STATE OF GEORGIA
PARTICIPATING TOBACCO MANUFACTURER'S ANNUAL CERTIFICATION
Pursuant to O.C.G.A §10-13A-3
For 2019
----
and

REQUEST FOR LISTING IN
GEORGIA DIRECTORY FOR COMPLIANT TOBACCO PRODUCT MANUFACTURERS
IN 2020

Who is required to file this Certification?

Any MSA-participating tobacco product manufacturer that sells, intends to sell or has sold cigarettes within the state of Georgia, whether directly or through any distributor, retailer, or similar intermediary. You are required to submit this annual certification if you appeared on the Georgia Directory in 2019 or request to be listed in the Georgia Directory in 2020.

Definitions:

(a) **"Brand Family"** means all styles of Cigarettes sold under the same trade mark and differentiated from one another by means of additional modifiers or descriptors, including, but not limited to, "menthol," "lights," "kings," and "100s," and includes any brand name (alone or in conjunction with any other word), trademark, logo, symbol, motto, selling message, recognizable pattern of colors, or any other indicia of product identification identical or similar to, or identifiable with, a previously known brand of Cigarettes.

(b) **"Cigarettes"** means any product that contains nicotine, is intended to be burned or hearted under ordinary conditions of use, and consists of or contains (A) any roll of tobacco wrapped in paper or in any substance not containing tobacco; or (B) 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 (C) any roll of tobacco wrapped in any substance containing tobacco which, because of its likely to be offered to, or purchased by, consumers as a cigarette described in clause (A) of this definition. The term "cigarette" includes "roll-your-own" tobacco. 0.09 ounces of "roll-your-own" tobacco one individual cigarette.

(c) **"Directory"** means the Attorney General's list of all Tobacco Product Manufacturers that have provided current and accurate certification conforming to the requirements of O.C.G.A§ 10-13A-3 and all Brand Families that are listed in such certifications.

(d) **"Participating Manufacturer"** or **"PM"** has the meaning given to it in subsection II (jj) of the Master Settlement Agreement and all amendments thereto.

(e) **"Tobacco Product Manufacturer"** means an entity that physically manufactures cigarettes anywhere in the world that are intended for sale in the United States, either directly or through an importer; an entity that is the first purchaser of cigarettes that the manufacturer did not intend to be sold in the United States, regardless of where those cigarettes were manufactured; or an entity that becomes a successor to an entity described above.

(f) **"Unit"** means one cigarette or .09 ounces of "roll our own" tobacco, as defined above.

When is this Certification due?

This Certification must be received by us no later than **Thursday, April 30, 2020**.

Where do I send this Certification?

The Certification must be delivered to two places:

Regulated Public Interest Section
Office of the Attorney General
40 Capital Square
Atlanta, Georgia 30334

And

Georgia Department of Revenue
Alcohol and Tobacco Tax Division
1800 Century Center Boulevard
Atlanta, Georgia 30345-3205

INSTRUCTIONS

Part 1: **Manufacturer's Identification** Enter applicant's name, address, telephone, fax number, electronic mail address, internet address, name and title of person completing report. If applicant is located in the U.S., provide federal tax identification number and TTB Tobacco Manufacturer Permit number. Provide applicant's Georgia license number and the type of license held.

The Georgia Department of Revenue has licensing and additional reporting requirements for shipping any form of tobacco into Georgia. Contact the Department Revenue directly for additional information at 404-417-4900 or atdiv@dor.ga.gov.

Part 2: **Certification Type** Check whether this is an initial certification (if you are not currently listed), annual certification (due April 30, 2020 for 2019 sales), or supplemental certification (change of information previously provided).

Part 3: **A. Brand Family Identification** List by Brand Family all of the cigarettes that you sold or intend to sell in Georgia, whether directly or through any distributor, retailer, or similar intermediary. **Only the brands you list will be eligible to be included in the Directory.**

Participating Manufacturers shall include a list of their Brand Families. A Participating Manufacturer may not include a Brand Family in its certification unless it affirms that the Brand Family is deemed to be its cigarettes for purposes of calculation its payments under the Master Settlement. The Participating Manufacturer shall update such list thirty calendar days prior to any addition to or modification of its Brand Families by executing and delivering a supplemental certification to the Attorney General and the Department of Revenue.

