



### CERTIFICATION FOR LISTING ON CALIFORNIA DIRECTORY (REV. & TAX. CODE, § 30165.1)

DATE OF APPLICATION: \_\_\_\_\_

INITIAL

SUPPLEMENTAL

PLEASE TYPE OR FILL OUT IN PERMANENT BLUE INK.

**PART I: GENERAL BUSINESS AND OWNERSHIP INFORMATION**

**1. APPLICANT TOBACCO PRODUCT MANUFACTURER IDENTIFICATION.**

APPLICANT: \_\_\_\_\_

STREET ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

COUNTRY: \_\_\_\_\_

MAILING ADDRESS IF DIFFERENT FROM ABOVE:

ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

COUNTRY: \_\_\_\_\_

PHONE NUMBER: \_\_\_\_\_ FACSIMILE (FAX) NUMBER: \_\_\_\_\_

E-MAIL ADDRESS: \_\_\_\_\_ WEBSITE ADDRESS: \_\_\_\_\_

NAME/TITLE OF PERSON COMPLETING CERTIFICATION: \_\_\_\_\_

MANUFACTURING PLANT(S) NAME AND ADDRESS IF DIFFERENT FROM ABOVE:

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

COUNTRY: \_\_\_\_\_

MANUFACTURING PLANT PHONE NUMBER: \_\_\_\_\_ MANUFACTURING PLANT FACSIMILE (FAX) NUMBER: \_\_\_\_\_

NAME/TITLE/PHONE NUMBER OF PERSON AT PLANT IF DIFFERENT FROM ABOVE: \_\_\_\_\_

(ATTACH ADDITIONAL SHEET(S), IF NECESSARY, TO PROVIDE COMPLETE RESPONSE.)

**PLEASE ATTACH A PHOTOGRAPH OR DIAGRAM OF YOUR MANUFACTURING FACILITY AND INDICATE ON THE PHOTOGRAPH OR DIAGRAM WHERE THE EQUIPMENT AND FACILITIES FOR MANUFACTURING (i.e., FABRICATING) THE CIGARETTES, IF ANY, ARE LOCATED.**

**2. THE UNDERSIGNED CERTIFIES THAT AS OF THE DATE OF THIS CERTIFICATION, THE ABOVE-MENTIONED APPLICANT IS: (INITIAL ONE)**

\_\_\_\_\_ A PARTICIPATING MEMBER ("PM"). (IF APPLICANT IS A PM, IT MAY GO DIRECTLY TO QUESTION SEVEN OF PART I.)

A NON-PARTICIPATING TOBACCO PRODUCT MANUFACTURER ("NPM") IN FULL COMPLIANCE WITH CALIFORNIA'S RESERVE FUND STATUTE (HEALTH & SAFETY CODE SECTIONS 104555-104557) AND IMPLEMENTING REGULATIONS, INCLUDING HAVING MADE ALL REQUIRED DEPOSITS INTO A QUALIFIED ESCROW FUND FOR ALL YEARS BEGINNING WITH YEAR 2000 SALES.

**3. APPLICANT IS THE MANUFACTURER (i.e., FABRICATOR) OF THE BRANDS LISTED IN THIS CERTIFICATION WHICH ARE INTENDED TO BE SOLD IN THE UNITED STATES, INCLUDING CIGARETTES INTENDED TO BE SOLD IN THE UNITED STATES THROUGH AN IMPORTER.**

YES

NO





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3. **AFFILIATES INFORMATION (SEE INSTRUCTIONS FOR FURTHER INFORMATION).**  
ATTACH ADDITIONAL SHEET(S), AS NECESSARY, TO PROVIDE A COMPLETE RESPONSE.

BRAND FAMILY	AFFILIATE: NAME	TYPE OF BUSINESS	AFFILIATE: STREET ADDRESS

4. **APPLICANT INFORMATION.**

PLEASE INDICATE WHETHER THE FOLLOWING STATEMENTS DESCRIBE APPLICANT BY CHECKING EITHER YES OR NO AFTER THE STATEMENT.

