DAVE YOST
OHIO ATTORNEY GENERAL

STATE OF OHIO
PARTICIPATING TOBACCO PRODUCT MANUFACTURER
CERTIFICATE OF COMPLIANCE

Pursuant to R.C. 1346.02 and 1346.05 and Ohio Adm.Code 109:8-1-01 thru 109:8-1-03

PART 1: PARTICIPATING TOBACCO PRODUCT MANUFACTURER IDENTIFICATION

A. Complete company information below:

Company Name			TTB Permit Number
Address		P.O. Box	
City/State/Zip/Country			
Telephone Number:	Fax Number	E-Mail Address	Website URL
Name/Title of Person Completing Form			

B. This form is (check one below):

◯ Annual Certification	Due **April 30, 2020** for Ohio sales in 2019
◯ Initial Certification	Manufacturer is not currently listed on the Ohio Tobacco Directory
◯ Supplemental Certification	Change of information provided to the Attorney General

PART 2: PARTICIPATING MANUFACTURER BRAND FAMILY IDENTIFICATION
CLICK TO THE RIGHT TO EXPAND TABLES

Click to Expand Tables

A. List the brands which are being sold by the manufacturer identified in Part 1A and are currently listed on the Ohio Tobacco Directory.

Brand Name	Cigarette	RYO	Brand Name	Cigarette	RYO
	☐ Cigarette	☐ RYO		☐ Cigarette	☐ RYO
	☐ Cigarette	☐ RYO		☐ Cigarette	☐ RYO
	☐ Cigarette	☐ RYO		☐ Cigarette	☐ RYO
	☐ Cigarette	☐ RYO		☐ Cigarette	☐ RYO
	☐ Cigarette	☐ RYO		☐ Cigarette	☐ RYO

B. List any new brands that are not currently listed on the Ohio Tobacco Directory which the manufacturer identified in Part 1A intends to sell in Ohio.

Brand Name	Cigarette	RYO	Brand Name	Cigarette	RYO
	☐ Cigarette	☐ RYO		☐ Cigarette	☐ RYO
	☐ Cigarette	☐ RYO		☐ Cigarette	☐ RYO

C. Identify any brands currently listed on the Ohio Tobacco Directory that are no longer being sold by the manufacturer identified in Part 1A.

Brand Name	Cigarette	RYO	Brand Name	Cigarette	RYO
	☐ Cigarette	☐ RYO		☐ Cigarette	☐ RYO
	☐ Cigarette	☐ RYO		☐ Cigarette	☐ RYO

PART 3: REQUIRED ATTACHMENTS

A. For each brand certified in Parts 2A and 2B of this Certificate of Compliance, complete a Brand Identification Form ***PM002 (Rev. 03/2020)***.

B. A copy of the current U.S. Treasury Tobacco Tax Bureau (TTB) permit as a manufacturer and/or importer as required by 26 U.S.C. §5712 and §5713 must be provided for the tobacco product manufacturer identified in Part 1A of this form.

Attach TTB Permit

C. To ensure compliance with Ohio Adm.Code 109:8-1-02(A)(5), provide a Statement of Condition from the Ohio Department of Taxation. Please contact the Ohio Department of Taxation at:

Click Here to Request a Statement of Condition

*Please note - the link takes you to the Ohio Department of Taxation website - the request must be submitted, per instructions, to the Ohio Department of Taxation.

Attach Statement of Condition

D. If not previously submitted, or if changed since last submission, provide original packaging for <u>one brand style</u> which is representative of each brand family certified in Parts 2A and 2B of this form. Flat empty cartons and packs are preferred. Submit new packaging each time you change your packaging or add new brand families. <u>Check one below:</u>

- ○ Packaging for each brand family has not been previously submitted/has changed. Samples are enclosed.
- ○ Packaging for each brand family has been previously submitted and has not changed

PART 4: ADDITIONAL INFORMATION

A. Pursuant to R.C. 3739.07, 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. **Please check below:**

☐ Each brand family listed in Part 2A and 2B meets the requirements of the Reduced Ignition Propensity Standards for Cigarettes in Ohio.
A certification must be submitted with this Certificate of Compliance. **Attach R.I.P.C Certification**

