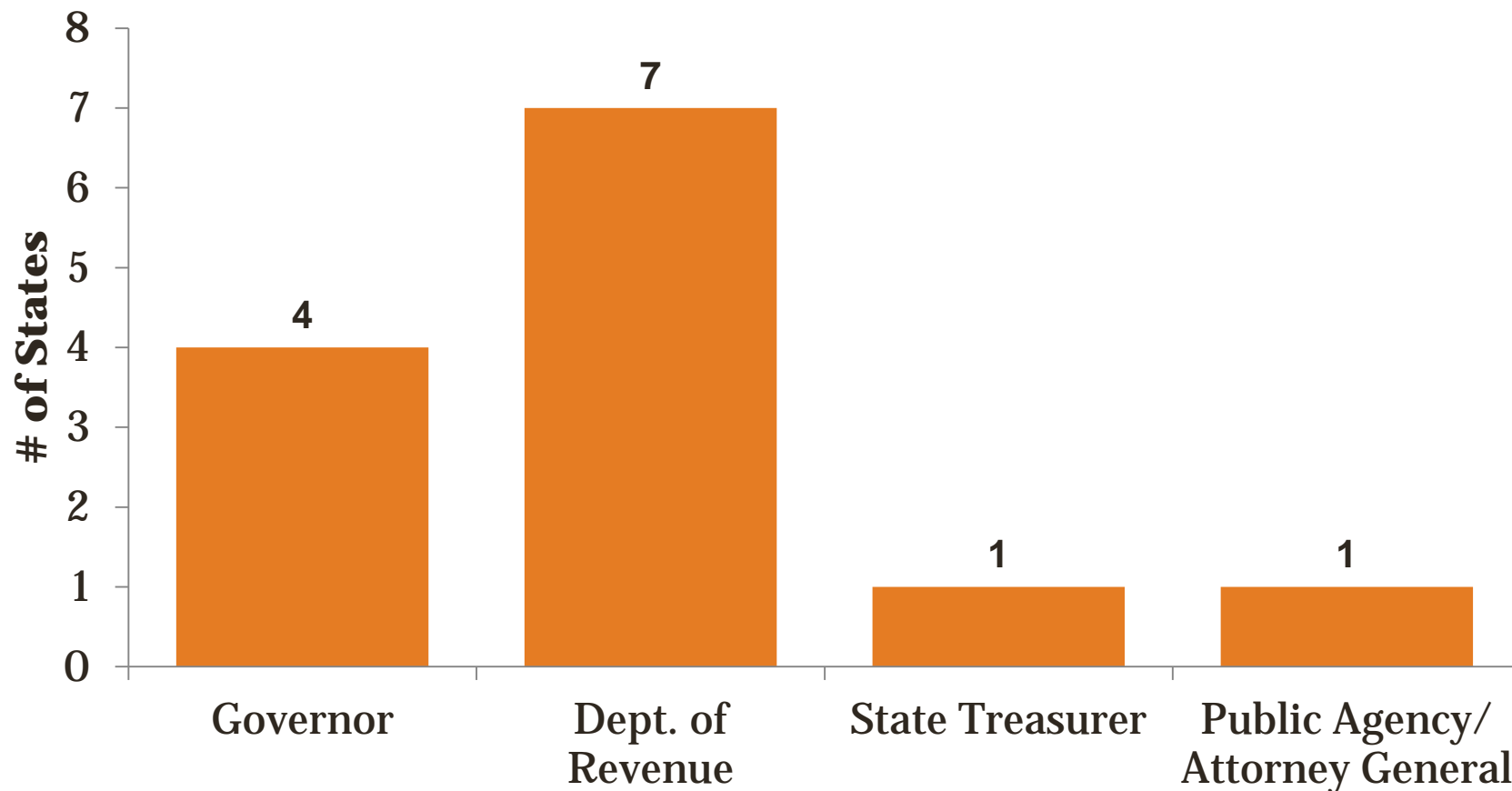


Figure 6: State Parties Authorized to Enter State-Tribal Compacts (N=10), 2015



Data are not mutually exclusive.

