



**STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL**
5420 Kietzke Lane, Suite 202
Reno, NV 89511

**NON-PARTICIPATING MANUFACTURER (NPM) CERTIFICATE OF COMPLIANCE
FORM B&TD-TOB2**

PART I: TOBACCO PRODUCT NON-PARTICIPATING MANUFACTURER IDENTIFICATION

2023 NPM CERTIFICATE OF COMPLIANCE

CHECK CERTIFICATION TYPE: INITIAL ANNUAL

A. Company Information

Company Name	
Mailing Address	
City/State/Zip/Country	
Telephone Number	E-Mail Address
Website	Additional Website
Name/Title of Company Contact	Company Contact E-Mail Address
Address of Manufacturing Plant(s)	
City/State/Zip/Country	
If located in U.S.: Manufacturer's Federal Taxpayer ID number (FEIN)	
If located in U.S.: TTB Tobacco Manufacturer's Permit Number	Expires
Nevada Manufacturer's License Number	Date of Issuance

Note: The contact information, including e-mail address, listed above will be used for all official correspondences from the Nevada Attorney General's Office. The NPM is responsible for updating its contact information with the Nevada Attorney General's Office if it changes during the year.

B. Company Officers and Owners

Attach a current list of the NPM's officers and owners. For each owner listed, please indicate what percentage of the business he or she owns. For the purposes of this section, an owner is considered any person with a direct or indirect ownership interest of 10% or more in the company. **EXHIBIT** ____

NOTE: The State of Nevada will not process incomplete or illegible certifications.

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C. Corporate or Business Documents

Attach current copies of articles of incorporation (include initial formation date), corporate charters, certificates of corporate existence, operating agreements, and bylaws, as applicable to entity status. **EXHIBIT ____ Check if no changes to organizing documents previously submitted.**

D. Manufacturer Permits, Licenses, and Disclosures

NOTE: You must resubmit the applicable documents requested below even if previously submitted.

1. If the NPM is physically located in the United States, please provide copies of the following:
 - a. Current TTB Manufacturer or Importer Permit **EXHIBIT ____**
 - b. A map clearly depicting the physical location of the TTB permitted tobacco manufacturing/fabrication plant and photographs of the plant interior showing tobacco manufacturing/fabrication equipment. **EXHIBIT ____**
2. If the NPM is located outside of the U.S., provide copies of the following:
 - a. The current Importer Permit(s) issued by the TTB that are used in connection with the importation of the NPM's tobacco products. **EXHIBIT ____**
 - b. A current original Nevada Importer Joint & Several Liability FORM B&TD-TOB5 completed and signed by the NPM's TTB permitted Importer(s). **EXHIBIT ____ Not Applicable**
 - c. Current copies of any manufacturing or importer licenses, certificates, permits, or similar documents issued by the country where the NPM tobacco product manufacturing takes place. **EXHIBIT ____**
 - d. A map clearly depicting the physical location of the foreign-permitted NPM tobacco manufacturing/fabrication plant involved and photographs of the plant interior showing tobacco manufacturing/fabrication equipment. **EXHIBIT ____**
3. If any of the brand families or styles being certified for sale in Nevada are manufactured or fabricated by another entity other than the NPM, please provide the other entity's name, address, and contact information and a copy of any agreement or contract between the NPM and this company regarding the manufacture/fabrication and/or sale of each brand family or style. **EXHIBITS ____ & ____ Not Applicable**
4. If the NPM manufactured/fabricated any cigarette brand or style for any other entity within the past 24 months, provide the other entity's name, address, contact information, and identify the tobacco product brand family and style manufactured. A copy of any agreement or contract between the NPM and the other entity relating to the manufacture/fabrication and/or sale of each brand family or style must also be provided. **EXHIBIT ____ Not Applicable**
5. The NPM must submit a TTB Tax Information Authorization Form (Form TTB F 5000.19) authorizing the Nevada Attorney General to receive or inspect the NPM's federal excise tax returns (TTB Form 5000.24) and monthly operational reports (TTB Form 5210.5). **EXHIBITS ____ & ____**

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E. Bond

Nevada law requires all NPMs to post a bond in a statutorily prescribed amount, as set forth in NRS 370.682. The Nevada Tobacco Manufacturer Surety Bond Form B&TD-TOB6, or equivalent documentation executed by the NPM and the surety, must be attached to this certification. A dated Continuation Certificate signed by the Surety is acceptable if a bond is already in place. **EXHIBIT ____**

PART II: BRAND FAMILY IDENTIFICATION

A. 2022 Brand and Style Identification and Volume

Attach a list of all brand families and the number of Units Sold for each brand family sold in Nevada by the NPM in 2022. **EXHIBIT ____**

B. Brand and Style Identification for 2023 Directory Listing

1. Attach a list of all brand families intended for sale in Nevada during 2023. The NPM affirms these brand families are its cigarettes for the purposes of calculating 2023 escrow payments under NRS 370A. **EXHIBIT ____**
2. For each brand family, attach a list of styles to be sold in Nevada during 2023 along with a current copy of the Nevada Fire Standard Compliance (FSC) Certification for each style. All style names submitted for Directory listing must match those listed on the FSC Certificates. **EXHIBIT ____**
3. Provide color copies of packaging for **each** brand family and style listed in Part II(B)(2). **EXHIBIT ____** *Check if no changes to previously submitted copies.*

