**Section 250.60 Certification Requirements for Tobacco Product Manufacturers**

a) No later than April 30 of each year, on paper or electronic forms provided by the AGO, every tobacco product manufacturer whose cigarettes or RYO tobacco were sold in Illinois during the preceding calendar year shall execute and deliver to the AGO a certification acknowledging under penalty of perjury that:

1) as of the date of the certification, the tobacco product manufacturer is a participating manufacturer or an NPM;

2) if it is a participating manufacturer, it has generally performed its financial obligations under the MSA;

3) if it is an NPM, it is in full compliance with the Escrow Act and the Escrow Enforcement Act.

b) The certification of a participating manufacturer shall include:

1) a list of its brand families, which list shall be updated 30 days prior to any addition to or modification of its brand families by executing and delivering a supplemental certification to the AGO;

2) that the brand family is deemed to be its cigarettes for purposes of calculating payments under the MSA in the volume and shares determined pursuant to the MSA.

c) The certification of an NPM shall include:

1) a complete list of all of its brand families, which list shall be updated 30 days prior to any addition to or modification of its brand families by executing a supplemental certification to the AGO, and the number of units sold for each brand family in Illinois during the preceding calendar year;

2) that the brand family is deemed to be its cigarettes for purposes of Section 15 of the Escrow Act;

3) a complete list of all of its brand families that have been sold in Illinois during the current calendar year;

4) a complete list of all of its brand families that were sold in Illinois during the preceding year that are no longer being sold in Illinois as of the date of the certification;

5) the name and address of any other manufacturer in the preceding calendar year of a brand family for which certification is sought;

6) that it is registered to do business in Illinois or has appointed a registered agent for service of process and provided notice thereof as required by Section 20 of the Escrow Enforcement Act;

7) that it has established, continues to maintain, and has fully funded a qualified escrow account pursuant to Section 15 of the Escrow Act;

8) that it has executed a qualified escrow agreement that has been reviewed and approved by the AGO;

9) the name, address and telephone number of the financial institution where the NPM has established its escrow account;

10) the account number of the escrow account, and the sub-account number for Illinois;

11) the amount the NPM deposited into the escrow account for cigarettes sold in Illinois during the preceding calendar year, including the dates and amounts of each deposit, and evidence thereof;

12) the dates and amounts of any withdrawal or transfer from any escrow account established, maintained, or funded by the NPM;

13) that it is otherwise in full compliance with the Escrow Act and the Escrow Enforcement Act as well as any regulations, including all quarterly installment payments.

d) All records, invoices and documentation relied upon for certification shall be maintained by a TPM for at least 5 years.

e) Participating manufacturers and NPMs shall provide any additional information requested by the AGO including, but not limited to, samples of packaging, labeling of each brand family, contracts to manufacture a brand family and proof of first importer status under the MSA.

(Source: Added at 28 Ill. Reg. 7904, effective May 28, 2004)