Table 1: Compact States with Suggested or Required Compact Provisions, 2015

Compact Provision Types									
State	Revenue Collection/ Sharing	Enforcement	Duration/ Renewal Period (yrs)	Distribution of Funds	Tax Stamps	Record-keeping	Tax Rate	Waiver of Sovereign Immunity	Refund Amnt.
FL	✓								
IA†	✓			✓					
MI	✓	✓	Regular (2)					✓	
MN	✓								✓
MT†	✓		N/S	✓					
NE	✓	✓	N/S	✓	✓			✓	
NM†	✓	✓							
NY	<i>Utilizes compacts, but does not suggest or require compact provisions within its codified laws.</i>								
OK	✓	✓			✓	✓	✓		
OR		✓							
SD	✓		Regular (5)						
WA*	✓	✓	Regular (8)	✓	✓	✓	✓		
WI									✓
WY	✓		Regular (1)			✓			
Total	11	6	6	4	3	3	2	2	2

Source: DeLong et al., Common State Mechanisms Regulating Tribal Tobacco Taxation and Sales, United States—2015. July 2016.

Notes:

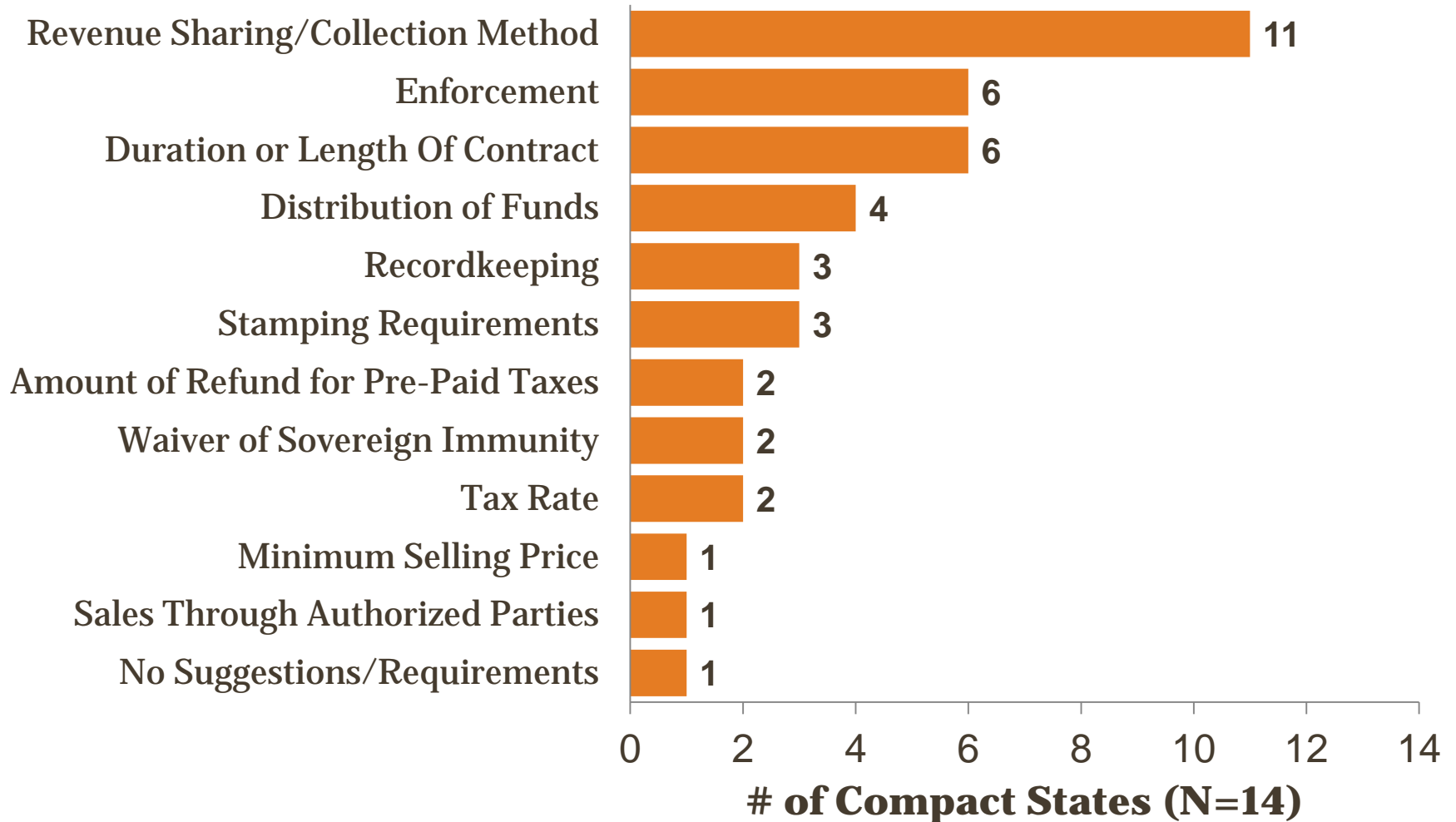
† Codified tribal compact framework not limited to tobacco sales.