- a. APPLICANT SOLD CIGARETTES IN CALIFORNIA IN THE PRECEDING CALENDAR YEAR:  YES  NO
- b. APPLICANT MADE ESCROW DEPOSITS PURSUANT TO CALIFORNIA'S RESERVE FUND STATUTE (HEALTH & SAFETY CODE, SECTIONS 104555-104557) IN THE PRECEDING YEAR:  YES  NO
- c. APPLICANT SOLD IN CALIFORNIA IN THE PRECEDING CALENDAR YEAR ONE OR MORE OF THE BRAND FAMILIES LISTED IN THIS CERTIFICATION:  YES  NO
- d. APPLICANT MADE ESCROW DEPOSITS IN THE PRECEDING CALENDAR YEAR PURSUANT TO CALIFORNIA'S RESERVE FUND STATUTE FOR ONE OR MORE OF THE BRAND FAMILIES LISTED IN THIS CERTIFICATION:  YES  NO
- e. THERE HAS BEEN A CHANGE IN MANUFACTURER (i.e., FABRICATOR) FOR ONE OR MORE OF THE BRAND FAMILIES LISTED IN THIS CERTIFICATION WITHIN THE PAST TWO CALENDAR YEARS:  YES  NO
- f. APPLICANT ADVERTISES OR SELLS CIGARETTES VIA THE INTERNET OR IN CATALOGS AND USES THE MAIL OR OTHER DELIVERY SERVICE TO DELIVER CIGARETTES TO CALIFORNIA CONSUMERS:  YES  NO
- g. APPLICANT FAILED TO TIMELY COMPLY WITH THE RESERVE FUND STATUTE PRIOR TO THE ESTABLISHMENT OF THE DIRECTORY OR AT ANY TIME THEREAFTER:  YES  NO
- h. APPLICANT OR ONE OF ITS BRAND FAMILIES LISTED IN THIS CERTIFICATION WAS PREVIOUSLY DENIED LISTING ON ANY STATE'S TOBACCO DIRECTORY OR WAS REMOVED FROM THE DIRECTORY:  YES  NO
- i. APPLICANT IS ENJOINED OR BANNED FROM SELLING ANY CIGARETTES IN ANY STATE BY COURT ORDER, STATE OR FEDERAL AGENCY RULING OR DETERMINATION:  YES  NO
- j. A BRAND FAMILY FORMERLY SOLD BY APPLICANT OR A BRAND FAMILY THAT APPLICANT INTENDED TO SELL IS ENJOINED FROM SALE BY ANY STATE COURT, STATE AGENCY OR A FEDERAL COURT:  YES  NO
- k. A STATE OR FEDERAL COURT HAS ENTERED A JUDGMENT FINDING THAT APPLICANT ENGAGED IN AN UNFAIR BUSINESS PRACTICE OR UNFAIR COMPETITION RELATING TO THE SALE OF TOBACCO PRODUCTS:  YES  NO
- l. APPLICANT SOLD MORE THAN 1,600,000 CIGARETTES IN CALIFORNIA DURING ANY QUARTER YEAR AFTER JANUARY 1, 2000:  YES  NO
- m. APPLICANT FAILED TO TIMELY FILE ANY COMPLETED FORM OR DOCUMENT REQUIRED BY THE RESERVE FUND STATUTE OR REVENUE AND TAXATION CODE SECTION 30165.1 AND IMPLEMENTING REGULATIONS:  YES  NO

## CERTIFICATION FOR LISTING ON CALIFORNIA DIRECTORY (REV. & TAX. CODE, § 30165.1)

### PART IV: MARKETING AND DISTRIBUTION INFORMATION

**1. TOBACCO PRODUCTS RECLASSIFIED AS CIGARETTE OR RYO TOBACCO.**

LIST ALL TOBACCO PRODUCTS SOLD BY APPLICANT THAT HAVE BEEN RECLASSIFIED WITHIN THE LAST TWO YEARS AS CIGARETTES OR AS ROLL-YOUR-OWN (RYO) TOBACCO BY A FEDERAL AGENCY, STATE OR LOCAL GOVERNMENT.

