



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

**Lisa Madigan**  
ATTORNEY GENERAL

December 18, 2018

To: All Tobacco Products License Holders

Tobacco Products License Holders include distributors, retailers, wholesalers and manufacturers who have an "Illinois TP License." A TP license allows a business to sell tobacco products, including roll-your-own (RYO) tobacco (i.e., any tobacco which, because of its appearance, type, packaging, or labeling is suitable for use and likely to be offered to, or purchased by, consumers as tobacco for making cigarettes). Anyone who has a TP license **MUST** file a "Distributor Quarterly Report of Sales of Non-Participating Manufacturers' Brands" each quarter with the Office of the Illinois Attorney General whether or not they have any sales of RYO tobacco.

The Tobacco Product Manufacturers' Escrow Enforcement Act of 2003 provides that the only RYO tobacco products allowed to be sold in Illinois are those manufactured by (1) MSA Participating Manufacturers, or (2) Compliant Non-Participating Manufacturers. **The sale of all other RYO tobacco products is prohibited and may result in the suspension or revocation of a TP license and additional legal action.** Only brands certified and approved by the Fire Marshal pursuant to the Fire Safety Standard Act (425 ILCS 8/1 *et seq.*) and listed on either the Illinois Directory of Compliant NPMs or Illinois Directory of Participating Manufacturers, may be lawfully sold in Illinois. Both the manufacturer and the brand must appear together on one of the Directories.

You are required to fill out the enclosed form, "Distributor Quarterly Report of Sales of Non-Participating Manufacturers' Brands" and file it with our office quarterly, **together with the Distributor Quarterly Report NPM Sales and Inventory Information (Dist-1) and copies of all purchase and sales invoices**, according to the schedule below. This report is to include sales of RYO product made by manufacturers not participating in the MSA. The Attorney General Rules require that the form be filled out completely. The license holder must also indicate whether or not they pay the Illinois Tobacco Products Tax (OTP Tax) for each brand listed. You may provide a computer report of the RYO sales, but you **MUST** also provide the information in columns a-f on the quarterly report form. **If you have no sales of RYO product which are manufactured by non-participating manufacturers, please write "None".**

**Write your license number in the upper right box and provide your address and contact information on the Distributor Quarterly Report. You must provide our office with an e-mail address.** An updated listing of participating manufacturers can be found at [www.IllinoisAttorneyGeneral.gov](http://www.IllinoisAttorneyGeneral.gov) by clicking on "Tobacco" and then on "Illinois Directories." No information needs to be included on the form as to these manufacturers. **Please return the**

**completed form and copies of all purchase and sales invoices prior to January 20, 2019.** Quarterly Reports are due according to the following schedule:

| Quarter | Date Range        | Report Due |
|---------|-------------------|------------|
| First   | Jan. 1 - Mar. 31  | April 20   |
| Second  | Apr. 1 - Jun. 30  | July 20    |
| Third   | Jul. 1 - Sept. 30 | October 20 |
| Fourth  | Oct. 1 - Dec. 31  | January 20 |

Also enclosed is the Distributor 2018 Quarterly Report of PACT Act Transactions which all **out-of-state licensed distributors are required to complete.** Please return the completed form, with any attachments, prior to January 20, 2019.

Enclosed are copies of the following:

1. Distributor Quarterly Report of Sales of Non-Participating Manufacturers' Brands;
2. Distributor Quarterly Report NPM Sales and Inventory Information (Dist-1);
3. Distributor 2018 Quarterly Report of PACT Act Transactions
4. Tobacco Product Distributor Affidavit for 2018; and
5. Tobacco Information December 2018.

The Attorney General's office appreciates the cooperation of TP license holders in reporting NPM sales prior to the required deadline. If you have further questions, please contact Stephanie Farley at 217-785-8541.