“Regular” – The duration or renewal period of compacts occurs on an established, regular basis.

“N/S” – The state addresses the need for an established duration or renewal period, but does not specify what that should be.

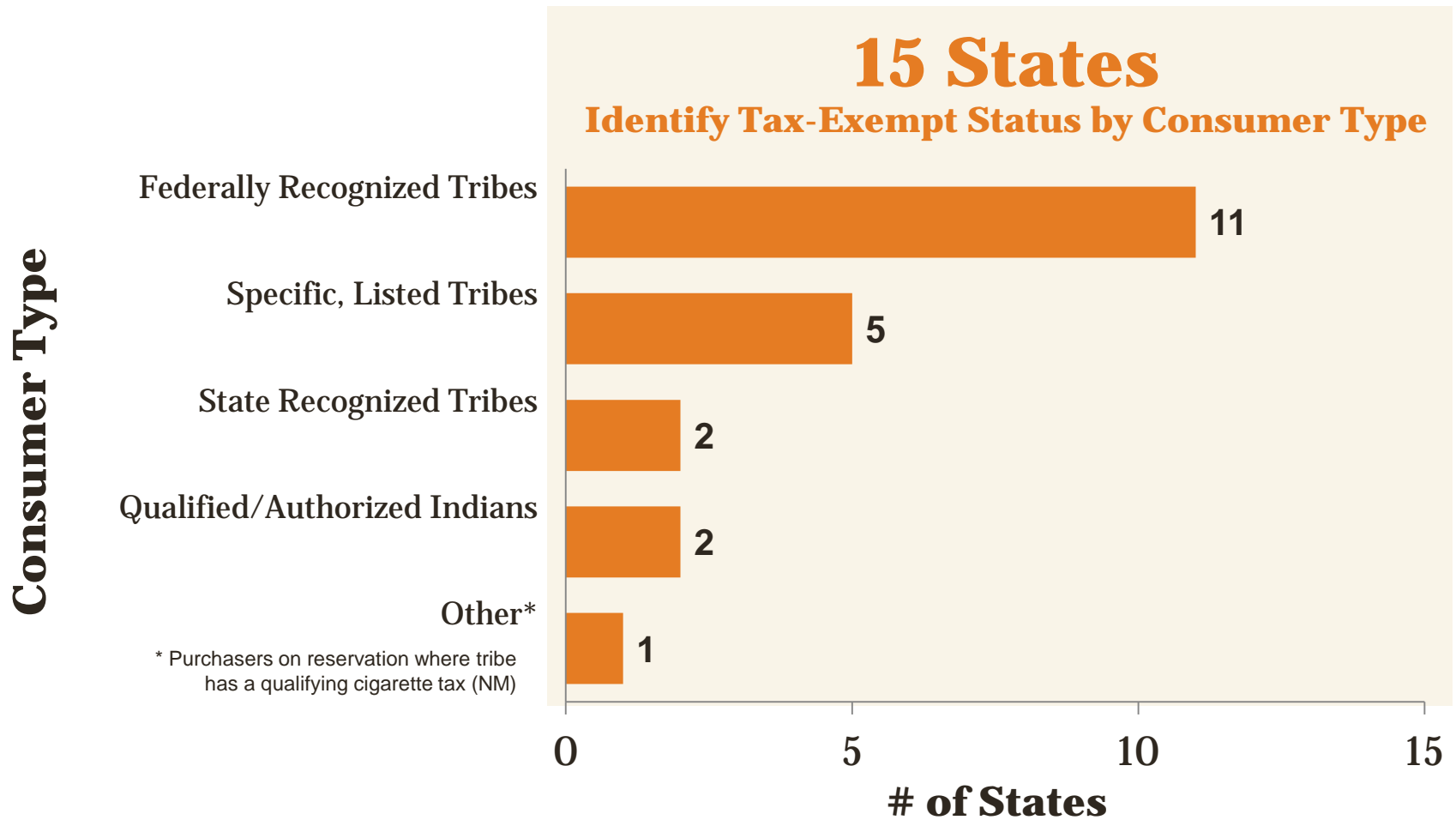
*Washington is the only state that explicitly requires two additional provisions; 1) that purchases must be made from licensed or authorized parties; and 2) that cigarettes sold on-reservation must apply a form of minimum selling price (a tribal tax equal to 100% of the state excise tax after a phase-in period must be applied to all purchases).

Figure 7: Compact Provisions Suggested or Required by Law, 2015



Data are not mutually exclusive.

