

Requirements for Non-Participating Manufacturer to be included in the Illinois Directory of Compliant NPMs



The Illinois Directory of Compliant NPMs is provided on a quarterly basis (or upon request) to all distributors who are licensed to stamp tobacco products for Illinois sale. The Statutes, Rules, Manufacturer forms, and Directories are available on our agency website, www.IllinoisAttorneyGeneral.gov (click on Tobacco on bottom banner).

Submit Certification Documents to: Illinois Attorney General
Tobacco Enforcement Bureau
500 South Second Street
Springfield IL 62706
Phone: (217) 785-8541 / Fax: (217) 524-4701

The following documentation is required:

- State of Illinois Certification of Non-Participating Manufacturer (**NPM-1**)
- Certification of Appointment of Agent for Service of Process (**NPM-2**)
- Certification of Additional Information (**NPM-3**)
- Non-Participating Manufacturer's Sales Information (**NPM-S**)

Certification Requirements Include:

- Certify that it is a Non-Participating Manufacturer in full compliance with the Escrow Act and the Escrow Enforcement Act of 2003 as well as any regulations and quarterly payments.
- Provide a complete list of its brand families which are to be deemed to be its cigarettes (including RYO product) for purposes of Section 15 of the Escrow Act.
- List the brand families of cigarettes and the number of units sold in Illinois during the preceding calendar year.
- List the brand families of cigarettes and the number of units sold in Illinois in the current calendar year.
- Provide manufacturer name, address and list of brand styles made by other manufacturer(s) if it does not manufacture all brand styles that it is certifying.
- Indicate by an * any brand family sold in Illinois during the preceding calendar year that is no longer being sold in Illinois as of the date of the certification.
- Identify the name and address of any other manufacturer of the brand families in the preceding calendar year.
- Certify that it is registered to do business in Illinois or has appointed a resident agent for service of process.
- Provide the name, address, phone number, company name, hours of availability and proof of appointment for the agent appointed for service of process.
- Certify that it has established, and continues to maintain, a fully funded, qualified escrow account, pursuant to Section 15 of the Escrow Act.

- Certify that it has an escrow agreement that has been reviewed and approved by the Attorney General.
- Provide the name, address and telephone number of the financial institution where it has established a qualified escrow fund.
- Provide the account number and sub-account numbers for Illinois.
- Provide the amount it deposited in the escrow fund for cigarettes sold in Illinois during the preceding calendar year, including the dates of each deposit.
- Certify the date and amount of any deposit, withdrawal or transfer from any account containing funds held for the benefit of the State of Illinois.
- Provide original packaging for one style which is representative of each brand family certified.
- Provide additional information requested by the Attorney General by completing the Certification of Additional Information (NPM-3) and responding to any request for additional information.

Information That Must be Supplemented

- File a supplemental certification to update list of brand families at least 30 days prior to any addition to or modification of its brand families.
- Provide at least 30 calendar days notice to the Attorney General prior to terminating authority of agent for service of process.
- Provide at least 5 days notice of the appointment of a new agent prior to termination of existing agent.
- If an agent terminates the appointment, the NPM must notify the Attorney General within 5 days of the termination and must include proof of appointment of a new agent.

Newly-Listed Manufacturers

- File Quarterly Affidavit of Non-Participating Manufacturer Regarding Escrow Payment (**NPM-Q**) and pay quarterly into escrow for the first four quarters after their initial addition to the Directory.
- Deposits are due by the last day of the month following the end of the quarter:

Jan. 31	Quarterly Affidavit for Oct.-Dec. and proof of deposit	Jul. 31	Quarterly Affidavit for Apr.-Jun. and proof of deposit
Apr. 30	Quarterly Affidavit for Jan.-Mar. and proof of deposit	Oct. 31	Quarterly Affidavit for Jul.-Sept. and proof of deposit
- File Reconciliation Affidavit (**NPM-R**). A Reconciliation Affidavit and payment are required for each year for which you submitted one or more quarterly payments (e.g. if your first quarterly payment was July 31 2008, you would reconcile April 15, 2009 for 2008 and again on April 15, 2010 for 2009).

Cigarette Fire Safety Standard Act, 425 ILCS §8/1, et seq.

- Effective January 1, 2008 certifications must be filed with the Illinois State Fire Marshal and a copy sent to the Attorney General, as required by the Cigarette Fire Safety Standard Act.
- Provide a copy of the approval letter from the Illinois State Fire Marshal, as well as a list of brand styles that have been approved or are pending approval.