B. Pursuant to the federal Prevent All Cigarette Trafficking ("PACT") Act, 15 U.S.C. §§375, et.seq., all persons who sell, transfer, or ship cigarettes (including roll-your-own tobacco) in interstate commerce for profit, or who offers cigarettes for such a sale, transfer, or shipment must: (1) register with the tobacco tax administrator of the state into which shipment is made; and (2) file monthly reports with the tobacco tax administrator (Ohio Department of Taxation), no later than the 10th of each month, identifying the brands, quantities, and recipients of cigarette shipments into such state. **Please check below or check:** ☐ N/A

☐ The Tobacco Product Manufacturer listed in Part 1A is in full compliance with the PACT Act, including but not limited to: registering and filing monthly reports with the Ohio Department of Taxation.

C. Pursuant to R.C. 2927.023 the shipment of cigarettes to anyone in Ohio other than "authorized recipients" of tobacco products, as that term is defined in R.C. 2927.023(A)(1), is strictly prohibited. Ohio law requires that all direct cigarette sales to Ohio consumers be made in a "face-to-face" transaction. Thus, cigarettes cannot be sold via the Internet to Ohio consumers. **Please check below:**

☐ The Tobacco Product Manufacturer listed in Part 1A is in full compliance of R.C. 2927.023.

PART 5: PARTICIPATING MANUFACTURER IMPORTER

1. Is the participating manufacturer located outside of the United States? ○ Yes ◉ No
2. If your answer is "**Yes**", please identify the name and address of the importer:

Importer Name:	
Importer Address:	
Importer Contact Name:	
Importer Phone Number:	

Print This Page

PART 6: AFFIDAVIT OF TOBACCO PRODUCT MANUFACTURER

This certification **MUST** be signed by a qualified company officer of the manufacturer **identified in Part 1A** to bind the applicant company. This form **MUST** be notarized.

My position with the company and my actual authority to certify on behalf of the applicant meets the foregoing requirements:

I understand that the Attorney General may require additional information or documentation to determine if applicant or brands qualify for listing on the Ohio Directory.

I have examined this Certification, including attachments and supporting documents and, to the best of my knowledge and belief, this Certification, including attachments and supporting documents, is true, correct, and complete.

I understand that in the event the information submitted is no longer accurate, the manufacturer shall notify the Attorney General.

On behalf of the Applicant the undersigned agrees that any action or proceeding against it arising from enforcement of the provisions of R.C. 1346.01 through 1346.10 and any rules promulgated pursuant to these statutes, may be commenced against Applicant in any state court within Ohio, that the laws of the State of Ohio will govern such proceedings, and that Applicant waives any immunity from suit, liability, judgment and collection that Applicant may possess.

Under penalty of falsification, I state that the tobacco product manufacturer named in Part 1A, as of the date of this certification, is a participating manufacturer in full compliance with all applicable sections of Chapter 1346 of the Ohio Revised Code, any rules adopted under those sections, and with the MSA amendment and or agreement applicable to its admission into the MSA.

By signing this affidavit on behalf of the applicant company I understand that the company is required to comply with state and federal laws concerning the sale of tobacco products.

_____

Name of Owner/ Officer of Participating Tobacco Product Manufacturer (print name) Title

_____

Signature of Owner/Officer Date

Subscribed and sworn to this date: _____State/County of: _____

Signature of Notary Public: _____ Notary Commission expires: _____

Mail fully executed Affidavit of Tobacco Product Manufacturer to:

Ohio Attorney General's Office

Tobacco Enforcement Unit

30 East Broad Street, 26th Floor

Columbus, Ohio 43215

DAVE YOST
OHIO ATTORNEY GENERAL

PARTICIPATING TOBACCO PRODUCT MANUFACTURER BRAND IDENTIFICATION FORM

(Copy this form and attach for each additional brand)

Pursuant to R.C. 1346.02 and 1346.05 and Ohio Adm.Code 109:8-1-01 thru 109:8-1-03

The participating manufacturer identified in Part 1 of the Certificate of Compliance has the following brand, which the tobacco product manufacturer affirms is deemed its cigarette or RYO tobacco for purposes of R.C. 1346.02 and 1346.05. Please note that pursuant to R.C. 1346.05(A)(4)(b) the Attorney General retains the discretion to determine that the cigarettes or RYO tobacco in a brand family constitute the cigarettes of another tobacco product manufacturer.