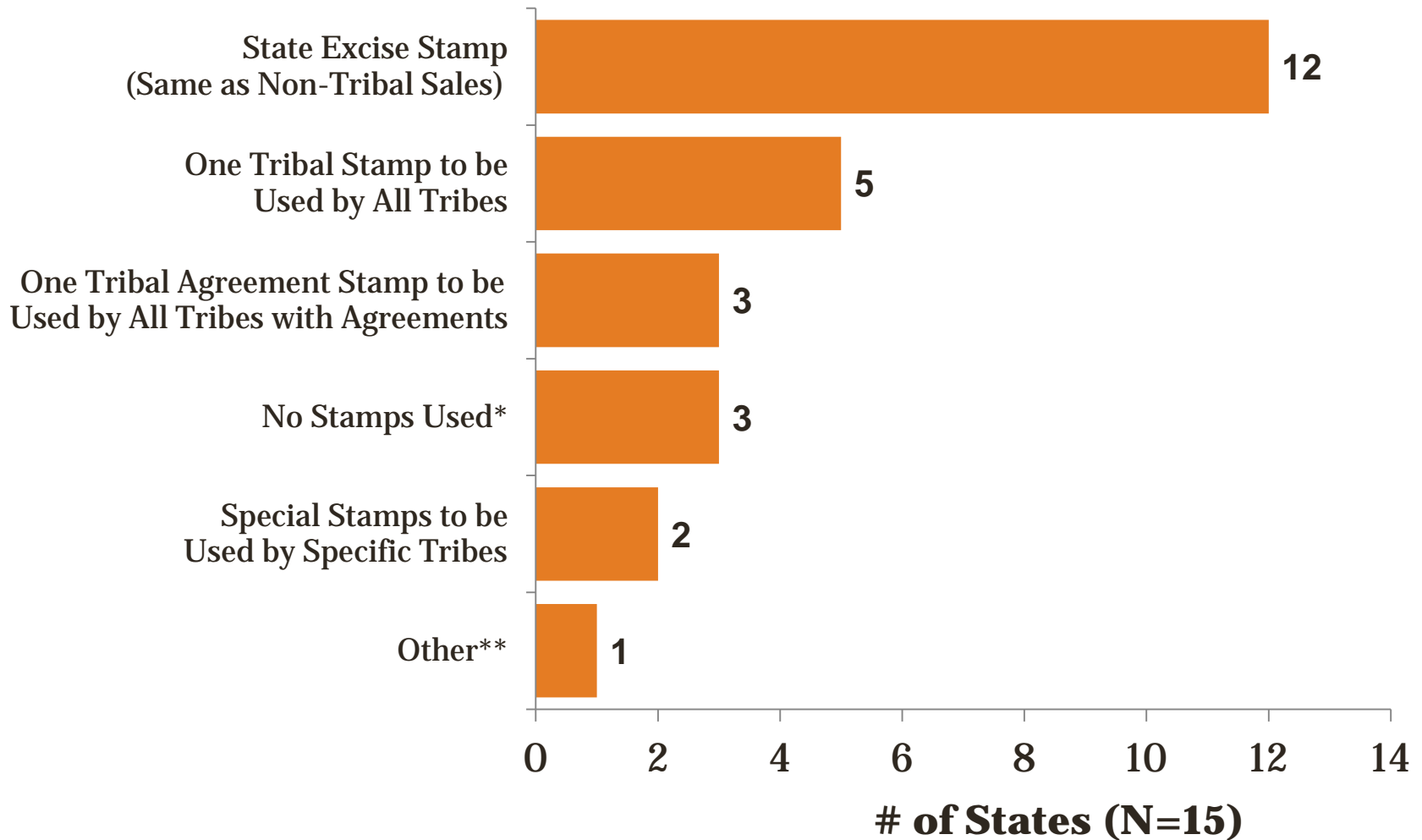
Figure 8: Types of State Excise Tax-Exempt Tribes, 2015



* Purchasers on reservation where tribe has a qualifying cigarette tax (NM)

Data are not mutually exclusive.

Figure 9: Types of Stamps Used for Tribal Tobacco Sales, 2015



* North Dakota does not use tax stamps for any tobacco products.

** Other: Tax-free reservation stamp

Data are not mutually exclusive.