Katherine Johnson  
Bureau Chief, Tobacco Enforcement Bureau  
500 South Second Street  
Springfield IL 62706  
Phone: (217) 785-8541  
Fax: (217) 524-4701



Illinois Attorney General  
Tobacco Enforcement Bureau  
500 South Second Street  
Springfield, Illinois 62706  
(217)785-8541 fax (217)524-4701

# Distributor Quarterly Report of Sales of Non-Participating Manufacturers' Brands

LICENSE NO:

QUARTERLY

**Note** This report must be filed on or before the 20th day of the month following the end of the reporting period.

## Step 1: Distributor Information

|   |                   |       |    |                             |                                       |
|---|-------------------|-------|----|-----------------------------|---------------------------------------|
| 1 | Name              | _____ | 5  | Report prepared date        | ____/____/____                        |
|   |                   |       | 6  | Reporting quarter and year: | from ____/____/____ to ____/____/____ |
| 2 | Address           | _____ | 7  | Contact Phone               | _____                                 |
|   |                   |       | 8  | Business Phone              | _____                                 |
| 3 | City, State, ZIP  | _____ | 9  | Fax Number                  | _____                                 |
| 4 | Contact Person(s) | _____ | 10 | E-Mail Address(es)          | _____                                 |

## Step 2: Non-Participating Manufacturer and Brand Information

| 1 | Brand name<br>a | Number of cigarettes sold within the state<br>b | Ounces of roll-your-own tobacco sold within the state<br>c | Non-participating manufacturer name and address<br>d | Illinois Tobacco Products Tax (OTP) paid by or Product stamped by ("U" or "A")<br>Us/Another | Name and address of the person from whom brand was purchased.<br>If this company paid the Illinois tobacco products tax or stamped the product, indicate by asterisk (*).<br>e | Name and address of the first importer of foreign NPM brands or first purchaser of non-resident NPM brands<br>f |
|---|-----------------|---|--|--|--|--|---|
| 1 | _____           | _____   | _____  | _____  | _____  | _____  | _____   |
| 2 | _____           | _____   | _____  | _____  | _____  | _____  | _____   |
| 3 | _____           | _____   | _____  | _____  | _____  | _____  | _____   |
| 4 | _____           | _____   | _____  | _____  | _____  | _____  | _____   |
| 5 | _____           | _____   | _____  | _____  | _____  | _____  | _____   |

**Cigarette and RYO brands not listed together with the manufacturer on either the Illinois Directory of Participating Manufacturers or the Illinois Directory of Compliant NPMs may NOT be sold in Illinois.**

Both directories are published on the Attorney General's website at [www.IllinoisAttorneyGeneral.gov](http://www.IllinoisAttorneyGeneral.gov) (Click on Tobacco, then Illinois Directories.) Contact the Tobacco Enforcement Bureau at 217-785-8541 if you have any questions regarding the manufacturers and brands which may be sold in Illinois.

Last Updated 9/4/2015

# Instructions

## Distributor Quarterly Report of Sales of Non-Participating Manufacturers' Brands

### General Information

#### Who is required to file this report?

1. Cigarette Distributor Licensees: If you are a cigarette distributor, you must file this form to report sales you made of cigarettes bearing Illinois cigarette stamps that were manufactured by a manufacturer who is not participating in the tobacco Master Settlement Agreement. Distributors are not required to make any payments with this report.

2. TP Licensees: By definition, "cigarette" includes roll-your-own ("RYO") tobacco. You must file this form to report sales of RYO tobacco made by a non-participating manufacturer for which Illinois Other Tobacco Products (OTP) Tax was paid. All individuals or businesses that have a Tobacco Products Tax License must file this form whether or not there were any sales of roll-your-own tobacco.

#### Who is a non-participating manufacturer?

A cigarette manufacturer who is not participating in the tobacco Master Settlement Agreement. Manufacturers who are not listed on the Directory of Participating Manufacturers are non-participating manufacturers.

#### When is this report due?

This report should be filed by the 20th day of the month following the end of the reporting quarter. The report for:

- January, February, and March is due on or before April 20.
- April, May, and June is due on or before July 20.
- July, August, and September is due on or before October 20, and
- October, November, and December is due on or before January 20 of the following year.

