



ALABAMA DEPARTMENT OF REVENUE
BUSINESS & LICENSE TAX DIVISION
TOBACCO TAX SECTION

TOB: TPM-INST
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Instructions for Tobacco Product Manufacturer Certificate of Compliance

Certification Pursuant to Title 6, Chapter 12A, Code of Alabama 1975

General Information:

Who is required to file this certificate of compliance?

Any tobacco product manufacturer that intends to sell cigarettes within the State of Alabama, whether directly or through any distributor, retailer, or similar intermediary.

This Certification is in addition to any Certificate of Compliance that may be required pursuant to Title 6, Chapter 12, Code of Alabama 1975.

Definitions:

(a) "Brand Family" means all styles of cigarettes sold under the same trademark and differentiated from one another by means of additional modifiers or descriptors, including, but not limited to, menthol, lights, kings, and 100s, and includes any brand name (alone or in conjunction with any other word), trademark, logo, symbol, motto, selling message, recognizable pattern of colors, or any other indicia of product identification identical or similar to, or identifiable with, a previously known brand of cigarettes.

(b) "Cigarette" has the same meaning as in Section 6-12-2 (4) of the Code of Alabama 1975.

(c) "Directory" means the listing of all Tobacco Product Manufacturers that have provided current and accurate certifications conforming to the requirements of Title 6, Chapter 12A, Code of Alabama 1975, and all Brand Families that are listed in such certifications; except as provided by Subsection 6-12A-3 (b).

(d) "Distributor" is a person, wherever resident or located, who purchases non-tax-paid cigarettes and stores, sells, or otherwise disposes of the cigarettes.

(e) "Importer" has the same meaning as that term is defined in Section 6-12-2 (5).

(f) "Master Settlement Agreement" means the Tobacco Master Settlement Agreement as defined under Section 6-12-2 (6).

(g) "Non-participating Manufacturer" means any tobacco product manufacturer that is not a participating manufacturer.

(h) "Participating Manufacturer" has the meaning given that term in Section II(jj) of the Master Settlement Agreement and all amendments thereto.

(i) "Qualified Escrow Fund" has the same meaning as that term is defined in Section 6-12-2 (7).

(j) "Tobacco Product Manufacturer" has the same meaning as that term is defined in Section 6-12-2 (10).

(k) "Units Sold" has the same meaning as that term is defined in Section 6-12-2 (11).

(l) "Wholesaler" means a person, firm, corporation, club, or association that is authorized to affix tax stamps to packages or other containers of cigarettes under the provisions of Title 40, Chapter 25.

When is this certificate of compliance due?

The TPM Certificate of Compliance must be received no later than April 30th each year for the previous sales year.

Specific Instructions:

Part 1: Manufacturer's Identification. Identify the name, FEIN, address, telephone number, fax number, electronic mail address, and federal permit number.

Part 2: Brand Family Identification. Identify by Brand Family and Brand Name all of the cigarettes that the Tobacco Product Manufacturer intends to sell in this State whether directly or through any distributor, retailer, or similar intermediary, and seeks to have included in the Directory. Only the brands identified may be included in the Directory.

A Participating Manufacturer shall include a list of its Brand Families. The Participating Manufacturer shall update such list thirty calendar days prior to any addition to or modification of its Brand Families by executing and delivering a supplemental certification to the Commissioner of the Alabama Department of Revenue.

A Non-Participating Manufacturer/Importer shall include in its certification (i) a list of all of its Brand Families and the number of Units Sold for each Brand Family that were sold in the State during the certification year, (ii) an answer of yes or no as to whether or not the Brand Families have been sold in the State during the calendar year following the certification year, (iii) indication, by an asterisk, of any Brand Family sold in the State during the preceding calendar year that is no longer being sold in the State as of the date of such certification, and (iv) identification by name and address any other manufacturer of such Brand Families in the preceding or current calendar year. The Non-Participating Manufacturer/Importer shall update such list thirty calendar days prior to any addition to or modification of its Brand Families by executing and delivering a supplemental certification to the Commissioner of the Alabama Department of Revenue.

Part 3: Non-Participating Manufacturer/Importer Certification.

A. The Non-Participating Manufacturer/Importer must be registered to do business in Alabama or has appointed an agent for service of process and provided notice thereof as required by Section 6-12A-4, Code of Alabama 1975.

B. Identify (i) the name, address and telephone number of the financial institution where the Non-Participating Manufacturer/Importer has established a Qualified Escrow Fund pursuant to Section 6-12-3, Code of Alabama 1975 and all regulations promulgated thereto; (ii) the account number of such Qualified Escrow Fund and any sub-account number for Alabama.

C. Identify (i) the amount such Non-Participating Manufacturer/Importer placed in such fund for cigarettes sold in the State during the preceding calendar year, the date and amount of each such deposit; and (ii) the amount and date of any withdrawal or transfer of funds the Non-Participating Manufacturer/Importer made at any time from such fund or from any other Qualified Escrow Fund.

Part 4: Signature. The person executing the Certification must do so before an authorized notary public who must also sign and date the Certificate.