STATE OF HAWAI'I

Department of the Attorney General Tobacco Enforcement Unit

Certification for Hawai'i Tobacco Directory Pursuant to Chapters 245 and 486P, Hawaii Revised Statutes (HRS) for Cigarettes and Roll-Your-Own (RYO) Tobacco

Initial Certifi	cation Annual Certification Supplemental Certification
Part I.	Tobacco Product Manufacturer ¹ Identification
Name: Address:	
Telephone: Website:	Facsimile:
Contact person	: Contact Email:
Mailing address	(if different from above):
Manufacturing լ	plant(s) name and address (if different from above):
The Tobacco P	roduct Manufacturer identified above is, as of the date of this certification: (check one box) A Participating Manufacturer (PM) under the Master Settlement Agreement (MSA). A Non-Participating Manufacturer (NPM) in full compliance with HRS §675-3(b).
The Tobacco P	roduct Manufacturer identified above has: Complied with its reporting requirements as provided by HRS chapter 486P. (Failure to comply with reporting requirements will result in denial of certification.)
Part II.	Calendar Year (Provide a separate certification for each year.)
	2020

¹ The term "Tobacco Product Manufacturer" means an entity that after July 2, 1999 directly (and not exclusively through any affiliate): (1) manufactures cigarettes anywhere that such manufacturer intends to be sold in the United States, including cigarettes intended to be sold in the United States through an importer (except where such importer is an original participating manufacturer (as the term in defined in the Master Settlement Agreement (MSA)) that will be responsible for the payments under the MSA with respect to such cigarettes as a result of the provisions of subsection II(mm) of the MSA and that pays the taxes specified in subsection II(z) of the MSA, and provided that the manufacturer of such cigarettes does not market or advertise such cigarettes in the United States); (2) is the first purchaser anywhere for resale in the United States of cigarettes manufactured anywhere that the manufacturer does not intend to be sold in the United States; or (3) becomes a successor of an entity described in paragraph (1) or (2). The term "Tobacco Product Manufacturer" shall not include an affiliate of a tobacco product manufacturer unless such affiliate itself falls within any of (1) to (3) above. See HRS § 675(2)(i).

Part III.	Brand Family	/ Identification	(Attach additional	sheet(s)	, as needed,	to provide com	plete response.)
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1. The **PM** identified in Part I has the following Brand Families, each of which the manufacturer hereby affirms are to be deemed its Cigarettes² for purposes of calculating its payments under the MSA for the relevant year, in the volume and shares determined pursuant to the MSA. List each Brand Family including all "styles"; a Brand Family will be assumed to be cigarettes unless designated as RYO. Attach additional pages as needed.

Bran	Brand Family (indicate with an asterisk (*) those brands that will not be sold in 2020)			
Name	Fire Safe Certified (Y/N)	Name	Fire Safe Certified (Y/N)	
		_		

2. The **NPM** identified in Part I has the following Brand Families, each of which the manufacturer hereby affirms are to be deemed its Cigarettes³ for purposes of HRS chapter 675 for the relevant year. List each Brand Family including all "styles"; a Brand Family will be assumed to be cigarettes unless designated as RYO.

Provide a depiction of the actual packaging, preferably via electronic format, for each brand of cigarette and RYO to be listed in the Directory.

A. Brand Family (indicate with an asterisk (*) those brands that will not be sold in 2020)	B. Units sold in preceding calendar year	C. Manufacturer of brands listed (include complete address information)

² The term "cigarette" means any product that contains nicotine, is intended to be burned or heated under ordinary conditions of use, and consists of or contains (1) any roll of tobacco wrapped in paper or in any substance not containing tobacco; or (2) tobacco, in any form, that is functional in the product, 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; or (3) 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 (1) 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." See HRS §§ 486P-1 and 675-2(d).

³ See footnote 2 for definition of "cigarette."

1.	equity	any Officers and Owner(s) Identification. List all company office interest of 10% or more in the applicant company). Attach additionate response.		
Preside	ent:			Owner
Addres				% interest
Email:				Partner
Vice Pi Addres	resident: ss:			Owner % interest
Email:				Partner
Secreta Addres				Owner % interest
Email:				Partner
Treasu Addres				Owner % interest
Email:				Partner
Other: Addres	ss:			Owner % interest
Email:				Partner
2.		ant Information. Indicate whether the following statements describe a after the statement.	applicant by mar	king the box "Yes"
	01 110	and the statement.	Yes	<u>No</u>
	A.	Applicant sold (whether directly or through a distributor, retailer or similar intermediary or intermediaries) cigarettes to consumers within the State of Hawai'i in the preceding calendar year.		
	В.	Applicant placed moneys into a Qualified Escrow Fund pursuant to HRS chapter 675 for its sales in the preceding calendar year.		
	C.	There has been a change in manufacturer (i.e., fabricator) for one or more of the brands listed in this certification within the past two calendar years.		
	D.	Applicant sells cigarettes via the internet or direct mail order to consumers within the State of Hawai'i.		