#### Where do I send my completed report?

Mail your completed report to the Tobacco Enforcement Unit at the address below:

OFFICE OF THE ATTORNEY GENERAL  
TOBACCO ENFORCEMENT BUREAU  
500 SOUTH 2nd STREET  
SPRINGFIELD IL 62706

Please provide to each manufacturer you listed in Step 2, a copy of the information applicable to such manufacturer.

### Specific Instructions

#### Step 1: Distributor information

Lines 1-3 Provide your business name and address at which you wish to receive mailings.

Line 4 Provide the name of the person the Attorney General should contact with questions regarding this filing.

Line 5 Write the date that the report was prepared.

Line 6 Write the period this report covers.

Line 7-8 Provide telephone numbers for the distributor and contact person.

Line 9 Provide the fax number for the business.

Line 10 Provide an e-mail address for purposes of receiving electronic mail updates and notifications.

#### Step 2: Non-participating manufacturer and brand information

Column a — Write the name of the brand. If you are uncertain whether a particular brand is manufactured by a non-participating manufacturer, you should consult the Illinois Directory of Participating Manufacturers. If you need a copy of this Directory, you may contact the Attorney General's Office. If the manufacturer and brand that you sell does not appear together on the Directory, you should include that brand in Column a. A current listing of brands of participating manufacturers can be found on the internet at [www.illinoisattorneygeneral.gov](http://www.illinoisattorneygeneral.gov). <http://www.naaq.org>.

Column b — Write the number of individual cigarettes bearing Illinois tax stamps you sold of the brands listed in Column a. This column should be left blank for roll-your-own tobacco brands.

Column c — Write the number of ounces of roll-your-own tobacco that were subject to Illinois taxes for the brands listed in Column a. This column should be left blank for cigarette brands.

Column d — Write the name and mailing address of the non-participating manufacturer manufacturing the brand shown in Column a.

Us/Another — Write "U" if the Illinois tobacco products tax was paid or the product was stamped under the distributor license listed on this form. Write "A" if the tobacco products tax was paid by another entity or the product was stamped by someone else.

Column e — Write the name and mailing address of the person from whom you purchased the brand shown in Column a. If you purchased the brand from another distributor, then you should list the name and address of the other distributor. Write "Same" if this information is already listed in Column d. If the company listed paid the Illinois tobacco products tax or stamped the product, indicate by an asterisk (\*).

Column f — Write the name and mailing address of the first importer or first purchaser of foreign or non-resident brands shown in Column a. Write "Same" if already listed in Column d or Column e.



Illinois Attorney General  
Tobacco Enforcement Bureau  
500 South Second Street  
Springfield, Illinois 62706  
(217)785-8541  
fax (217)524-4701

# Distributor Quarterly Report NPM Sales & Inventory Information

| DIST-1       |  |
|--------------|--|
| Cig Lic. No. |  |
| TP Lic. No.  |  |

**Step 1: Distributor Information**

Distributor Name: \_\_\_\_\_ Report date: \_\_\_\_\_  
Report Qtr: \_\_\_\_\_

**Step 2: NPM Sales** Use a separate form for each NPM brand family listed on the Distributor Quarterly Report of Non-participating Manufacturers' Brands

| Brand name | Non-participating manufacturer name | Number of cigarettes sold within the state | Ounces of RYO sold within the state |
|------------|-------------------------------------|--|-------------------------------------|
|            |                                     |  |                                     |