BRAND NAME OF RECLASSIFIED TOBACCO PRODUCT	NAME OF FEDERAL, STATE OR LOCAL GOVERNMENTAL ENTITY THAT RECLASSIFIED THE TOBACCO PRODUCT AS A CIGARETTE OR RYO TOBACCO	GOVERNMENT ENTITY'S STREET ADDRESS	DATE OF RECLASSIFICATION

ATTACH ADDITIONAL SHEET(S), AS NECESSARY, TO PROVIDE A COMPLETE RESPONSE.

**2. DISTRIBUTORS, WHOLESALERS AND RETAILERS.**

FOR EACH BRAND THAT APPLICANT INTENDS TO SELL, LIST THE NAME AND ADDRESS OF EVERY CALIFORNIA DISTRIBUTOR, WHOLESALER, OR RETAILER WHICH PURCHASED OR HANDLED TEN PERCENT OR MORE OF APPLICANT'S GROSS CIGARETTE SALES FOR THAT BRAND IN CALIFORNIA IN THE LAST CALENDAR YEAR.

**DISTRIBUTORS:**

BRAND FAMILY	DISTRIBUTOR	STREET ADDRESS	PHONE NUMBER

ATTACH ADDITIONAL SHEET(S), AS NECESSARY, TO PROVIDE A COMPLETE RESPONSE.

**WHOLESALERS:**

BRAND FAMILY	WHOLESALER	STREET ADDRESS	PHONE NUMBER

ATTACH ADDITIONAL SHEET(S), AS NECESSARY, TO PROVIDE A COMPLETE RESPONSE.

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**RETAILERS:**

BRAND FAMILY	RETAILER	STREET ADDRESS	PHONE NUMBER

ATTACH ADDITIONAL SHEET(S), AS NECESSARY, TO PROVIDE A COMPLETE RESPONSE.

**3. AGREEMENTS WITH PARTICIPATING MANUFACTURERS. (SEE INSTRUCTIONS)**

BRAND FAMILY	PARTICIPATING MANUFACTURER	STREET ADDRESS	PHONE NUMBER

NATURE OF AGREEMENT(S):

ATTACH ADDITIONAL SHEET(S), AS NECESSARY, TO PROVIDE A COMPLETE RESPONSE.

**4. AGREEMENTS REGARDING COMPLIANCE WITH THE MSA. (SEE INSTRUCTIONS)**

BRAND FAMILY	NAME	STREET ADDRESS

ATTACH ADDITIONAL SHEET(S), AS NECESSARY, TO PROVIDE A COMPLETE RESPONSE.

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**5. AGREEMENTS REGARDING COMPLIANCE WITH THE RESERVE FUND STATUTE. (SEE INSTRUCTIONS)**

BRAND FAMILY	NAME	STREET ADDRESS

ATTACH ADDITIONAL SHEET(S), AS NECESSARY, TO PROVIDE A COMPLETE RESPONSE.  
IF APPLICANT IS A PM, IT MAY GO DIRECTLY TO PART V, QUESTION 5, ON PAGE 8.

**PART V: MARKETING AND COMPLIANCE INFORMATION**

**1. MANUFACTURER(S).**

FOR EACH BRAND FAMILY, LIST THE NAME AND ADDRESS OF THE MANUFACTURER (i.e., FABRICATOR) OF THE CIGARETTES, IF OTHER THAN APPLICANT. INCLUDE ALL COMPANY NAMES AND ADDRESSES USED BY THE MANUFACTURER(S) IN MAKING CIGARETTES FOR SALE IN THE UNITED STATES.