Complete for each brand sold in the 2019 calendar year and at any time in the current calendar year.

1. Participating Manufacturer Name:				
2. Brand Identification and Sales Information				
2a. Brand Name:		2b. Cigarettes or Roll-Your-Own:	◯ CIGARETTE	◯ RYO
2c. Total units of this brand sold in Ohio for 2019:	**Total units of this brand sold in Ohio for 2019**			
2d. Is this brand currently being sold in Ohio as of the date of this certification?			◯ Yes ◯ No	
3. If the factory address is different than the manufacturer address listed in Part 1 of the Certificate of Compliance, please complete 3a through 3e below:				
3a. Factory Address:				
3b. Factory Phone No.:		3c. Factory Fax No.:		
3d. Factory Manager's Name:		3e. Manager's Phone No.:		
4. If this brand was previously manufactured by another entity, provide the names and addresses of such manufacturers:				
4a. Name of Previous Manufacturer:				
4b. Address of Previous Manufacturer:				
5. Contract Manufacturing Information for the brand listed in 2a of this form: Any manufacturing agreement providing permission to the Tobacco Product Manufacturer to manufacturer this brand must be included.			**Attach Manufacturing Agreement**	
5a. Effective Date of Agreement:		5b. Expiration Date of Agreement:		
6. Federal Requirements (CIGARETTES ONLY)			**Attach FTC & CDC Letters**	
For the brand family identified in Part 2a of this form, provide a copy of the current Federal Trade Commission (FTC) letter, authorizing this brand's health-warning rotation plan.				
6a. FTC Effective Date:	6b. FTC Expiration Date:	6c. Plan submitted to FTC by:	6d. Relationship to Manufacturer:	
For the brand family identified in Part 2a of this form, provide a copy of the current Centers for Disease Control (CDC) letter, approving this brand's ingredient listing.				
6a. CDC Effective Date:	6b. CDC Expiration Date:	6c. List submitted to CDC by:	6d. Relationship to Manufacturer:	
7. Trademark Information for the brand listed in 2a of this form: Any license agreement or other document providing permission to the Tobacco Product Manufacturer to use the trademark must be included.			**Attach License Agreement**	
7a. Name of Trademark Owner:				
7b. Address of Trademark Owner:				
7c. Registration and/or Serial Number of Trademark:				
8. Compliance with the Ohio State Fire Marshal's Proof of "Reduced Ignition Propensity" Certification				
8a. Certification has been submitted to the Ohio Fire Marshal and is:			◯ Currently Listed	◯ Pending Approval
8b. Date of Fire Marshal's Approval:		8c. Expiration date of Certification:		

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DAVE YOST
OHIO ATTORNEY GENERAL

PARTICIPATING TOBACCO PRODUCT MANUFACTURER CERTIFICATION OF PACT ACT INFORMATION

Pursuant to R.C. 1346.02 and 1346.05
And Ohio Adm.Code 109:8-1-01 thru 109:8-1-03

Part 1: Sales Year and Type of Certification			
Sales Year for this Certification: Complete a separate form for each sales year for which you are certifying. (check one)		○ 2019	○ Other
Type of Certification: (check one)	○ Initial	○ Annual	○ Supplemental

Part 2: Participating Manufacturer Identification	
Company Name:	

Part 3: PACT Act Registration					
1	Has manufacturer registered as a tobacco manufacturer with the Ohio Department of Taxation? ○ Yes ○ No				
2	Has importer registered as a tobacco manufacturer with the Ohio Department of Taxation? ○ Yes ○ No ○ N/A				
3	Provide the name and address of your Ohio registered agent:				
	Name:				
	Address:				
4	Provide a listing of states with which manufacturer has registered as a tobacco manufacturer:				