**Step 3: Inventory Information** For the brand listed above, provide the following information in sticks/ounces.

Beginning Inventory: \_\_\_\_\_ Sticks \_\_\_\_\_ Ounces \_\_\_\_\_  
 Quantity purchased: \_\_\_\_\_ Sticks \_\_\_\_\_ Ounces \_\_\_\_\_  
 IL Stamped Sales: \_\_\_\_\_ Sticks \_\_\_\_\_ Ounces (OTP Tax Paid) \_\_\_\_\_  
 Ending Inventory: \_\_\_\_\_ Sticks \_\_\_\_\_ Ounces \_\_\_\_\_  
 Sales to other states: \_\_\_\_\_ (stamped and unstamped product sales)

|              |                 |              |                 |
|--------------|-----------------|--------------|-----------------|
| State: _____ | Quantity: _____ | State: _____ | Quantity: _____ |
| State: _____ | Quantity: _____ | State: _____ | Quantity: _____ |
| State: _____ | Quantity: _____ | State: _____ | Quantity: _____ |
| State: _____ | Quantity: _____ | State: _____ | Quantity: _____ |

**Step 4: Invoices** check all items attached to this form

\_\_\_\_\_ Purchase invoices or other approved documentation of purchases  
 \_\_\_\_\_ Sales invoices or other approved documentation of sales  
 \_\_\_\_\_ Documentation of the sale of unstamped products

**Instructions:**

**Step 1:** Provide the name of distributor and license information as it appears on the Distributor Quarterly Report of Non-participating Manufacturers' Brands. Provide the date the form was prepared and the quarter for which the sales were made.

**Step 2:** For each NPM brand family, provide the information from the Distributor Quarterly Report of Sales of Non-Participating Manufacturers' Brands.

**Step 3:** Provide the following for the brands listed:

- The beginning inventory amount for the brand listed
- Quantity purchased for the quarter
- The quantity of IL stamped sales (for RYO, quantity on which OTP tax was paid) for the quarter
- If brand family was sold into another state, list the state and quantity sold during the quarter
- The ending inventory amount for the brand listed

**Step 4:** Indicate whether required sales and purchase documentation is attached. If a spreadsheet is provided in lieu of invoices, the AG may require the actual invoices. Documentation of unstamped product sales must include the name and address to whom the product was sold, brand family, quantity and date sold.



Illinois Attorney General  
 Tobacco Enforcement Bureau  
 500 South Second Street  
 Springfield, Illinois 62706  
 (217)785-8541 fax (217)524-4701

# Distributor Quarterly Report of P.A.C.T. Act Transactions

LICENSE NO:

QUARTERLY

## Step 1: Distributor Information

1 Name \_\_\_\_\_ 5 Report prepared date \_\_\_\_ / \_\_\_\_ / \_\_\_\_

2 Address \_\_\_\_\_ 6 Reporting year: \_\_\_\_ from \_\_\_\_ / \_\_\_\_ to \_\_\_\_ / \_\_\_\_

3 City, State, Zip \_\_\_\_\_ 7 Contact Phone \_\_\_\_\_

4 Contact Person(s) \_\_\_\_\_ 8 Business Phone \_\_\_\_\_

9 Fax Number \_\_\_\_\_

10 E-Mail Address(es) \_\_\_\_\_

## Step 2: Reportable P.A.C.T. Act Transactions (#1-circle all that apply) (#2-check applicable carrier and insert name of carrier)

1 \_\_\_\_\_ Did you sell, ship, transfer, advertise, or offer for sale any cigarettes, RYO, or smokeless tobacco that was delivered into Illinois which originated outside the state of Illinois?

2 Mode of Delivery: \_\_\_\_\_ UPS \_\_\_\_\_ FedEx \_\_\_\_\_ Common Carrier \_\_\_\_\_ Private Carrier \_\_\_\_\_ U.S. Mail \_\_\_\_\_ Other \_\_\_\_\_

3 Name and Address of Illinois Process Agent: \_\_\_\_\_

## Step 3: P.A.C.T. Act Reports Filed With Illinois Department of Revenue for 2015 Transactions

1 \_\_\_\_\_ No P.A.C.T. Act Reports were filed with the Illinois Department of Revenue (IDOR) for reportable Pact Act transactions.