Table 2: Quota Formulations in Select States, 2015

State	Statutory Formula/Definition
Arizona	“On the basis of tribal membership, each tribe has been allocated a maximum number of tax-exempt cigarettes that retailers can sell annually on a reservation to enrolled members of the tribe.” (Source: Tobacco Tax, Arizona Department of Revenue Pub 541, September 2012)
Florida	The annual total number of Indian-tax-and-surcharge-exemption coupons to be given to the recognized governing body of each Indian tribe shall be calculated by multiplying the number of members of the tribe times five packs of cigarettes times 365.” (Source: F.S.A. § 210. 1801)
Minnesota	“The amount of unstamped or untaxed stock that wholesalers may deliver to an Indian reservation is limited to amounts necessary to meet the personal consumption needs of qualified purchasers.” (Source: M.S.A. § 297F.07)
Montana	“‘Quota’ means 150% of the national average individual consumption of cigarettes multiplied by the enrolled tribal member population of an Indian reservation on which the cigarette sales are made or any other formula or amount agreed to in a state-tribal cooperative agreement.” (Source: MCA 16-11-155)
New York	“The amount of Indian tax exemption coupons [...] shall be based upon the probable demand of the qualified Indians on such nation's or tribe's qualified reservation plus the amount needed for official nation or tribal use. Probable demand shall be determined by [...] the United States average cigarette consumption per capita [...] multiplied by the number of qualified Indians for each such affected Indian nation or tribe.” (Source: NY TAX § 471-e)
Oklahoma	“The probable demand [...] shall be determined by the Tax Commission by ascertaining the total membership in Oklahoma of the tribe [...] and multiplying that number by the percentage of smokers in Oklahoma or in the United States, whichever is greater [...] The product of that calculation shall be multiplied by the average yearly consumption of cigarettes by smokers in Oklahoma or the United States, whichever is greater...” (Source: 68 Okl.St. Ann. § 349.1)

Figure 10: Limits on Amount of Tax-Exempt Tobacco Tribes May Receive, 2015 (N=20)