Part 4: PACT Act Reports				
1	Has manufacturer filed monthly reports of all shipments or transfers of cigarettes and tobacco products into Ohio during 2018 and 2019 with the Ohio Department of Taxation?	Yes	No	N/A
2	Has importer filed monthly reports of all shipments or transfers of cigarettes and tobacco products into Ohio during 2018 and 2019 with the Ohio Department of Taxation?	Yes	No	N/A
3	Provide a list of states for which manufacturer has filed monthly reports of shipments or transfers of cigarettes and tobacco products in 2018 and 2019:			

4	Provide the mode of delivery, including the name and address of the person delivering the cigarettes or other tobacco products into Ohio and other states:		
	Mode of Delivery	**Name**	**Address**

Part 5: Miscellaneous Information

1	Provide a list of states into which manufacturer shipped or transferred cigarettes and tobacco products in 2019:				

2	Provide a list of the name and address of the importers, distributors, wholesalers or retailers to which manufacturer made direct shipments or transfers of cigarettes and tobacco products in 2019:	
	Name	**Address**

3	Provide a list of states in which manufacturer advertises or offers for sale cigarettes, RYO, or smokeless tobacco, even if no direct shipments or transfers were made into such states:				

Submit Form

DAVE YOST
OHIO ATTORNEY GENERAL

PARTICIPATING MANUFACTURER
CHECK LIST FOR COMPLETING CERTIFICATE OF COMPLIANCE FORM

Pursuant to R.C. 1346.07(C), the attorney general may require a tobacco product manufacturer to submit any additional information necessary to enable the attorney general to determine whether a manufacturer is in compliance with R.C. 1346.05 to 1346.10

- ☐ Only a current **Participating Tobacco Product Manufacturer Certificate of Compliance** ***(Form PM001 Rev. 03/2020)*** will be accepted;
- ☐ Parts 1 through 4 of the **Participating Tobacco Product Manufacturer Certificate of** ***(Form PM001 Rev. 03/2020)*** must be completed in its entirety;
- ☐ For **each** brand family listed in Parts 2A and 2B of the certification, complete the **Brand Identification and Sales Information Form** (***Form PM002 Rev. 03/2020)***;
- ☐ Parts 1 through 5 of the **Participating Tobacco Product Manufacturer Certification of PACT Act Information** (***Form PM003 Rev. 03/2020***) must be completed in its entirety;
- ☐ Brand families have been listed in Parts 2A, 2B, and/or 2C **and** product type ("Cigarettes" or "RYO") are checked;
- ☐ Certificate of Compliance is signed by an authorized officer of the tobacco product manufacturer;
- ☐ Affidavit is notarized; and
- ☐ No annual certifications are accepted for review before **April 1, 2020**.

Required Additional Documentation

- ☐ Copy of the **current** U.S. Treasury Tobacco Tax Bureau (TTB) permit is attached;
- ☐ For each cigarette brand identified in Part 2A, a copy of the **current** Centers for Disease Control (CDC) letter, approving the ingredient listing for cigarettes is attached;
- ☐ For each cigarette brand identified in Part 2A, a copy of the **current** Federal Trade Commission approval letter, approving the health-warning rotation plan is attached;
- ☐ Package samples enclosed (if applicable). Flat empty cartons and packs are preferred;
- ☐ For each cigarette brand identified in Part 2A and 2B, a copy of the **current** Reduced Ignition Propensity Standards for Cigarettes Certification is attached; and
- ☐ A Statement of Condition from the Ohio Department of Taxation.

E-mail completed Certificate of Compliance and Attachments by clicking the "Submit Form" button located at the top of this page OR save this document and attach to an e-mail and send to: Kirstin.Keethler@OhioAttorneyGeneral.gov

Note: Incomplete Certificate of Compliance Forms and Attachments will be returned.