2 \_\_\_\_\_ Enclosed are copies of the P.A.C.T. Act Reports filed with the IDOR for the following months:

\_\_\_\_\_ Jan \_\_\_\_\_ Feb \_\_\_\_\_ Mar \_\_\_\_\_ Apr \_\_\_\_\_ May \_\_\_\_\_ Jun \_\_\_\_\_ Jul \_\_\_\_\_ Aug \_\_\_\_\_ Sep \_\_\_\_\_ Oct \_\_\_\_\_ Nov \_\_\_\_\_ Dec \_\_\_\_\_

3 \_\_\_\_\_ Copies of P.A.C.T. Act Reports filed with the IDOR were previously provided to the OAG for this reporting period.

## Step 4: Distributor Statement

Under penalties of perjury, I state that, to the best of my knowledge, all of the information contained in this Report and any attached documents are true and accurate.

Name and Title of Authorized Person (Print) \_\_\_\_\_

Signature of Authorized Person \_\_\_\_\_

Date \_\_\_\_\_

## Instructions

- Step 2. Check #1 if you have Reportable Pact Act transactions and circle all that apply. Complete #2, Mode of Delivery including name of carrier and provide the process agent information in #3.
- Step 3. Check #1 if you did not file Pact Act Reports. Check #2 if you are enclosing copies of Pact Act reports filed with IDOR and mark all months for which reports are attached. Check #3 if you have previously provided copies of PACT Act reports to the OAG.
- For information on the P.A.C.T. Act, see the P.A.C.T. Act Alert posted on the OAG website at [www.illinoisattorneygeneral.gov](http://www.illinoisattorneygeneral.gov) (click on Tobacco on bottom banner and then on Distributor Information).



# State of Illinois Tobacco Product Distributor Affidavit for 2018 Sales

*See Page 4 Instructions before completing.*

**MAIL BY JANUARY 20, 2019**

p. 1 of 4.

The following affidavit must be completed if your business has an Illinois Tobacco Products license. You are required to complete this affidavit even if your Tobacco Products license is currently inactive but was active at any time during 2018. All sections of the affidavit must be completed. If a certain section does not apply to your business please mark it with "n/a" and give a brief explanation.

| Part 1: Distributor Identification  |   |   |
|---|---|---|
| Company Name  | FEIN  |   |
| Mailing Address   |   |   |
| City  | State   | Zip Code                                  |
| Phone   | Fax   | Web Address                               |
| Illinois Business Tax No.   |   | Illinois TP License No.                   |
| Name and title of person completing this affidavit  |   |   |
| Part 2: Designated Contact  |   |   |
| Name  | Title   |   |
| Mailing Address   |   |   |
| City  | State   | Zip Code                                  |
| Phone   | Fax   | E-Mail                                    |
| Part 3: Questions relating to your business   |   |   |
| A. Our sales of tobacco products are to the following (Check all that apply)  |   |   |
| <input type="checkbox"/> Sales to other distributors  | <input type="checkbox"/> Retail sales to customers                                  | <input type="checkbox"/> Mail order sales |
| <input type="checkbox"/> Sales to retailers   | <input type="checkbox"/> Internet sales   | <input type="checkbox"/> Other _____      |
| B. Our sales of tobacco products represent (Check all that apply)   |   |   |
| <input type="checkbox"/> Stamped Cigarettes   | <input type="checkbox"/> RYO/MYO for which WE PAY the Illinois OTP tax              | <input type="checkbox"/> Pipe Tobacco     |
| <input type="checkbox"/> Unstamped Cigarettes   | <input type="checkbox"/> RYO/MYO for which ANOTHER ENTITY PAYS the Illinois OTP tax | <input type="checkbox"/> Snuff            |
| <input type="checkbox"/> "Little Cigars"  | <input type="checkbox"/> Other: _____   | <input type="checkbox"/> Cigars           |
| C. If you placed a ✓ on RYO/MYO for which ANOTHER ENTITY PAYS the Illinois OTP tax in Part 3 B, please list the name of the product and the name of the entity that pays the Illinois OTP tax. Attach additional pages as needed. |   |   |
| _____   |   |   |
| _____   |   |   |
| _____   |   |   |







## State of Illinois Tobacco Product Distributor Affidavit for 2018 Sales

### Part 5: Little Cigars *(Attach additional pages as necessary)*

**You must check Yes or No.**

The Tobacco Products Tax Act defines a "little cigar" as any roll that is made in whole or in part of tobacco and has an integrated cellulose acetate filter, weighs less than 4 pounds per thousand, and has a wrapper or cover that also is made in whole or in part of tobacco.

