

TITLE 4: ECONOMIC RESOURCES  
DIVISION 5: BUSINESS REGULATION

**§ 50164. Reporting of Information; Escrow Installments.**

(a) *Reporting By Wholesale Agents.* Not later than 30 calendar days after the end of each month, and more frequently if so directed by the Attorney General or Director, each wholesale agent shall submit such information as the Director and Attorney General requires to facilitate compliance with this Act, including, but not limited to, a list by brand family of the total number of cigarettes, or, in the case of roll your own, the equivalent stick count, for which the wholesale agent paid the tax due on for such cigarettes during the previous calendar month. The wholesale agent shall maintain, and make available to the Director and Attorney General, all invoices and documentation of sales of all non-participating manufacturer cigarettes and any other information relied upon in reporting to the Director and Attorney General for a period of four years. Compliance with Department of Finance, Revenue and Taxation Regulations, Part XIX, Section 2700 et seq. [published in] Commonwealth Register, Volume 25, Number 10, Page 21455 through 21459, November 17, 2003, and any modifications or amendments thereto, shall be deemed to be compliance with this section.

(b) *Disclosure of Information.* The Director is authorized to disclose to the Attorney General any information received under this Act and requested by the Attorney General for purposes of determining compliance with and enforcing the provisions of this Act. The Director and Attorney General shall share with each other the information received under this Act, and may share such information with other federal, Commonwealth or local agencies only for purposes of enforcement of this Act, the Model Escrow Statute or corresponding laws of other states.

(c) *Verification of Qualified Escrow Fund.* The Attorney General may require at any time from the non-participating manufacturer proof, from the financial institution in which such manufacturer has established a qualified escrow fund for the purpose of compliance with the Model Escrow Statute, of the amount of money in such fund, exclusive of interest, the amount and date of each deposit to such fund, and the amount and date of each withdrawal from such fund.

(d) *Requests for Additional Information.* In addition to the information required to be submitted herein, the Director or Attorney General may require a wholesale agent or tobacco product manufacturer to submit any additional information including, but not limited to, samples of the packaging or labeling of each brand family, as is necessary to enable the Director and Attorney General to determine whether a tobacco product manufacturer is in compliance with this Act.

(e) *Quarterly Escrow Installments.* To promote compliance with this Act, the Department of Finance or Attorney General may promulgate regulations requiring a tobacco product manufacturer subject to the requirements of Paragraph 3(a)(2) of this Act to make the escrow deposits required in quarterly installments during the year in which the sales covered by such deposits are made. The Department of Finance or Attorney General may require production of infor-

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**DIVISION 5: BUSINESS REGULATION**

mation sufficient to enable the Director or Attorney General to determine the adequacy of the amount of the installment deposit.

**Source:** PL 14-10, § 5, modified.

**Commission Comment:** PL 13-15, referred to as the “Model Escrow Statute” by PL 14-10, is codified at 3 CMC §§ 2171 and 2172. The Commission changed the capitalization of words throughout the section above pursuant to its authority by 1 CMC § 3806(f) and inserted the bracketed text in subsection (a). In subsection (e) above, the Commission was unable to ascertain and substitute the correct section referred to therein as “Paragraph 3(a)(2) of this Act.”

The Department of Finance emergency regulations referenced to in subsection (g) above were permanently adopted on March 23, 2004 and are codified at NMIAC 70-40.6-1601 through 1635 (Cigarette Wholesaler Reporting Requirements).