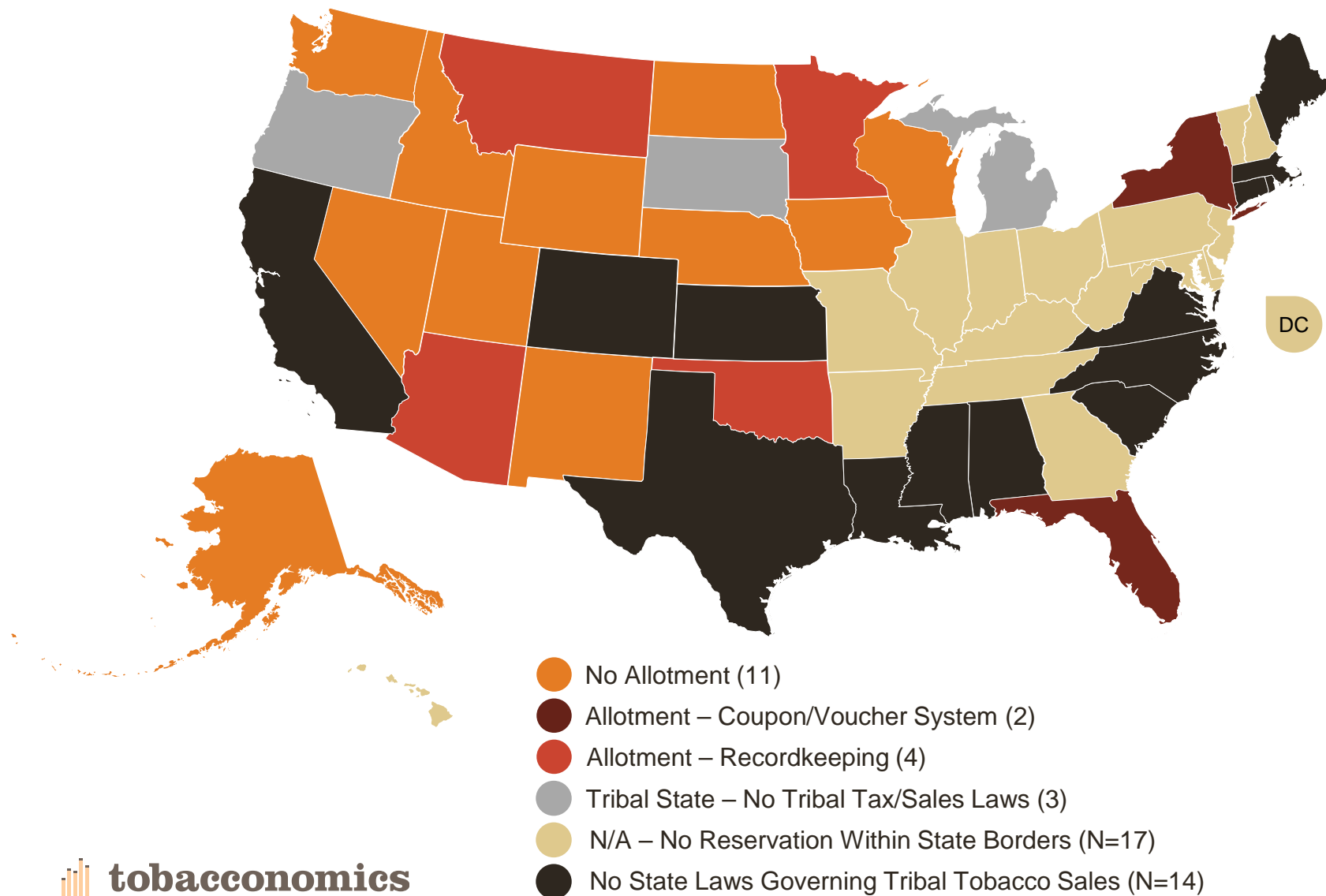


Figure 11: Change in Pre-Payment of Excise Tax in States with Tribal Tobacco Sales Laws, 2005-2015 (N=17)