BRAND FAMILY	MANUFACTURER (i.e., FABRICATOR)	STREET ADDRESS

ATTACH ADDITIONAL SHEET(S), AS NECESSARY, TO PROVIDE A COMPLETE RESPONSE.

**2. HEALTH WARNING ROTATION PLAN.**

FOR EACH BRAND FAMILY, LIST THE NAME AND ADDRESS OF THE ENTITY WHICH FILED A CIGARETTE HEALTH WARNING ROTATION PLAN WITH THE FEDERAL TRADE COMMISSION BEFORE THE CIGARETTES WERE DISTRIBUTED INTO THE UNITED STATES.

BRAND	NAME OF FILER	STREET ADDRESS

FOR EACH BRAND, ATTACH THE FEDERAL TRADE COMMISSION'S WRITTEN APPROVAL OF APPLICANT'S ANNUAL CIGARETTE HEALTH WARNING ROTATION PLAN. ATTACH ADDITIONAL SHEET(S), AS NECESSARY, TO PROVIDE A COMPLETE RESPONSE.

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**3. INGREDIENT REPORTING.**

FOR EACH BRAND FAMILY, LIST THE NAME AND ADDRESS OF THE ENTITY WHICH SUBMITTED THE INGREDIENT REPORTING INFORMATION TO THE U.S. SECRETARY OF HEALTH AND HUMAN SERVICES AS REQUIRED BY THE FEDERAL CIGARETTE LABELING AND ADVERTISING ACT.

BRAND	SUBMITTER	STREET ADDRESS

ATTACH COPIES OF ALL CERTIFICATES OF COMPLIANCE RECEIVED FROM THE U.S. HEALTH AND HUMAN SERVICES FOR APPLICANT'S ANNUAL INGREDIENT REPORTING REQUIRED BY THE FEDERAL CIGARETTE LABELING AND ADVERTISING ACT. (15 U.S.C. § 1335A). ATTACH ADDITIONAL SHEET(S), AS NECESSARY, TO PROVIDE A COMPLETE RESPONSE.

**4. CIGARETTE PACKAGING.**

FOR EACH BRAND FAMILY, LIST THE NAME AND ADDRESS OF THE PERSON, COMPANY, OR ENTITY THAT PLACED THE CIGARETTES INTO PACKAGES WITH THE U.S. SURGEON GENERAL'S WARNINGS.

BRAND	PACKAGER	STREET ADDRESS

ATTACH ADDITIONAL SHEET(S), AS NECESSARY, TO PROVIDE A COMPLETE RESPONSE.

**5. INTERNET OR MAIL ORDER SALES. (SEE INSTRUCTIONS)**

a. WEBSITES:

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b. PHYSICAL ADDRESS:

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c. TOTAL SALES IN CALIFORNIA FOR THE PREVIOUS YEAR:

ATTACH ADDITIONAL SHEET(S), AS NECESSARY, TO PROVIDE A COMPLETE RESPONSE. (ATTACH COPIES OF THE JENKINS ACT REPORTS FILED WITH THE CALIFORNIA BOARD OF EQUALIZATION, AS SPECIFIED IN THE INSTRUCTIONS.) IF APPLICANT IS A PM, IT MAY GO DIRECTLY TO DECLARATION ACKNOWLEDGMENT AND SIGNATURE ON PAGE 11.