A. Did your business sell Little Cigars, as defined above, in Illinois in 2018?     Yes     No

B. If yes, list the brand, manufacturer, sticks sold, number per pack and name of company from whom the brand was purchased.

| Brand | Manufacturer | Volume | Number Per Pack | Supplier |
|-------|--------------|--------|-----------------|----------|
|       |              |        |                 |          |
|       |              |        |                 |          |
|       |              |        |                 |          |
|       |              |        |                 |          |

C. Did your business sell Little Cigars, **other than those defined above**, in Illinois in 2018?     Yes     No

D. If yes, list brand, manufacturer sticks sold number per pack and name of company from whom the brand was purchased.

E. If you placed a ✓ on Yes for Part 5 C, provide documentation proving cigars weigh 4 or more pounds per thousand.     Provided

| Brand | Manufacturer | Volume | Number Per Pack | Supplier |
|-------|--------------|--------|-----------------|----------|
|       |              |        |                 |          |
|       |              |        |                 |          |
|       |              |        |                 |          |
|       |              |        |                 |          |

### Part 6: Internet/Mail Order Sales

**You must check Yes or No or Not Applicable.**

Has the Illinois OTP tax been paid prior to sale via internet or mail order?

Internet Sales

Mail Order Sales

Yes

Yes

No

No

Not Applicable

Not Applicable

Are Internet/Mail Order sales made with permission of the manufacturer?

Internet Sales

Mail Order Sales

Yes

Yes

No

No

Not Applicable

Not Applicable

If yes, list the manufacturers:

For Internet Sales, please provide the website address(es) that are used for the sales:

For Mail Order sales, please identify the publications or other venues where the products are advertised:

### Part 7: Cigarette Machine Sales

**You must check Yes or No.**

Does your business have a Cigarette Machine that your employees and/or customers use to make stick cigarettes onsite from RYO/MYO, pipe or other tobacco?

Yes

No

Do you have a Cigarette Machine operator license?

Yes

No



# State of Illinois Tobacco Product Distributor Affidavit for 2018 Sales

## Part 8: Distributor Certification

Under penalties of perjury, I state that, to the best of my knowledge, all of the information contained in this Affidavit and any attached documents are true and accurate. ***This document must be signed and dated by an authorized notary public.***

Distributor's Designee (Print Name)

Title

Signature of Distributor's Designee

Date

Subscribed and sworn to  
before me this date:

Signature of Notary Public

County

Commission Expires

**Mail by January 20, 2019**

**Submit the completed Affidavit to:**

**Illinois Attorney General  
Tobacco Enforcement Bureau  
500 South Second Street  
Springfield IL 62706**

**For Additional Forms and Information**  
Phone (217) 785-8541  
Fax (217) 524-4701  
[www.IllinoisAttorneyGeneral.gov](http://www.IllinoisAttorneyGeneral.gov) (Click on Tobacco)