Non-Participating Manufacturer's Additional Information

Part IV.

3. Registered Agent for Service of Process.				
	Please certify a	s follows (<u>check one</u>):		
		The NPM identified in Part I is dom	iciled in the State of Hawaiʻi.	
		The NPM identified in Part I is a no in the State of Hawai'i as a foreign		nas registered to do business
		The NPM identified in Part I has ap the United States for service of pro- concerning or arising out of the enf manner authorized by law. (<u>Proof- agent</u> .)	ocess on whom all process, any a forcement of HRS chapters 486P	action or proceeding against it or 675, may be served in any
	Name of Agent: Address:			
	Telephone: Email:		Facsimile:	
4.	Qualified Escre Name of Institut Address:	ow Fund – Financial Institution. ion:		
	Telephone: State Sub-Acco		Facsimile: Escrow Account No	D.:
	Contact Person (Attach an	executed copy of current escrow ag		A listing Hawaiʻi.)
5.	Escrow Depos	it/Withdrawal History for Hawai'i.	(Attach additional sheet(s) as ne	eded.)
	Date	Deposit*	Withdrawal*	Balance

^{*} Amounts must comply with HRS chapter 675.

<u> </u>	and Francisco	I B. Etter	1 -	Of 4 A .l.l
<u>А. В</u>	rand Family	B. Filer	C.	Street Address
		attach the FTC's written approsheet(s), as needed, to provide		nt's annual Cigarette Health Warning Rotationsponse.
7.	the Tobacco Ingredient	Reporting information to the	Secretary of	ame and address of the entity that submitte the U.S. Department of Health and Huma sing Act (FCLAA) (§1335a(a), title 15, Unite
А. В	rand Family	B. Submitter	C.	Street Address
	Control and Prevention		co Ingredient	iance received from the Center for Diseas Reporting required by the FCLAA. Attac
8.	Control and Prevention additional sheet(s), as n Imported Cigarettes; E	for applicant's annual Tobac eeded, to provide a complete r	co Ingredient esponse. on. If the ciga	
8.	Control and Prevention additional sheet(s), as no sheet (s), as no sheet (for applicant's annual Tobac eeded, to provide a complete re cocumentation and Verification es, provide the documents liste	co Ingredient esponse. on. If the ciga d below:	Reporting required by the FCLAA. Attac
8.	Control and Prevention additional sheet(s), as no sheet (s), as no sheet (for applicant's annual Tobac eeded, to provide a complete recommendation and Verifications, provide the documents listed apporter permit issued pursuant to the United States; and entificate required by 19 USC §	co Ingredient esponse. on. If the ciga d below: to 26 USC §5: 1681a(c)(1) th ary of the U.S	Reporting required by the FCLAA. Attace rettes applicant sells or intends to sell are not at was signed by the NPM of such cigarettes. Department of Health and Human Services.
8.	Control and Prevention additional sheet(s), as not be sheet (s), as not	for applicant's annual Tobac eeded, to provide a complete recommendation and Verifications, provide the documents listed aporter permit issued pursuant to the United States; and entificate required by 19 USC § will timely submit to the Secret redient reporting information recommendation.	co Ingredient esponse. on. If the ciga d below: to 26 USC §57 1681a(c)(1) th ary of the U.Squired by 15 U	Reporting required by the FCLAA. Attackness applicant sells or intends to sell are not rettes ap
8.	Control and Prevention additional sheet(s), as not be sheet (s), as not	for applicant's annual Tobac eeded, to provide a complete repocumentation and Verifications, provide the documents listed aporter permit issued pursuant to the United States; and entificate required by 19 USC § will timely submit to the Secret redient reporting information receptificate required by 19 USC § of warning statements, and the certificate required by 19 USC § of warning statements by 19 USC § of warn	co Ingredient esponse. on. If the ciga d below: to 26 USC §5: 1681a(c)(1) th ary of the U.S quired by 15 L \$1681a(c)(2) the totation plan for \$1681a(c)(3)	Reporting required by the FCLAA. Attackness applicant sells or intends to sell are not rettes ap
8.	Control and Prevention additional sheet(s), as not be addition	for applicant's annual Tobac eeded, to provide a complete report of the complete reporter permit issued pursuant to the United States; and entificate required by 19 USC swill timely submit to the Secret redient reporting information receptificate required by 19 USC soft warning statements, and the coertificate required by 19 USC sowner consents to the important coertificate as required by 19 USC sowner consents to the important coertificate as required by 19 USC sowner consents to the important coertificate as required by 19 USC sowner consents to the important coertificate as required by 19 USC sowner consents to the important coefficients.	co Ingredient esponse. on. If the ciga d below: to 26 USC §57 1681a(c)(1) the ary of the U.S quired by 15 L (1681a(c)(2) the totation plan for \$1681a(c)(3) tion of such cities \$1681a(c)(3) ESC §1681a(c)(3)	Reporting required by the FCLAA. Attackness applicant sells or intends to sell are not rettes applicant sells or intends to sell are not rettes applicant sells or intends to sell are not rettes applicant sells or intends to sell are not retter at was signed by the NPM of such cigarettes. Department of Health and Human Services (ISC §1335a(a); and the hat was signed by the importer regarding the or health warnings; and (A) that was signed by the U.S. tradema