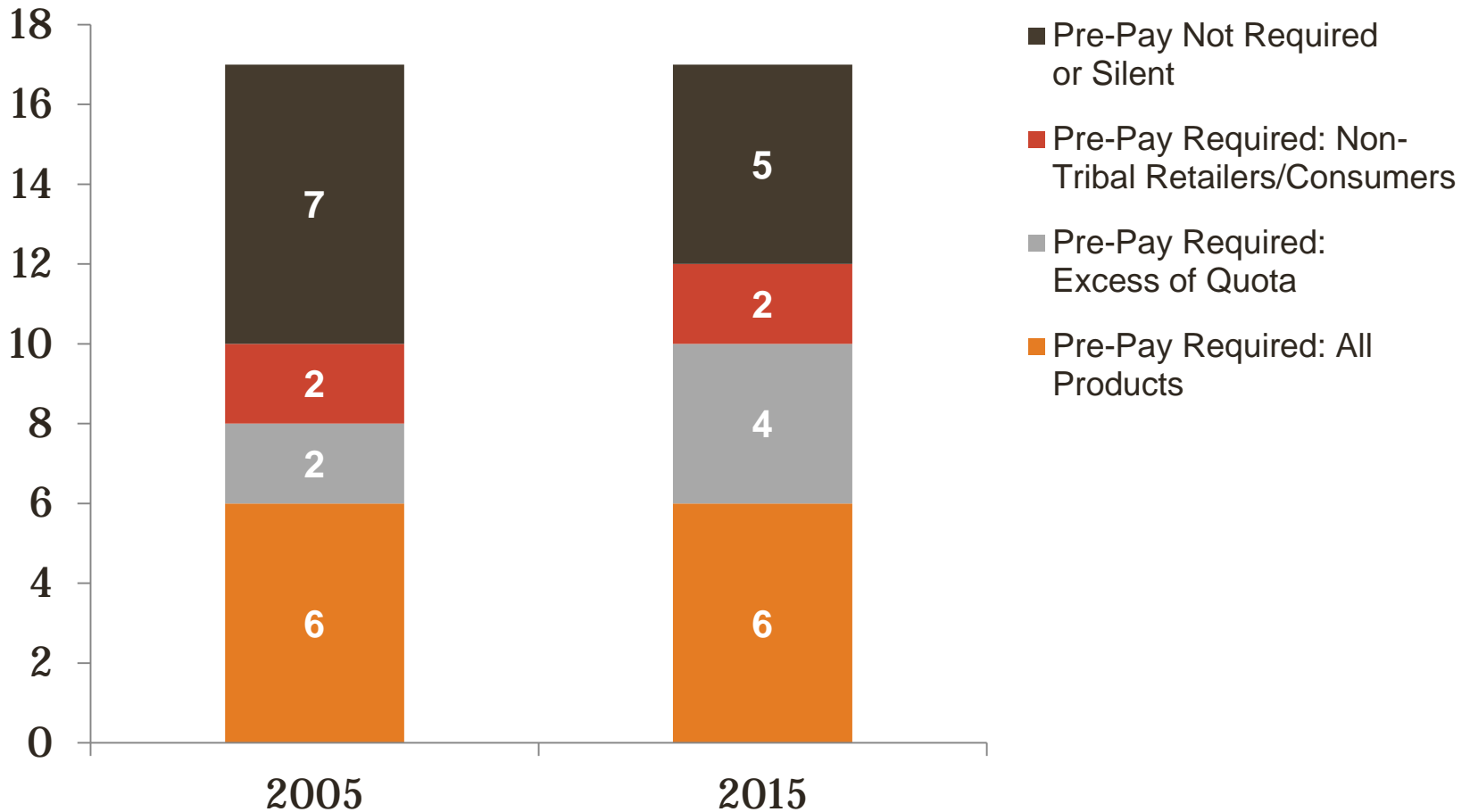
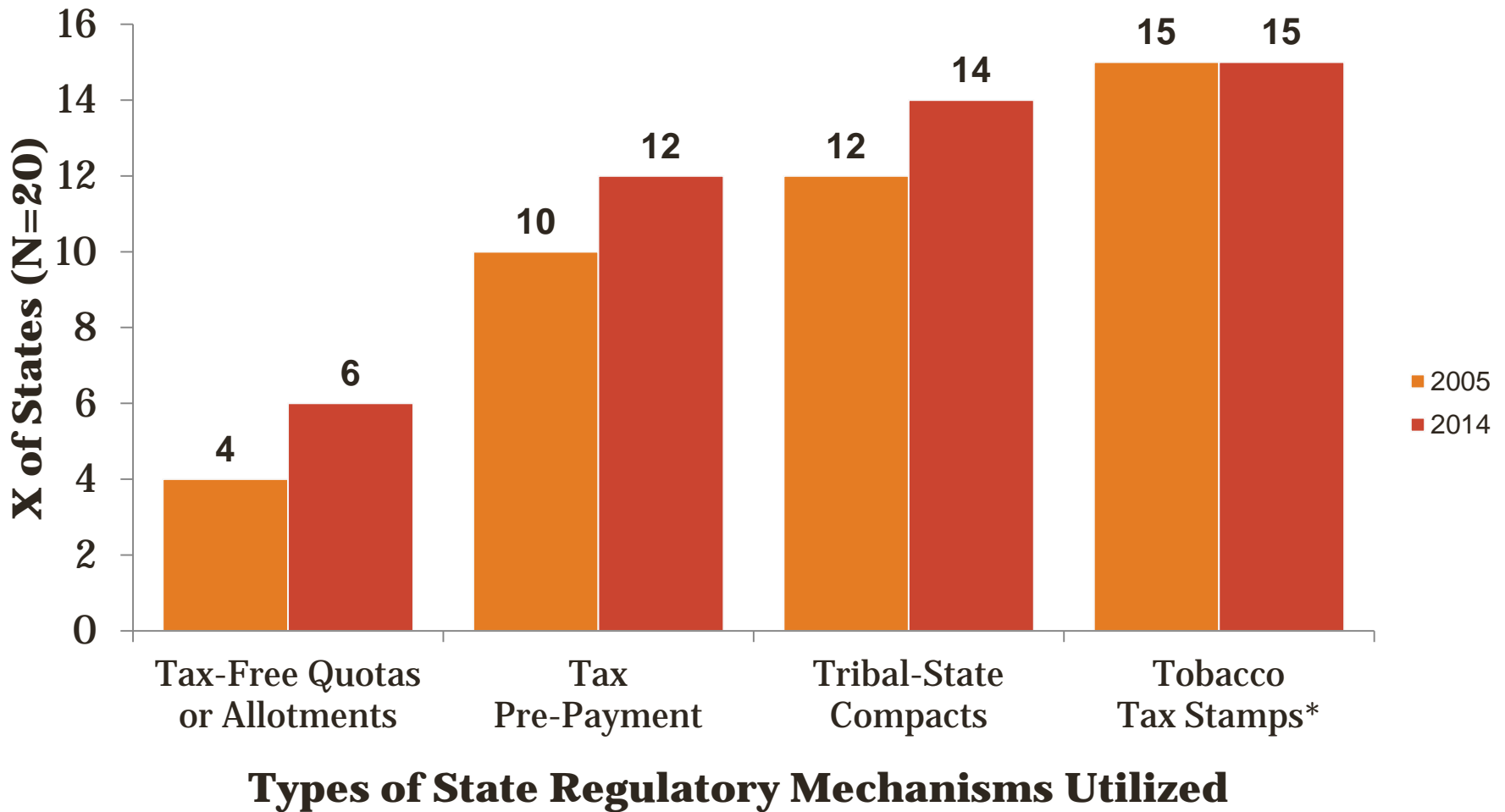


