

Instructions for Montana Licensed Wholesaler Reporting Form

Montana Code Annotated § 16-11-507 allows the Attorney General's Office to require each Montana Licensed Wholesaler to submit to the Attorney General a report listing by brand the total number of cigarettes, roll-your-own tobacco, and little cigars stamped for sale or sold in Montana.

Each wholesaler shall submit to the Attorney General's Office all purchase orders of non-participating manufacturer (NPM) product and all wholesale sales invoices of NPM product relied on in completing this form. It is not necessary to submit purchase orders and retail invoices for all participating manufacturer (PM) products.

In addition, each wholesaler shall maintain and make available to the Attorney General on request all invoices and documentation of sales of NPM or PM tobacco products and other information relied on in completing this form for five (5) years.

Complete this form and submit it as directed on the form no later than 15 days after the close of the previous month.

Definitions:

1. **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 use of a 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.
2. **Cigarette** means any product that contains nicotine, is intended to be burned or heated under ordinary conditions of use, and consists of or contains
 - (a) any roll of tobacco wrapped in paper or in any substance not containing tobacco; or
 - (b) tobacco, in any form, that is functional in the product and that because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to or purchased by consumers as a cigarette; or
 - (c) any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in clause (a) of this definition. The term "cigarette" includes "roll-your-own" (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). For purposes of this definition of "cigarette," 0.09 ounces of "roll-your-own" tobacco shall constitute one individual "cigarette."
3. **Non-participating Manufacturer** is a manufacturer of any tobacco product who has not signed onto the MSA. A list of NPM product that may be stamped for sale or sold in Montana can be found at: <https://doj.mt.gov/consumer/tobacco-sales-and-directory/>.
4. **Participating Manufacturer** is a manufacturer of any tobacco product who has signed onto the MSA. A list of PM product that may be stamped for sale or sold in Montana can be found at: <https://doj.mt.gov/consumer/tobacco-sales-and-directory/>.
5. **Person(s)** means an individual, firm, partnership, corporation, association, company, committee, other group of persons, or other business entity, however formed.
6. **Retailer** means a person, other than a wholesaler, who is engaged in the business of selling tobacco products to the ultimate consumer. The term includes a person who operates fewer than 10 tobacco product vending machines.
7. **Wholesaler** means a person that is authorized to affix tax insignia to packages or other containers of cigarettes under Mont. Code Ann. § 16-11-113, a person that is required to remit the tax imposed on cigarettes pursuant to Mont. Code Ann. § 16-11-111, or a person that is required to remit the tobacco tax imposed on other tobacco products under Mont. Code Ann. § 16-11-111(7).

Please complete this form and return it with attachments to:

**Montana Attorney General's Office of Consumer Protection
Tobacco Enforcement Program
555 Fuller Avenue
P.O. Box 200151
Helena, MT 59620-0151
Fax: (406) 442-1894
Email: AGTobacco@mt.gov**