

State of Hawai'i
Department of the Attorney General
**ELECTRONIC SMOKING DEVICE RETAILER
REGISTRATION UNIT**
Email address: ATG.ESD.Reg.Unit@hawaii.gov

**GENERAL INSTRUCTIONS
FOR COMPLETING THE
ELECTRONIC SMOKING DEVICE RETAILER
TEMPORARY REGISTRATION FORM**

WHO MUST REGISTER? Pursuant to Act 206, Session Laws of Hawai'i 2018, as of **JULY 1, 2018**, an entity that engages in the retail sale of electronic smoking devices **shall register** with the Electronic Smoking Device Retailer Registration Unit (Unit) of the Hawai'i Department of the Attorney General. As of November 1, 2018, retailers may now apply for a Temporary Certificate of Registration, effective until January 2, 2020. Registration must be completed by December 17, 2018, or monetary penalties may be assessed. At this time, no fee shall be assessed for this Certificate. Prior to the expiration of the temporary registrations, the Unit will provide information about future registration requirements.

Retailers may obtain a form to apply for a Temporary Certificate of Registration, free of charge, at <http://ag.hawaii.gov/cjd/esd-retailerregistration-unit>. The purpose of this form is to register with the Department of the Attorney General as a retailer of electronic smoking devices. This Temporary Registration Form is designed to be downloaded, completed online, printed, signed and mailed. This form may also be used to provide updated information.

An "entity" is defined as "one or more individuals, a company, corporation, a partnership, an association, or any other type of legal entity."

INSTRUCTIONS

**I. ELECTRONIC SMOKING DEVICE
RETAILER IDENTIFICATION SECTION**

This section requires entry of the name or names under which the entity conducts or will conduct business. The identification information should conform to the name of the retail establishment, which is also referred to as the trade name, or doing business as (DBA) name.

Complete the address, telephone number, facsimile number, and website address of the principal place of business, along with the name and email address of

the authorized representative who will accept service of process on behalf of the business entity.

Complete the address, telephone number, and the name of a contact person for each place of business the entity maintains in the State. This identification information should conform to the name and address of each retail location required to display the Temporary Certificate of Registration.

If the retailer of electronic smoking devices conducts retail sales from a vehicle, provide the name, address and telephone number of the vehicle's registered owner, and the vehicle make, model, model year, license plate number, the State where the vehicle is registered and the vehicle identification number.

**II. ENTITY BUSINESS REGISTRATION
INFORMATION SECTION**

This section requires entry of information to demonstrate compliance with State tax and business registration obligations.

Enter the general excise tax/use tax number assigned to the entity by the Hawai'i Department of Taxation.

Is your business in good standing? Mark "yes" or "no". Verification of good standing can be obtained by visiting the Hawai'i Department of Commerce and Consumer Affairs website at:

hbe.ehawaii.gov/documents, or by accessing the business registration branch at cca.hawaii.gov/breg.

Does your business currently hold a Retail Tobacco Permit? Mark "yes" or "no". If your business currently holds a Retail Tobacco Permit, enter the Permit number and expiration date for each retail establishment your business maintains in the State. A separate page or pages containing the retail tobacco permit information may be attached to the Temporary Registration Form if more space is required.

Please note that the Electronic Smoking Device Retailer Registration requirement is separate and apart from the Retail Tobacco Permit. If you sell cigarettes or tobacco products and electronic smoking devices, you are required to both obtain a retail tobacco permit from the Department of Taxation and register as a retailer of electronic smoking devices. Please also note that if you sell e-liquids, even if you do not otherwise sell electronic smoking devices or tobacco products, you are still required to register with the Electronic Smoking Device Retailer Registration Unit.

III. STATEMENT OF OWNERSHIP SECTION

Enter the name, address, telephone number, and email address for all officers of the entity. If applicable, indicate if the officer is an “owner” or “partner” of the entity by checking the appropriate box. Indicate the ownership interest of all officers, owners, or others who own or control, directly or indirectly, twenty-five per cent or more of the equity interests of the entity. A separate page or pages containing ownership information may be attached to the Temporary Registration Form if more space is required. The entity’s authorized representative must attest to the fact that the entity is not in violation of the Federal Food, Drug, and Cosmetic Act, as amended by the Family Smoking Prevention and Tobacco Control Act and its implementing regulations, and has not received a warning letter from the United States Food and Drug Administration based on a compliance check inspection within thirty days of submitting the Temporary Registration Form. The person signing as the authorized representative on behalf of the entity represents that the person has full authority to bind the entity.

IV. DECLARATION UNDER PENALTY OF LAW pursuant to Parts II and V, Chapter 710, *Hawai‘i Revised Statutes* (2014)

This section requires the entity’s authorized representative to declare, acknowledge, attest or affirm that the information provided to the Department of the Attorney General Unit on the Temporary Registration Form is true and correct to the best of the authorized representative’s knowledge and belief.

As provided in Part II and Part V of Chapter 710, *Hawai‘i Revised Statutes* (2014), the Authorized Representative may be subject to criminal prosecution if during the registration process the Authorized Representative knowingly provides false information to the Department of the Attorney General.

Mail the completed form to:

Hawai‘i Department of the Attorney General
Electronic Smoking Device
Retailer Registration Unit
425 Queen Street
Honolulu, Hawai‘i 96813

Upon receipt of the Temporary Registration Form, the Unit will verify the information provided.

If the information is found to comply with all registration requirements, the Unit will approve the registration and issue a Temporary Certificate of Registration for each business location.

The Unit will utilize the place of business information identified by the entity on the ELECTRONIC SMOKING DEVICE RETAILER IDENTIFICATION SECTION of the Temporary Registration Form to prepare the Temporary Certificate of Registration.

The Temporary Certificate of Registration authorizing the entity to engage in the retail sale of electronic smoking devices will be mailed directly to each individual retail location.

The Temporary Certificate of Registration for an entity conducting retail sales from a vehicle will be sent to the registered owner of the vehicle.

The Temporary Certificate of Registration must be displayed in a conspicuous location in each place of business.

A list of Temporary Certificate of Registration holders will be published on the website of the Hawai‘i Department of the Attorney General.

REGISTRATION FEE

The **Electronic Smoking Device Retailer Registration Unit** is authorized to charge a registration fee of up to \$500 for each entity that registers. However, at this time **THERE SHALL BE NO FEE ASSESSED FOR TEMPORARY REGISTRATION BETWEEN NOVEMBER 1, 2018 AND JANUARY 2, 2020. FAILURE TO REGISTER AS REQUIRED MAY RESULT IN A MONETARY PENALTY.**

QUESTIONS?

Contact: ATG.ESD.Reg.Unit@hawaii.gov
or call (808) 586-1203.

A copy of Act 206 is available at:
https://www.capitol.hawaii.gov/session2018/bills/GM1315_.pdf