For Each Brand Family

1. Provide the compliance letter from the CDC indicating compliance with the ingredient submission requirements.
2. Provide the compliance letter from the FTC indicating compliance with warning rotation plan requirements.
3. Provide proof of submission of required documentation to FDA or a copy of any document received from the FDA with regard to the issue of "substantial equivalence."

4. Provide information regarding the ownership of the brand trademark including documentation that evidences that the applicant owns or is permitted to use the trademark.

B. Fire Safe Compliance: It is unlawful to offer for sale in Georgia any cigarette that is not compliant with the Georgia Fire Safety Standard and Firefighter Protection Act, O.C.G.A. § 24-4, et *seq.* Indicate whether each brand family listed has been approved by the Georgia Fire Safety Commission as fire-safe compliant. Do not list a brand family unless the required information has been submitted to the Georgia Fire Safety Commissioner required package markings approved. **Submit a website print out or other evidence that each brand family has been approved by the Georgia Fire Safety Commissioner.**

C. Previous Fabricators: Identity for each Brand Family, the name and address of any other fabricator of such Brand Family (either current or past fabricator). For each fabricator identify the time period during which the party fabricated the brand.

D. Manufacturing Facility Identification: Enter the name, owner, address, phone and email address of the factory that currently fabricates the cigarettes or RYO tobacco listed. Indicate the name and address of other company that has access to or utilizes the same facility.

Part 4 : **Additional Information:** Provide the requested response and a full explanation of circumstances, if necessary.

Part 5: **Executed by Authorized Designees**: The person executing the Certification must be authorized representative of the Tobacco Product Manufacturer identified in Part 1. The Designee's name and title must be legibly printed and the Certification must be executed in the presence of an authorized notary.

You may send any questions about this form to: Regulated Public Interests Section
Office of the Attorney General • 40 Capital Square SW •Atlanta GA 30334
Facsimile 404.656.0677, email tobacco@law.ga.gov

For questions regarding additional licensing or reporting requirements to ship tobacco into the State contact the Georgia Department of Revenue at 404-471-4900 or atdiv@dor.ga.gov

STATE OF GEORGIA
PARTICIPATING TOBACCO PRODUCT MANUFACTURER'S CERTIFICATION
Pursuant to O.C.G.A. § 10-13-3
For 2019
----
and

Request For Listing In
Georgia Directory of Compliant Tobacco Product Manufacturers
In 2020

Part 1: Tobacco Product Manufacturer Identification

Company :		
Address :		
Address :		
Phone :	Fax :	
Email :	Web Address :	
Name/Title of person completing report :		
If located in the U.S. : Manufacturer's Federal I.D.#		☐ NOT APPLICABLE
If located in the U.S. : Manufacturer's TTB Permit # (attach copy)		☐ NOT APPLICABLE
Georgia license # and license type (attach copy) :		

The Tobacco Product Manufacturer identified above certifies that, as of the date of this Certification:

☐ **It is a Non-Participating Tobacco Product Manufacturer in full compliance with O.C.G.A. § 10-13-1, et. *seq,* O.C.G.A.§ 10-13A-1, *et. seq,* and Official Code of Georgia, Title 48, Chapter 11.**

Part 2: Certification Type

This form is a (check one):

☐ Initial certification – Manufacturer is not currently listed on the Georgia Directory of Compliant Tobacco Product Manufacturers.

☐ **Annual** certification – Due April 30, 2020 for sales made in Georgia in 2019.

☐ Supplemental certification – Change of information previously provided.
Change of information must be submitted 30 days prior to change.

Part 3: Brands

A. **Brand Family Identification (Attach additional Sheets if Necessary)**

BRAND FAMILY	CIGARETTE OR RYO	UNITS SOLD IN 2019 (.09 oz. of RYP EQUALS 1 UNIT)	UNITS SOLD IN *2020* TO DATE (.09 oz. of RYO EQUALS 1 UNIT)	FABRICATOR -IF DIFFERENT FROM APPLICANT

For each brand family identified above, Applicant has:

☐ Provided a copy of the current certificate of compliance issued by the Department of Health and Human Services, Centers for Disease Control and Prevention, and the Office on Smoking Health showing compliance with the ingredient list submission requirement of 15 U.S.C §1335a;

☐ Provided a copy of the current approval letter from the Federal Trade Commission ("FTC") pursuant to 15 U.S.C. §1335a with regard to the warning rotation plan;

☐ Provided proof of submission of required documentation to the Food and Drug Administration ("FDA") or a copy of any document received from the FDA with regard to the Family Smoking Prevention and Tobacco Control Act, P.L. 111-31, 123 Stat. 1784, 21 U.S.C. § 387 and the issue of "substantial equivalence."