## CERTIFICATION FOR LISTING ON CALIFORNIA DIRECTORY (REV. & TAX. CODE, § 30165.1)

### PART VI: DISCLOSURE OF ENFORCEMENT ACTIONS AND PRIOR DETERMINATIONS AFFECTING SALES TO DISTRIBUTORS

#### 1. ENFORCEMENT ACTIONS BANNING OR ENJOINING SALES.

HAS APPLICANT OR ANY PERSON OR AFFILIATE LISTED IN APPLICANT'S RESPONSES TO PART II, QUESTION 2, AND PART III, QUESTIONS 2, 3, AND 4, HAD ANY OF ITS CIGARETTES BANNED OR ENJOINED FROM SALE BY ANY STATE OR FEDERAL COURT OR ADMINISTRATIVE AGENCY WITHIN THE U.S. JURISDICTION? FOR EVERY SUCH ACTION BANNING OR ENJOINING SALES, LIST:

- (a) THE BRAND FAMILY (IES) BANNED AND/OR ENJOINED;
- (b) THE GOVERNMENTAL ENTITY (FEDERAL, STATE, LOCAL OR FOREIGN) OR PRIVATE PLAINTIFF BRINGING THE ACTION;
- (c) THE CASE NUMBER; AND
- (d) THE NAME AND ADDRESS OF THE GOVERNMENT ATTORNEY OR OFFICIAL OR PRIVATE PLAINTIFF BRINGING THE ACTION.

YES, THE DETAILS OF EACH OCCURANCE ARE ATTACHED TO THIS CERTIFICATION

NOT APPLICABLE

#### 2. DENIALS, SUSPENSIONS, OR REVOCATIONS OF PERMITS OR LICENSES.

HAS APPLICANT OR ANY PERSON OR AFFILIATE LISTED IN APPLICANT'S RESPONSES TO PART II, QUESTION 2, AND PART III, QUESTIONS 2, 3, AND 4, BEEN DENIED A PERMIT, LICENSE, OR ANY OTHER AUTHORIZATION TO ENGAGE IN ANY BUSINESS RELATING TO THE SALE OF CIGARETTES BY ANY GOVERNMENT ENTITY (FEDERAL, STATE, LOCAL OR FOREIGN) OR HAD SUCH PERMIT, LICENSE OR OTHER AUTHORIZATION REVOKED, SUSPENDED, OR OTHERWISE TERMINATED? FOR EVERY SUCH DENIAL, SUSPENSION OR REVOCATION OF A PERMIT, LICENSE OR OTHER AUTHORIZATION, LIST:

- (a) THE NAME OF THE APPLICANT OR OTHER PERSON OR AFFILIATE THAT HAD SUCH PERMIT, LICENSE OR OTHER AUTHORIZATION REVOKED, SUSPENDED OR OTHERWISE TERMINATED;
- (b) THE GOVERNMENTAL ENTITY (FEDERAL, STATE, LOCAL OR FOREIGN) THAT DENIED, SUSPENDED, OR REVOKED SUCH PERMIT, LICENSE, OR OTHER AUTHORIZATION;
- (c) THE CASE NUMBER, IF ANY; AND
- (d) THE NAME AND ADDRESS OF THE GOVERNMENT ATTORNEY OR OFFICIAL OR PRIVATE PLAINTIFF BRINGING THE ACTION.

YES, THE DETAILS OF EACH OCCURANCE ARE ATTACHED TO THIS CERTIFICATION

NOT APPLICABLE

#### 3. CONVICTIONS.

HAS APPLICANT OR ANY PERSON OR AFFILIATE LISTED IN APPLICANT'S RESPONSES TO PART II, QUESTION 2, AND PART III, QUESTIONS 2, 3, AND 4, BEEN CONVICTED OF ANY CRIME UNDER FEDERAL, STATE OR FOREIGN LAWS IN CONNECTION WITH THE SALE OF CIGARETTES? FOR EVERY SUCH CONVICTION, LIST:

- (a) THE NAME OF THE APPLICANT OR OTHER PERSON OR AFFILIATE CONVICTED;
- (b) THE GOVERNMENTAL ENTITY (FEDERAL, STATE, LOCAL OR FOREIGN) THAT PROSECUTED APPLICANT OR OTHER PERSON OR AFFILIATE;
- (c) THE CASE NUMBER; AND
- (d) THE NAME AND ADDRESS OF THE GOVERNMENT ATTORNEY OR OFFICIAL THAT PROSECUTED APPLICANT OR OTHER PERSON OR AFFILIATE.

