

**ELECTRONIC SMOKING DEVICE RETAILER
REGISTRATION UNIT**

Email address: ATG.ESD.Reg.Unit@hawaii.gov

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

WHO MUST REGISTER? Pursuant to part XII, chapter 28, Hawai'i Revised Statutes (Supp. 2018), as of **JULY 1, 2018**, an entity that intends to engage in the retail sale of electronic smoking devices **shall register** with the Electronic Smoking Device Retailer Registration Unit of the Hawai'i Department of the Attorney General (ESD Unit). An "entity" is defined as "one or more individuals, a company, corporation, a partnership, an association, or any other type of legal entity". "Retail sale" or "electronic smoking device retailing" is defined as "the practice of selling electronic smoking devices to consumers." An "electronic smoking device" is defined as "any electronic product that can be used to aerosolize and deliver nicotine or other substances to the person inhaling from the device, including but not limited to an electronic cigarette, electronic cigar, electronic cigarillo, or electronic pipe, and any cartridge or other component of the device or related product." E-liquid is a related product included within the definition of electronic smoking device.

Beginning November 1, 2018, retailers may apply for a Certificate of Registration (Certificate). Entities engaged in the retail sale of electronic smoking devices must complete registration within thirty days of engaging in the retail sale of electronic smoking devices. **Any entity that fails to register with the ESD Unit within thirty days of engaging in the retail sale of electronic smoking devices shall be subject to a civil penalty of \$100 for each day that the violation continues.** Section 28-168, Hawai'i Revised Statutes (Supp. 2018).

The purpose of the Registration Form is to register with the Department of the Attorney General as a retailer of electronic smoking devices and is designed to be completed online, downloaded, printed, signed, and mailed. This form may also be used to renew registration or provide updated information. Entities may obtain a registration by visiting the ESD Unit's website at <http://ag.hawaii.gov/cjd/esd-retailer-registration-unit>.

No registration fee is being assessed at this time. Certificates issued after December 5, 2019 will expire on June 30, 2022. The ESD Unit will provide renewal information prior the Certificate expiration date. Certificate holders are encouraged to regularly check the ESD Unit's website for updated information.

**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 retailer identification information should include the master name or parent company name of the business entity and the name of the retail establishment, often referred to as the trade name, or doing business as (DBA) name.

Complete the address, telephone number, facsimile number, and website address of each business location the entity maintains in the State. This identification information should conform to the name and address of each retail location required to display the Certificate. Complete the name and contact information of the authorized representative who will accept service of process on behalf of the business entity. Also provide the name and contact information for a second person who may act on behalf of the business entity if the authorized representative is unavailable.

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

**II. ENTITY BUSINESS REGISTRATION
INFORMATION SECTION**

This section requires entry of information necessary 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: https://hbc.ehawaii.gov/documents/search.html?mobile=n&site_preference=normal, or by accessing the business registration branch website at <https://cca.hawaii.gov>.

Does your business currently hold a Retail Tobacco Permit? Mark "Yes" or "No". If your business currently sells cigarettes or tobacco products, enter the Retail Tobacco Permit number and expiration date for each retail establishment your business maintains in the State. Attach additional pages if more space is needed.

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 obtain a retail tobacco permit from the Department of Taxation and register with the ESD Unit as a retailer of

electronic smoking devices. A retailer that sells e-liquids, but does not sell other electronic smoking items, cigarettes, or tobacco products, is required to register with the ESD 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. Attach additional pages if more space is needed.

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 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 of 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 Electronic Smoking Device Retailer Registration Unit on the Registration Form is true and correct to the best of the authorized representative’s knowledge and belief.

As provided in parts II and V of chapter 710, Hawai‘i Revised Statutes (2014), the person signing the declaration as 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 **with original signatures** 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 Registration Form, the ESD Unit will verify the information provided. If the information is found to comply with all registration requirements, the ESD Unit will approve the registration and issue Certificates for each business location.

The business location information identified by the entity on the ELECTRONIC SMOKING DEVICE RETAILER IDENTIFICATION SECTION of the Registration Form will be utilized to prepare the Certificate.

The Certificate authorizing the entity to engage in the retail sale of electronic smoking devices **will be mailed directly to each individual retail location, unless the entity provides other mailing instructions.**

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

The Certificate must be displayed in a conspicuous location in each place of business, is NOT assignable or transferable and is VALID for the period indicated unless revoked or cancelled.

The ESD Unit is required to publish a list of Certificate holders on the Hawai‘i Department of the Attorney General website.

REGISTRATION FEE

The ESD Unit is authorized to charge a registration fee of up to \$500 for each entity that registers. **NO FEE IS BEING ASSESSED FOR REGISTRATION AT THIS TIME.**

QUESTIONS?

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

A copy of part XII, chapter 28, Hawai‘i Revised Statutes (Supp. 2018) is available at the following links:

Policy, HRS §28-161

https://www.capitol.hawaii.gov/hrscurrent/Vol01_Ch0001-0042F/HRS0028/HRS_0028-0161.htm

Definitions, HRS §28-162

https://www.capitol.hawaii.gov/hrscurrent/Vol01_Ch0001-0042F/HRS0028/HRS_0028-0162.htm

ESD Retailer Registration Unit, HRS §28-163

https://www.capitol.hawaii.gov/hrscurrent/Vol01_Ch0001-0042F/HRS0028/HRS_0028-0163.htm

Registration, HRS §28-164

https://www.capitol.hawaii.gov/hrscurrent/Vol01_Ch0001-0042F/HRS0028/HRS_0028-0164.htm

Certificates, HRS §28-165

https://www.capitol.hawaii.gov/hrscurrent/Vol01_Ch0001-0042F/HRS0028/HRS_0028-0165.htm

Inspection, HRS §28-166

https://www.capitol.hawaii.gov/hrscurrent/Vol01_Ch0001-0042F/HRS0028/HRS_0028-0166.htm

Personnel, HRS §28-167

https://www.capitol.hawaii.gov/hrscurrent/Vol01_Ch0001-0042F/HRS0028/HRS_0028-0167.htm

Civil Penalty for Failure to Register, §28-168

https://www.capitol.hawaii.gov/hrscurrent/Vol01_Ch0001-0042F/HRS0028/HRS_0028-0168.htm