9. Trademark Owner; Cigarette and Roll-Your-Own Tobacco Brands.

Submit a list of trademark owners for those brands of cigarettes and roll-your-own tobacco listed in Part III (2). Those brands for which the trademark owner is other than the applicant, documentation that shows the trademark owner authorizes applicant to manufacture subject tobacco product(s) must be provided.

Part V. All Tobacco Product Manufacturers

1. Fire Safe Cigarette Certification.

Pursuant to HRS chapter 132C, effective September 30, 2009, only reduced ignition propensity cigarettes (fire safe cigarettes or "FSC") may be sold in the State. Written certifications must be submitted to the State Fire Council in accordance with HRS chapter 132C.

State Fire Council 636 South Street Honolulu, Hawaii 96813-5007 (808) 723-7173 (808) 723-7179 facsimile

email: ekealoha@honolulu.gov

<u>Please indicate on the list of the brands and styles submitted under Part III herein, those brand styles currently FSC certified by the Hawaiii State Fire Council.</u>

2. PACT Act Registration and Reporting.

On March 31, 2010, the federal Prevent All Cigarette Trafficking Act (Pact Act), 15 USC §375 et seq., was signed into law. The Pact Act amended provisions of the Jenkins Act (15 USC §§375 - 378) regarding the shipment and packaging of tobacco products, compliance with state tax and licensing requirements, and the filing of certain reports with the state tobacco tax administrator.

The Jenkins Act, as amended, requires every person including cigarette manufacturers, wholesalers, distributors, and delivery sellers, who sell, transfer, or ship for profit cigarettes, roll-your-own (RYO) tobacco, and smokeless tobacco in interstate commerce to (1) register with the United State's Attorney General and the state tobacco tax administrator of each state into which shipments are made, and (2) file monthly reports with the state tobacco tax administrator, no later than the 10th of each month.

Pursuant to HRS §486P-2(4)(e), any tobacco product manufacturer selling cigarettes to consumers within this State (whether directly or through a distributor, retailer or similar intermediary or intermediaries) shall register and submit monthly reports as set forth in the PACT Act. The Tobacco Product Manufacturer identified in Part I has:

Subilli	monthly reports as set for in the FACT Act. The Tobacco Froduct Manufacturer Identified in Fact Thas.
	Registered with the Hawai'i Department of Taxation and Hawai'i Department of the Attorney General; and has complied with its monthly reporting requirements pursuant to the PACT Act.
	Not previously registered or reported pursuant to the PACT Act; but submitted its registration form to the Hawai'i Department of Taxation and includes herein its registration form to the Hawai'i Department of the Attorney General and intends to submit monthly reports to both entities on go-forward basis.

Additional instructions may be found at http://ag.hawaii.gov/cjd/tobacco-enforcement-unit/.

Part VI. **Notarized Signature** I certify that the information and documentation submitted with this certification are true, correct, and complete. Documentation pertaining to the signatory's status as an owner, partner, or officer of the corporation is attached. Print Name: Title: Signature: Date: City or County of: Subscribed and sworn to before me on this date: Signature of Notary Public: State or Country of: Date of Document: Print Name: My Commission expires: Description of Document: Number of pages: **Notary Seal**

Part VII. Delivery to the Hawai'i Attorney General

The certification must be executed and delivered to the attorney general no later than **April 30th** of each year. Supplemental certifications must be executed and delivered to the attorney general thirty calendar days before any addition to or modification of a Tobacco Product Manufacturer's Brand Family.

Deliver to:

State of Hawai'i
Department of the Attorney General
Tobacco Enforcement Unit
425 Queen Street
Honolulu, Hawai'i 96813

CAVEAT: Due to the unprecedented conditions resulting from the CORONAVIRUS (COVID-19) pandemic, Hawai'i will use the following process for receiving and evaluating requests for extension of time to submit the annual Certification for the Hawai'i Tobacco Directory:

- The request for extension of time must be in writing. To ensure timely receipt of an extension request please e-mail the request to atg.tobaccoenforcementunit@hawaii.gov and richard.w.stacey@hawaii.gov.
- Requests for extension of time shall be **submitted at least two weeks before the April 30th deadline**. Provide good cause for the proposed extension and propose a new deadline.
- Upon review of the extension request, and a finding of good cause, this office will provide the requesting tobacco product manufacturer with a new compliance date.