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OHIO ATTORNEY GENERAL

**DEFINITIONS AND GENERAL INFORMATION FOR
TOBACCO PRODUCT MANUFACTURER CERTIFICATION**

DEFINITIONS

“Brand family” means all styles of cigarettes sold under the same trademark and differentiated from one another by means of additional modifiers or descriptors, including, but not limited to, “menthol,” “lights,” “kings,” and “100s.” “Brand family” includes cigarettes sold under any brand name (whether that name is used alone or in conjunction with any other word), trademark, logo, symbol, motto, selling message, recognizable pattern of colors, or other indicia of product identification identical or similar to, or identifiable with, a previous brand of cigarettes.

“Cigarette” has the same meaning given that term in ORC 1346.01.

“Directory” means the listing of all Tobacco Product Manufacturers that have provided current and accurate certifications conforming to the requirements of ORC 1346.05, and all Brand families that are listed in such certifications; except as provided by ORC 1346.05.

“Escrow Deposit” means deposits required to be made into a qualified escrow fund pursuant to ORC 1346.02(B).

“Master Settlement Agreement” has the meaning given that term in ORC 1346.01.

“Non-participating manufacturer” means any Tobacco Product Manufacturer that is not a Participating Manufacturer.

“Participating manufacturer” has the meaning given that term in section II (jj) of the Master Settlement Agreement and all amendments to that agreement.

“Qualified escrow fund” has the meaning given that term in 1346.01 and in accordance with 1346.05.

“Stamping Agent” means a person who is authorized to affix tax stamps to packages or other containers of cigarettes under section 5743.03 of the Revised Code or a person who is required to pay the excise tax imposed on cigarettes and other tobacco products under sections 5743.03 and 5743.51 of the Ohio Revised Code.

“Tobacco Product Manufacturer” has the meaning given that term in ORC 1346.01.

“Units sold” has the meaning given that term in ORC 1346.01.

“Falsification” means no person shall knowingly make a false statement, or knowingly swear or affirm the truth of a false statement previously made, when the statement is made with purpose to secure the issuance by a governmental agency of a license, permit, authorization, certificate, registration, release, or provider agreement. ORC 2921.13 (A)(5).

**ORC §§ 1346.01 – 1346.10 may be viewed online at:
<http://codes.ohio.gov/orc/1346>**

General Information for Annual and Supplemental Filers

Who is required to file this Certification?

- Any Tobacco Product Manufacturer, as defined in ORC § 1346.01 (I)(1), whose cigarettes are sold within the State of Ohio, whether directly or through any distributor, retailer, or similar intermediary. ORC 1346.05 (A)(1)

When is Annual Certification due?

- For manufacturers whose cigarettes are sold in Ohio, this Certification is due on an annual basis no later than **April 30** of each year. Note, however, that escrow deposits for Non-Participating Manufacturers are due no later than **April 15th** of each year.
- For manufacturers whose cigarettes are not yet sold in Ohio, submit this Certification before beginning sales in Ohio.
- For manufacturers making any change(s) to their annual certification or initial certification, submit this Certification noting the change(s) at least 30 days prior to that change becoming effective.

Where should the Certification be sent?

All certifications, correspondence, escrow agreements and bank account ledgers pertaining to the Tobacco Product Manufacturer Certificate of Compliance and Quarterly Certificate of Compliance should be mailed to:

**Ohio Attorney General's Office
Tobacco Enforcement Section – 455000
30 East Broad St., 16th floor
Columbus, Ohio 43215**

Records Retention Requirements

Tobacco Product manufacturers are required to maintain all invoices and documentation of sales and other such information relied upon for this certification for a period of 5 years, unless otherwise required by law to maintain them for a greater period of time. (ORC § 1346.05 (A)(5).

Registered Agent information (for Non-Participating Manufacturers). ORC § 1346.06.

Non-participating manufacturers must either register with the Ohio Secretary of State to do business in Ohio, or retain the services of a registered agent located in the State of Ohio, to act as agent for service of process.

If the non-participating manufacturer terminates the agent's appointment, the manufacturer shall provide notice of the termination to the attorney general thirty days

prior to the termination, and shall provide proof of appointment of a new agent not less than five days prior to the termination.

If the registered agent terminates the appointment, the manufacturer shall provide notice to the attorney general along with proof of the appointment of a new agent within five calendar days of the termination.

Cigarette Health-Warning Rotation Plan

A copy of the **current** Federal Trade Commission (FTC) letter, authorizing your health-warning rotation plan, must be provided for the brand families you currently sell in the State of Ohio. Additional information can be obtained at:

Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Washington, D.C. 20580
General Information Locater: (202) 326-2222
<http://www.ftc.gov>

Cigarette Ingredient Reporting Requirement

A copy of the **current** Centers for Disease Control (CDC) letter, approving your ingredient listing for cigarettes, must be provided for the brand families you currently sell in the State of Ohio. Additional information can be obtained at:

Centers for Disease Control and Prevention
1600 Clifton Road
Atlanta GA 30333
Telephone: 1-800-311-3435
<http://www.cdc.gov/netinfo.htm>

Reduced Ignition Propensity Standards for Cigarettes (Fire Safe Cigarettes)

Pursuant to O.R.C. § 3739, a manufacturer must submit to the State of Ohio Fire Marshal a certification that its brands meet the requirements of the Reduced Ignition Propensity Standards for Cigarettes. Proof of approval of the certification must be submitted with the Tobacco Product Manufacturer Certificate of Compliance. Please contact the State of Ohio Fire Marshal's office for certification requirements at:

State of Ohio Fire Marshal
Bureau of Testing & Registration
8895 East Main Street, P.O. Box 529
Reynoldsburg, OH 43068
Telephone No.: (614) 752-7126
Toll Free No.: (877) 264-0023
Fax No.: (614) 995-4206

Submission of Packing Samples

For the 2010 certification period, packaging samples for **each** brand approved must be submitted to show the “Fire Safe Certification” (FSC) marking. This includes brands currently listed on the Ohio Tobacco Directory.

Internet Sales

Pursuant to O.R.C. §2927.023, Ohio law requires that all sales of cigarettes in Ohio be made “face-to-face,” which means they cannot legally be sold via the Internet.