YES, THE DETAILS OF EACH OCCURANCE ARE ATTACHED TO THIS CERTIFICATION

NOT APPLICABLE

#### 4. DENIAL OF LISTING.

HAS APPLICANT OR ANY PERSON OR AFFILIATE LISTED IN APPLICANT'S RESPONSES TO PART II, QUESTION 2, AND PART III, QUESTIONS 2, 3, AND 4, BEEN DENIED LISTING ON ANY STATE DIRECTORY, WHICH IS SIMILAR TO THE SUBJECT OF THIS CERTIFICATION? FOR EVERY SUCH DENIAL, LIST:

- (a) THE NAME OF THE APPLICANT OR OTHER PERSON OR AFFILIATE DENIED LISTING ON A STATE DIRECTORY;
- (b) THE TOBACCO PRODUCT MANUFACTURER AND/OR BRAND FAMILY(IES) DENIED LISTING; AND
- (c) THE STATE WHICH DENIED LISTING.

YES, THE DETAILS OF EACH OCCURANCE ARE ATTACHED TO THIS CERTIFICATION

NOT APPLICABLE

#### 5. RESERVE FUND STATUTE COMPLIANCE.

HAS ANY PERSON LISTED IN APPLICANT'S RESPONSES TO PART II, QUESTION 2, AND PART III, QUESTIONS 2, 3, AND 4, BEEN INVOLVED AS AN OFFICER OR OWNER OF ANY OTHER TOBACCO COMPANY OR AFFILIATE WHICH HAS NOT MADE ITS ESCROW DEPOSITS AS A NONPARTICIPATING MANUFACTURER UNDER A STATE RESERVE FUND STATUTE? FOR EVERY SUCH OCCURRENCE, LIST:

- (a) THE NAME OF THE APPLICANT OR OTHER PERSON OR AFFILIATE WHICH HAS NOT SATISFIED ITS NPM RESERVE FUND OBLIGATIONS;
- (b) THE BRAND FAMILIES FOR WHICH THERE WAS A FAILURE TO COMPLY; AND
- (c) THE AMOUNTS OF ANY ESCROW DEPOSITS THAT ARE STILL OWED.

YES, THE DETAILS OF EACH OCCURANCE ARE ATTACHED TO THIS CERTIFICATION

NOT APPLICABLE

## CERTIFICATION FOR LISTING ON CALIFORNIA DIRECTORY (REV. & TAX. CODE, § 30165.1)

### PART VII: IMPORTED CIGARETTES - DOCUMENTATION & VERIFICATION

**1. U.S. CUSTOMS DOCUMENTS.**

IF THE CIGARETTES APPLICANT SELLS OR INTENDS TO SELL ARE NOT MADE IN THE UNITED STATES, PROVIDE THE DOCUMENTS LISTED IN A-C:

- a. A COPY OF THE SWORN STATEMENT(S) OF THE ORIGINAL MANUFACTURER THAT IT WILL TIMELY SUBMIT INGREDIENTS TO THE SECRETARY OF HEALTH AND HUMAN SERVICES AS REQUIRED BY 19 USC § 1681A(C)(1).
- b. A COPY OF THE IMPORTER'S CERTIFICATE(S) UNDER PENALTY OF PERJURY AS REQUIRED BY 19 USC § 1681A(C)(2) REGARDING THE PRECISE FORMAT OF WARNINGS AND THE ROTATION PLAN FOR HEALTH WARNINGS.
- c. A COPY OF THE TRADEMARK HOLDER'S CERTIFICATE(S) UNDER PENALTY OF PERJURY THAT IT HAS NOT WITHDRAWN CONSENT TO IMPORT INTO THE UNITED STATES AS REQUIRED BY 19 USC § 1681A(C)(3)(A) OR A COPY OF THE IMPORTER'S CERTIFICATE(S) UNDER PENALTY OF PERJURY THAT THE TRADEMARK OWNER HAS NOT WITHDRAWN CONSENT TO IMPORT INTO THE UNITED STATES AS REQUIRED BY 19 USC § 1681A(C)(3)(B).