C. Compliance with Federal and State Requirements

1. Provide a copy of the current Federal Trade Commission (FTC) approval letter(s) for health warning rotation plans for all brand families and styles listed in Part II(B). **EXHIBIT ____**
2. Provide a copy of the most recent Centers for Disease Control (CDC) ingredient -listing compliance letter(s) pertaining to the brands of cigarettes identified in Part II(B). **EXHIBIT ____**
3. Provide the following trademark information:
 - a) Attach a current list of serial numbers for each brand family trademark licensed by the NPM with the United States Patent and Trademark Office. **EXHIBIT ____**
 - b) If any brand trademarks are owned by someone other than the NPM, attach an executed copy of all related agreements. **EXHIBIT ____** **Not Applicable**
4. Provide a current list of all Universal Product Code (UPC) numbers associated with each style identified in Part II(B)(2). Ensure the list includes the UPC numbers for packs, cartons, and cases. **EXHIBIT ____** *Check if no changes to previously submitted copies.*
5. Attach a list of all Nevada licensed distributors the NPM intends to use in 2023 for distribution in Nevada. **EXHIBIT ____**

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PART III: ESCROW ACCOUNT INFORMATION

A. Escrow Account Information

The NPM has established and maintains the following qualified escrow fund:

Name of Financial Institution	Contact Name/Title
Address	City/State/Zip/Country
Telephone Number	Email Address:
Escrow Account Number	Nevada Sub-Account Number

1. Provide an executed copy of the NPM's current operative Escrow Agreement. **EXHIBIT ____**
2. The Financial Institution/Escrow Agent noted above is required to provide the following **directly** to the Nevada Attorney General's Office, Tobacco Enforcement Unit:
 - Proof of deposit, including date and amount, for all deposits made into the escrow account identified in Part III(A).
 - Complete account statement, showing account holdings and investments, for the NPM's Nevada sub-account.

B. Escrow Deposits Made by NPMs for Nevada 2022 Sales

Provide the date and amount of all 2022 quarterly deposits as well as any additional deposits and/or withdrawals. Any withdrawals must comply with NRS Chapter 370A and verification must be provided.

2022 Sales Year	Date Deposit/Withdrawal	Amount Deposit/Withdrawal
1 st Quarter Deposit		
2 nd Quarter Deposit		
3 rd Quarter Deposit		
4 th Quarter Deposit		
Inflation Adjustment Deposit		
Additional Deposit / Withdrawal		
Additional Deposit / Withdrawal		
Additional Deposit / Withdrawal		
Additional Deposit / Withdrawal		
Additional Deposit / Withdrawal		
Total Escrow Deposited		

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PART IV: PACT ACT REGISTRATION AND COMPLIANCE

- A. Has the NPM registered under the PACT Act with the ATF?
- B. Has the NPM filed all monthly PACT Act reports with the Nevada Department of Taxation and the Nevada Attorney General's Office for 2022 shipments made into Nevada?
- C. Has the NPM filed all monthly 2022 PACT Act reports with the Attorney General's Office of every state into which it shipped cigarettes, smokeless tobacco, or vapor products?
- D. Is the NPM in full compliance with NRS 370.327?
- E. If the NPM responded "No" or "Not Applicable" to questions A, B, C, or D, please provide an explanation for each response. **EXHIBIT** _____

PART V: NON-PARTICIPATING MANUFACTURER REGISTERED AGENT

- A. Is the NPM registered to do business in Nevada?
- B. Provide a current Nevada Registered Agent acceptance letter (dated this year) from the registered agent accepting this appointment. The letter must include the registered agent's mailing address, phone number and email address. **EXHIBIT** _____

PART VI: ACTIONS AGAINST THE TOBACCO PRODUCT MANUFACTURER

- A. During the past 18 months, has the NPM or any of its brand families or styles been delisted, decertified, or removed from any other state's tobacco directory, either voluntarily or involuntarily?
- B. During the past 18 months, did the NPM submit a Certificate of Compliance requesting to be listed on any other state's directory, or to add brand families or styles to another state's directory, that was not approved?
- C. Is the NPM currently delinquent in paying escrow owed for sales in any other state?
- D. Has the NPM been enjoined or banned from selling, shipping or distributing cigarettes pursuant to any court order or state or federal agency ruling or determination?
- E. Has the NPM, or its owners or officers, been named a party in a criminal or civil proceeding related to the manufacture, sale, or distribution of tobacco products in any state?
- F. Has the NPM, or its owners or officers, been named a party in a criminal or civil proceeding related to the payment of taxes?
- G. If the NPM responded 'yes' to questions A, B, C, D, E, or F, please provide a detailed explanation for each 'yes' answer in an attachment. **EXHIBIT(S)** _____

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PART VII: CERTIFICATION OF TOBACCO PRODUCT MANUFACTURER

I certify that:

The NPM named in Part I is in full compliance with all applicable sections of NRS Chapters 370 and 370A;

In my position with the NPM, I am authorized to certify on behalf of the NPM and can legally bind the NPM;

I understand that the Nevada Attorney General may require additional information and/or documentation to determine if the NPM qualifies for listing on the Nevada Directory;

I have examined this certification, including attachments and supporting documents, and, to the best of my knowledge and belief, this certification is true, correct, and complete;

I understand under NRS 370.255(1)(c), the NPM is required to maintain all invoices, documentation of sales, and any other documentation relied upon in making this certification for a period of five years from the date this certification is executed;

I understand I am under a continuing obligation to amend any responses to the questions asked in this certification if there are changes over the course of the year;

By signing this Certificate of Compliance on behalf of the NPM I understand that the NPM is required to comply with state and federal laws concerning the sale of tobacco products.

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

Name

Title

Signature
(E-signature)

Date

Email this completed and signed Certificate of Compliance and attached exhibits to the Nevada Attorney General's Office – Tobacco Enforcement Unit:

tobaccoenforcement@ag.nv.gov

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