

STATE OF HAWAI'I
Department of the Attorney General
Tobacco Enforcement Unit

**Participating Manufacturer's 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 Certification

Annual Certification

Supplemental Certification

Part I. Tobacco Product Manufacturer¹ Identification

Name: _____

Address: _____

Telephone: _____ Facsimile: _____

Website: _____

Contact person: _____ Contact Email: _____

Mailing address (if different from above):

Manufacturing plant(s) name and address (if different from above):

The Tobacco Product 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 Product 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.)

2023

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 is 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 complete response.)

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.

Brand Family (indicate with an asterisk (*) those brands that will not be sold in 2023)			
Name	Fire Safe Certified (Y/N)	Name	Fire Safe Certified (Y/N)

Part IV. All Tobacco Product Manufacturers

1. Fire Standard Compliant Certification.

Pursuant to HRS chapter 132C, effective September 30, 2009, only reduced ignition propensity (fire standard compliant or “FSC”) cigarettes 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

Please indicate on the list of the brands and styles submitted under Part III herein, those brand styles currently FSC certified by the Hawai'i State Fire Council.

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.”

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:

- 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 V. 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: _____

Subscribed and sworn to before me on this date: _____ City or County of: _____

Signature of Notary Public: _____ State or Country of: _____

Print Name: _____ Date of Document: _____

My Commission expires: _____ Description of Document: _____

Number of pages: _____

Notary Seal

Part VI. 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