### Instructions:

- ▶ All TP license holders must complete this Affidavit, regardless of whether they sold tobacco products during 2018.
  - ▶ Do not include product on which the OTP tax was paid by another licensee in response to Part 4.
  - ▶ Where one company holds a number of licenses, each license holder must complete a separate Affidavit. The license holder that pays the Illinois OTP tax must complete Parts 4-5.
  - ▶ Respond to each item. If a question does not apply, please explain.
  - ▶ Distributors are responsible for their own calculations. If computer reports are provided in response to Parts 4 and 5, they must include the total for 2018 by brand family.
  - ▶ Attach additional pages as needed and where explanations are required.
  - ▶ Cigarette Making Machine as used in Part 7 refers to the machines that are made available for use in a commercial setting, including retail locations and locations where the machines are made available to members of a "social club" or "non-profit." It does NOT include cigarette rolling machines intended and designed for use by individual consumers who do not intend to offer the resulting product for resale. Hot Rod Filling Station is an example of Cigarette Making Machine.
- "Little Cigars":
- ▶ Effective July 1, 2013 Illinois legislation classifies little cigars as cigarettes for tax purposes and requires "Little Cigars" that meet the definition of "any roll, made wholly or in part of tobacco, where each roll has an integrated cellulose acetate filter and weighs less than 4 pounds per thousand and the wrapper or cover of which is made in whole or in part of tobacco" to be stamped with an Illinois cigarette excise tax stamp for those in packs of 20 or 25 and for those in packs of other than 20 or 25 to have the tax paid at the same rate as cigarettes.
  - ▶ "Little Cigars" as used in Part 3 and Part 5 refer to any roll, made wholly or in part of tobacco, where such roll has an integrated cellulose acetate filter and weighs less than 4 pounds per thousand and the wrapper or cover of which is made in whole or in part of tobacco.
  - ▶ Little Cigars also include any brands that continue to be taxed under OTP tax on or after July 1, 2013.

# Tobacco Information

December 2018

The Illinois Directories of Participating Manufacturers and Compliant NPMs will no longer be distributed with the quarterly mailing. Both directories may be accessed on the Illinois Attorney General website, [www.illinoisattorneygeneral.gov](http://www.illinoisattorneygeneral.gov), click Tobacco at the bottom of the page, then click Illinois Directories, or click on the link: <http://www.illinoisattorneygeneral.gov/tobacco/illinoisdirectories.html>. The Notice to Distributors of additions or deletions to the Directories and any distributor quarterly forms will also be posted at the website above. If you have any questions, please contact our office at 217-785-8541.

## Distributor Affidavits for 2018 and Future Sales

**Cigarette and OTP Distributors:** Included in the fourth quarter mailing is an affidavit for cigarette distributors and all licensed OTP distributors who filed quarterly reports in one or more quarters in 2018. All licensed Cigarette and OTP distributors were required to complete the affidavit and return it by January 20, 2019. The Cigarette Distributor Affidavit includes an addendum for reporting cigars classified as cigarettes in Illinois in 2018. Cigars that are not considered to be cigarettes are also reported on the Affidavit. Please review the instructions and definitions for the cigars to which the addendum applies.

Cigarette and OTP distributors will be required to complete a similar affidavit for 2019 sales and should retain adequate records to complete future affidavits. Each year an affidavit is included in the fourth quarter mailing and must be completed on or before January 20 of the following year.

## Little Cigars Classified as Cigarettes for Tax Purposes

Illinois legislation requires "Little Cigars" that meet the definition of "any roll, made wholly or in part of tobacco, where such roll has an integrated cellulose acetate filter and weighs less than four pounds per thousand and the wrapper or cover of which is made in whole or in part of tobacco" to be stamped with an Illinois cigarette excise tax stamp for those in packs of 20 or 25 and for those in packs other than 20 or 25 to have the tax paid at the same rate as cigarettes. Our office has included questions on the Distributor Annual Affidavits regarding the brands and quantities stamped with Illinois excise tax stamps as well as those for which the tax is paid at the cigarette or OTP tax rate. Distributors that sell Little Cigars in Illinois must retain documentation, including the purchase and sales invoices, and make it available to the OAG upon request. In particular, our office needs distributors to confirm the amount of cigarettes sold with Illinois tax stamps as well as the amount of Little Cigars sold with Illinois tax stamps. All cigarette license holders must complete the enclosed Little Cigar Affidavit.