**2. SUBMIT A COMPLETED UNITED STATES IMPORTER ACCEPTING JOINT AND SEVERAL LIABILITY FORM (JUS-TOB12).**

**3. SUBMIT A COMPLETED NOTICE OF APPOINTMENT OF REGISTERED AGENT AND REGISTERED AGENT'S STATEMENT FORM FOR IMPORTER (JUS-TOB13).**

### PART VIII: NPM APPLICANT CERTIFICATION

**1. AGENT FOR SERVICE OF PROCESS.**

- a. IS APPLICANT DOMICILED IN THE STATE OF CALIFORNIA?  YES  NO
- b. IS APPLICANT A NON-RESIDENT OR FOREIGN NPM THAT HAS REGISTERED TO DO BUSINESS IN CALIFORNIA AS A FOREIGN CORPORATION OR BUSINESS ENTITY?  YES  NO
- c. IF APPLICANT ANSWERED "NO" TO QUESTIONS "A" AND "B" ABOVE, APPLICANT MUST APPOINT A RESIDENT AGENT FOR SERVICE OF PROCESS BY SUBMITTING A COMPLETED NOTICE OF APPOINTMENT OF REGISTERED AGENT AND REGISTERED AGENT'S STATEMENT (JUS-TOB2).  YES  NO

**2. QUALIFIED ESCROW FUND-FINANCIAL INSTITUTION.**

APPLICANT CERTIFIES THAT OF THE DATE OF THIS CERTIFICATION, APPLICANT:

- a. HAS ESTABLISHED AND CONTINUES TO MAINTAIN A QUALIFIED ESCROW FUND.  YES  NO
- b. HAS EXECUTED A QUALIFIED ESCROW AGREEMENT THAT HAS BEEN REVIEWED AND APPROVED BY THE ATTORNEY GENERAL FOR THE STATE OF CALIFORNIA AND THAT GOVERNS THAT QUALIFIED ESCROW FUND FOR THE STATE OF CALIFORNIA.  YES  NO

(NOTE: THE NPM MUST CERTIFY SATISFACTION OF BOTH OF THE ABOVE-REFERENCED REQUIREMENTS REGARDING THE QUALIFIED ESCROW FUND TO BE ELIGIBLE FOR THE DIRECTORY. A QUALIFIED ESCROW FUND IS CREATED ONLY BY USING THE CALIFORNIA MODEL ESCROW AGREEMENT (JUS-TOB6). (11 CAL. CODE REGS. § 999.13.)) CALIFORNIA'S MODEL ESCROW AGREEMENT IS AVAILABLE ON THE ATTORNEY GENERAL'S WEBSITE AT <http://caag.state.ca.us/tobacco>.

**3. QUALIFIED ESCROW FUND DEPOSIT/WITHDRAWAL HISTORY FOR CALIFORNIA.**

DATE	DEPOSIT	WITHDRAWAL	BALANCE

ATTACH ADDITIONAL SHEET(S), AS NECESSARY, TO PROVIDE A COMPLETE RESPONSE.