☐ Provided information regarding the ownership of the brand trademark including documentation that evidences that the applicant owns or is permitted to use the trademark.

Note: By including a brand family in its certification, a Participating Manufacturer affirms that the brand family is deemed to be its cigarettes for purposes of calculating its payments under the MSA for the 2019 and 2020 sales years. However, the Attorney General retains the discretion to determine whether the listed brand family is actually the cigarette of another tobacco product manufacturer.

B. Fire-Safe Compliance

It is unlawful to offer for sale in Georgia any cigarette that is not compliant with the Georgia Fire Safety Standard and Firefighter Protection, O.C.G.A. § 24-4-1, et seq. Are each of the cigarette brand families listed herein fire-safe compliant and certified by the Georgia Safety Fire Commission.

☐ Yes
☐ No

Do not submit a brand family for listing unless the required information has been submitted to the Georgia Fire Safety Commissioner and required package markings approved.

C. Previous Fabricators

For each brand family listed above, list the name and address of any other manufacturer who has fabricated the brand family since 1999 or is currently fabricating the brand family.

BRAND FAMILY	NAME OF PREVIOUS OR OTHER CURRENT MANUFACTURER	DATES OF MANUFACTURE	WAS BRAND SOLD IN GEORGIA FROM 1999-PRESENT?
			☐ YES ☐ NO
			☐ YES ☐ NO
			☐ YES ☐ NO

☐ NOT APPLICABLE

D. Manufacturing Facility Identification

FACTORY NAME :	PHONE:
FACTORY OWNER :	EMAIL :
STREET:	CITY, STATE, ZIP :
NAME OF ANY OTHER COMPANY WITH ACCESS TO FACTORY : ☐ NOT APPLICABLE	

Part 4: Additional Information

Has either the tobacco product manufacturer identified in Part 1 or any of its brand families ever been involuntarily removed from the "approved for sale" tobacco products directory of any state? If yes, please identify the state(s) and explain:	☐ **YES** ☐ **NO**

Does the tobacco product manufacturer identified in Part 1 affirmatively certify that it is in full compliance with all of the registration and reporting requirements of 15 U.S.C. §§ 376 and 376a, commonly referred to as the PACT Act? If no, please explain:	☐ **YES** ☐ **NO**
Do any of the directors, members, officers and/or owners of the Applicant currently serve or have they previously served as directors, members, officers, or owners of any other tobacco product manufacturer? If yes, please explain:	☐ **YES** ☐ **NO**

Part 5: Execution by Authorized Designee

This certification must be signed by a qualified company officer authorized to bind the applicant company.

By executing this document, I confirm that my position with the company and my actual authority to certify on behalf of the applicant meets the foregoing requirements.

I affirm that the Brand Families listed are deemed to be the cigarettes of the named Tobacco Product Manufacturer for purposes of calculating its payments under the Master Settlement Agreement for the relevant year, in the volume and shares determined pursuant to the Master Settlement Agreement. I also affirm that the named Tobacco Product Manufacturer is generally performing its financial obligations under the Master Settlement Agreement.

I understand the Georgia Attorney General may require additional information and/or documentation to determine if the applicant company or brands are in compliance with Georgia law and qualify for the Georgia Directory.

Under penalty of perjury, I state that the information contained in this Certification and attachments is true and accurate.

Designee (Print Name): _____ Title: _____

Signature of Designee: _____ Date: _____

Subscribed and sworn to before me on this date: _____

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

My Commission expires: _____

Mail the completed certificate of compliance to:

Regulated Public Interests Section Office of the Attorney General 40 Capital Square Atlanta, Georgia 30334	And	Georgia Department of Revenue Alcohol and Tobacco Tax Division 1800 Century Center Boulevard Atlanta, Georgia 30345-3205

Please send an additional copy by email to tobacco@law.ga.gov.