

NPM Name: \_\_\_\_\_

TTB Permit No.: \_\_\_\_\_

Importer Name: \_\_\_\_\_

Date of Declaration: \_\_\_\_\_

COMMONWEALTH OF PENNSYLVANIA  
OFFICE OF ATTORNEY GENERAL  
TOBACCO ENFORCEMENT SECTION  
STRAWBERRY SQUARE, 15<sup>TH</sup> FLOOR  
HARRISBURG, PA 17120

Phone: (717) 783-1794

Email: tobacco@attorneygeneral.gov

**NPM IMPORTER DECLARATION**

Importer Information

Importer Name:			
Street Address:			
City:		Phone Number:	
State/Territory:		Email Address:	
Zip Code:		Contact Person:	
U.S. Customs ID No.:			
U.S. TTB Permit No.: <i>(attach a complete copy of your TTB Permit)</i>			
<b>Required Attachments:</b> <ul style="list-style-type: none"> <li>○ Any contracts related to importing the NPM's cigarettes and RYO tobacco.</li> <li>○ Proof of declarant's authority to sign on behalf of the importer.</li> <li>○ If importer is located outside of Pennsylvania, a letter from the importer's resident agent for service of process confirming the agent's appointment.</li> </ul>			
Identify all brand families that have been, are being, or will be imported from the NPM named below during the current and prior calendar years: <i>(include all brand families imported into the U.S. belonging to the NPM)</i>			

Nonparticipating Manufacturer Information

NPM Name:			
Address:			
City, Postal Code:			
Country:			
Phone:		Email:	

NPM Name: \_\_\_\_\_

TTB Permit No.: \_\_\_\_\_

Importer Name: \_\_\_\_\_

Date of Declaration: \_\_\_\_\_

**Declarations**

On behalf of myself and the importer listed above and based upon my personal knowledge, by initialing and signing below I make the following declarations **under penalty of perjury and subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn falsification to authorities**. I hereby declare:

***(The declarant must initial each declaration below)***

(i) The importer accepts joint and several liability with the nonparticipating manufacturer for each obligation to place money into a qualified escrow fund and for payment of civil penalties, costs, expenses and attorney fees related to the nonparticipating manufacturer's failure to deposit escrow as required. \_\_\_\_\_  
(Initial)

(ii) The importer consents to personal jurisdiction in this Commonwealth for the purposes of claims by the Commonwealth for any obligations to place escrow money into a qualified escrow fund and for payment of civil penalties, costs, expenses and attorney's fees related to the escrow obligations. \_\_\_\_\_  
(Initial)

(iii) The importer has appointed an agent for service of process in this Commonwealth of Pennsylvania according to the same requirements under 35 P.S. §5702.305. \_\_\_\_\_  
(Initial)

(iv) The importer holds a valid permit under 26 U.S.C. §5713 (relating to permit). \_\_\_\_\_  
(Initial)

(v) The importer agrees to provide any information required under the Tobacco Product Manufacturer Directory Act, 35 P.S. §§ 5702.101-5702.2102 to the Pennsylvania Office of Attorney General. \_\_\_\_\_  
(Initial)

(vi) The declarations made and information contained in this Declaration and its attachment(s) are true, accurate, and complete. \_\_\_\_\_  
(Initial)

(vii) I have read and understand this Declaration and the statutory requirements, included all information and attachments requested above, and provided a copy of this Declaration to the importer's staff responsible for compliance with tobacco laws and regulations. \_\_\_\_\_  
(Initial)

(viii) I am an officer or director of the importer and duly authorized under the laws of the Commonwealth of Pennsylvania or the jurisdiction where the importer resides or is organized to make this Declaration and to bind the importer by signing this Declaration. \_\_\_\_\_  
(Initial)

NPM Name: \_\_\_\_\_

TTB Permit No.: \_\_\_\_\_

Importer Name: \_\_\_\_\_

Date of Declaration: \_\_\_\_\_

### **Statutory Obligations**

Pursuant to the Tobacco Product Manufacturer Directory Act (TPMDA), 35 P.S. §5702.101-2102, in the case of a nonparticipating manufacturer whose cigarettes or roll-your-own tobacco are manufactured outside the United States:

- In order to have its brand families appear on the Pennsylvania Tobacco Product Directory, a nonparticipating manufacturer must submit a Declaration on a form prescribed by the Attorney General and signed by each of its importers into the United States who sell cigarettes into Pennsylvania. 35 P.S. §5702.304(b)(4).
- Such Declaration shall state that (i) the importer accepts joint and several liability with the nonparticipating manufacturer for each obligation to place money into a qualified escrow fund and for payment of civil penalties, costs, expenses and attorney's fees related to the nonparticipating manufacturer's failure to deposit escrow as required, (ii) the importer consents to personal jurisdiction within the Commonwealth of Pennsylvania for the purposes of claims by the Commonwealth for any obligations to place money into a qualified escrow fund and for payment of civil penalties, costs, expenses and attorney's fees related to the escrow obligations, (iii) the importer has appointed an agent for service of process in this Commonwealth according to the same requirements under 35 P.S. §5702.305, (iv) the importer holds a valid permit under 26 U.S.C. §5713 (a reference to the importer's TTB permit), and (v) the importer agrees to provide any information required under this act. 35 P.S. §5702.304(b)(4).
- Such Declaration must be on a form prescribed by the Attorney General and executed by an individual authorized by the importer to bind the importer to the requirements of Pennsylvania law, including, without limitation, the TSAA and the TPMDA, 35 P.S. §§ 5702.101-5702.2102.

Notwithstanding whether an importer Declaration is signed or submitted, each importer of any nonparticipating manufacturer's brand families that are sold in Pennsylvania shall bear joint and several liability for each obligation to deposit escrow and pay civil penalties, fees, costs and attorney fees due under the TSAA. 35 P.S. §5702.312.

NPM Name: \_\_\_\_\_

TTB Permit No.: \_\_\_\_\_

Importer Name: \_\_\_\_\_

Date of Declaration: \_\_\_\_\_

IN WITNESS WHEREOF, this Declaration is made and signed by the importer  
this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Declarant Signature

\_\_\_\_\_  
Date of Declaration

\_\_\_\_\_  
Name (print)

\_\_\_\_\_  
Declarant's Phone No.

\_\_\_\_\_  
Title

\_\_\_\_\_  
Declarant's Email Address

Subscribed and sworn to me on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
by Declarant, \_\_\_\_\_, personally known to me or  
proved to me on the basis of satisfactory evidence to be the person(s) who  
appeared before me. Witness by my hand and official seal.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_