Figure 12: State Regulatory Mechanisms for Tribal Sales, 2005 vs. 2014

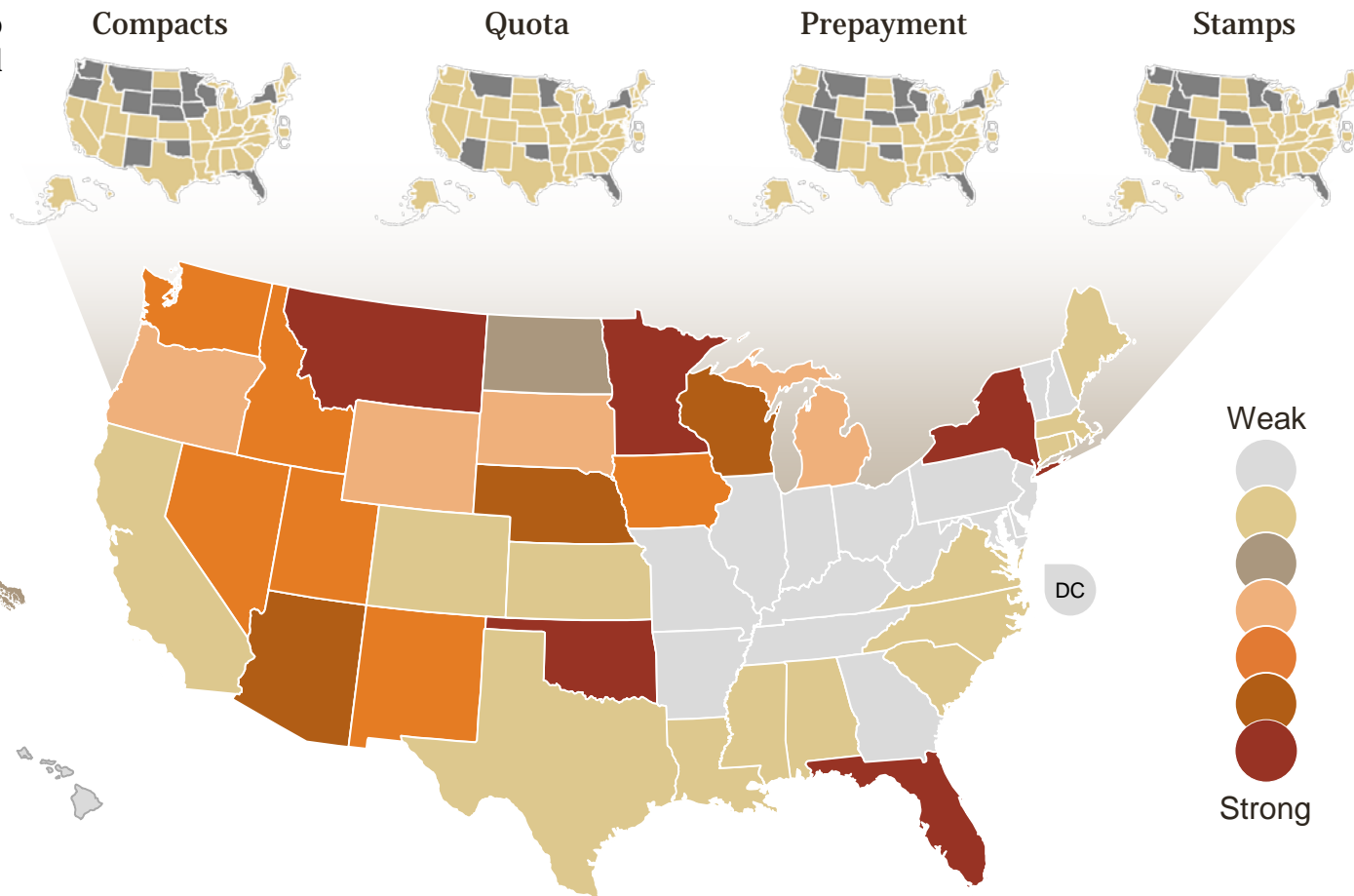


Includes states (2) that explicitly prohibit stamps on some/all tribal sales, but explicitly use stamps for sales made off of tribal land

Figure 13: Common State-Level Tribal Tobacco Taxation Strategies – National Overview, 2015

To create the map below, we evaluated four areas of law:

● State utilizes regulatory strategy



Weak
 ●
 ●
 ●
 ●
 ●
 ●
 Strong

- No Federal Tribal Lands (N=17)
- Non-Tribal Law State (N=14)
- No Strategies Employed (N=2)
- One Strategy Employed (N=4)
- Two Strategies Employed (N=6)
- Three Strategies Employed (N=3)
- Four Strategies Employed (N=5)