## NPM Sales and Inventory Information

Included in each quarterly mailing is a form that Distributors, which report sales of NPM brands on the Distributor Quarterly Report of Non-Participating Manufacturer Brands, MUST complete for each brand family. In addition to the purchase and sales invoices that distributors have been required to provide each quarter, this form allows the distributor to document the beginning inventory, quantity purchased, ending inventory and sales to other states of any brand families that are stamped for sale in Illinois or for RYO on which the OTP tax has been paid. Distributors are required to maintain and make available to the Attorney General all invoices and documentation of sales of all NPM cigarettes, including RYO, and any other information relied upon in filing quarterly reports for a period of five years. The submission of invoices or computer reports showing sales of NPM product in Illinois does not relieve the distributor of the duty to complete the distributor quarterly report for each brand family and to list the information in columns a through f for each brand family.

## Prevent All Cigarette Trafficking Act

Under the Prevent All Cigarette Trafficking Act ("PACT ACT"), individuals and businesses outside of the state of Illinois that sell cigarettes, RYO, and smokeless tobacco products must file reports with DOR no later than the 10<sup>th</sup> of each month that include a memorandum or copy of the invoice covering *all shipments* of cigarettes into Illinois during the previous month. The memorandum or invoice in each case must include the name and address of the person to whom the shipment was made, the brand, and quantity of cigarettes sold, transferred or shipped. To register, contact the Illinois DOR. For more information, see the PACT Act Alert posted on

the OAG website. In 2018, PACT Act reports must be submitted in addition to the quarterly report of NPM sales. Enclosed in the quarterly mailing is the Distributor 2018 Quarterly Report of PACT Act Transactions.

### **What's Banned?**

The only cigarettes which can be stamped and sold in Illinois are those manufactured by (1) MSA Participating Manufacturers, or (2) Compliant Non-Participating Manufacturers, which manufacturers and brand families appear together on the Illinois Directory of Participating Manufacturers or the Illinois Directory of Compliant NPMs. The stamping and sale of all other products are prohibited. (The sale and distribution of all Bidi cigarettes are also banned, by virtue of P.A. 91-734, eff. 1-1-01.) The Illinois Directories are posted on the Illinois Attorney General website. Distributors can also call the Tobacco Enforcement Bureau at (217) 785-8541 for up-to-date information.

Manufacturers and brands NOT LISTED on the Directory of Participating Manufacturers or on the Directory of Compliant NPMs may NOT be sold in Illinois regardless of whether there is a court order banning such sales.

### **Illinois Directories**

The Illinois Directory of Participating Manufacturers and the Directory of Compliant NPMs include brand styles that have been certified under the Cigarette Fire Safety Standard Act as well as brand families certified as being in compliance with the Tobacco Product Manufacturers' Escrow Enforcement Act of 2003. In order to be lawfully sold in the State of Illinois, both the manufacturer and the brand family, as well as the brand styles, must appear together on one of the Directories.

Directory changes requested by the Fire Marshal under the Cigarette Fire Safety Standard Act are included in "Illinois Directory Changes Under the Cigarette Fire Safety Standard Act." This document is posted on our website and should be consulted for additions or deletions of brand styles under the Fire Safety Standard Act.

### **Web Resources**

Various tobacco related materials, including the Illinois Directories, manufacturer information, distributor information, Statutes and Rules, and Illinois Department of Revenue information are available at the Illinois Attorney General website, [www.IllinoisAttorneyGeneral.gov](http://www.IllinoisAttorneyGeneral.gov) (Click on Tobacco at the bottom of the page).

### **Notification of Change of Address**

The Attorney General obtains addresses on a quarterly basis from the Illinois Department of Revenue. Please report any changes in address, phone or contact person to both the Attorney General and the Illinois Department of Revenue:

Illinois Attorney General  
Tobacco Enforcement Bureau  
500 South Second Street  
Springfield IL 62706

Illinois Department of Revenue  
Miscellaneous Taxes Division  
P.O. Box 19477  
Springfield IL 62794-9477