**NOTE: THIS CERTIFICATION WILL NOT BE PROCESSED OR CONSIDERED UNTIL ALL THE REQUIRED DOCUMENTS ARE SUBMITTED.**

### DECLARATION, ACKNOWLEDGMENT AND SIGNATURE

UNDER PENALTY OF CRIMINAL PROSECUTION UNDER THE LAWS OF CALIFORNIA, I DECLARE AND ACKNOWLEDGE THAT:

1. I HAVE READ THE INSTRUCTIONS FOR THIS CERTIFICATION FOR LISTING ON CALIFORNIA DIRECTORY.
2. I UNDERSTAND THAT THE ATTORNEY GENERAL MAY REQUIRE ADDITIONAL INFORMATION AND/OR DOCUMENTATION TO DETERMINE IF APPLICANT IS QUALIFIED FOR LISTING ON THE CALIFORNIA DIRECTORY.
3. APPLICANT WILL IMMEDIATELY NOTIFY THE TOBACCO LITIGATION AND ENFORCEMENT SECTION IN THE ATTORNEY GENERAL'S OFFICE (OFFICE OF THE ATTORNEY GENERAL FOR THE STATE OF CALIFORNIA, TOBACCO LITIGATION ENFORCEMENT SECTION, P.O. BOX 944255, SACRAMENTO, CA 94244-2550) IF ANY INFORMATION ON THIS CERTIFICATION CHANGES, BEFORE THE ATTORNEY GENERAL APPROVES THE CERTIFICATION.
4. I ACKNOWLEDGE THAT TITLE 11, CALIFORNIA CODE OF REGULATIONS SECTION 999.17, REQUIRES EVERY APPLICANT TO SUBMIT A SUPPLEMENTAL CERTIFICATION WHEN INFORMATION IN THIS CERTIFICATION IS NO LONGER ACCURATE AND COMPLETE. THE SUPPLEMENTAL CERTIFICATION MUST BE SUBMITTED NO LATER THAN THIRTY (30) DAYS AFTER THE INFORMATION HAS BECOME INACCURATE OR INCOMPLETE.
5. I ACKNOWLEDGE THAT BUSINESS AND PROFESSIONS CODE SECTION 22980.1 PROHIBITS A MANUFACTURER, DISTRIBUTOR OR WHOLESALER FROM SELLING CIGARETTES FOR RESALE IN CALIFORNIA TO ANY PERSON WHO IS NOT LICENSED BY THE CALIFORNIA BOARD OF EQUALIZATION OR WHOSE LICENSE HAS BEEN SUSPENDED OR REVOKED. SECTION 22980.1 ALSO PROHIBITS IMPORTERS, DISTRIBUTORS, AND WHOLESALERS FROM PURCHASING CIGARETTES FROM A MANUFACTURER THAT IS NOT SO LICENSED.
6. I ACKNOWLEDGE THAT BUSINESS AND PROFESSIONS CODE SECTION 22979(A)(3) REQUIRES EVERY MANUFACTURER AND IMPORTER TO CONSENT TO THE JURISDICTION OF THE CALIFORNIA COURTS FOR ENFORCEMENT OF THE CALIFORNIA CIGARETTE AND TOBACCO PRODUCTS LICENSING ACT OF 2003 (DIVISION 8.6 OF THE BUSINESS AND PROFESSIONS CODE).
7. CALIFORNIA REGULATIONS REQUIRE THAT THIS CERTIFICATION BE SIGNED BY A QUALIFIED COMPANY OFFICER OR OTHER SUCH INDIVIDUAL AUTHORIZED TO BIND THE APPLICANT COMPANY. MY POSITION WITH THE COMPANY AND MY ACTUAL AUTHORITY TO CERTIFY ON BEHALF OF APPLICANT MEETS THE FOREGOING REQUIREMENTS.
8. 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.

NAME OF AUTHORIZED OFFICER: \_\_\_\_\_

TITLE: \_\_\_\_\_

EMAIL ADDRESS: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_

SIGNATURE OF AUTHORIZED OFFICER: \_\_\_\_\_ DATE: \_\_\_\_\_

STATE OF \_\_\_\_\_ )

COUNTY OF \_\_\_\_\_ )

COUNTRY OF \_\_\_\_\_ )

ON \_\_\_\_\_, BEFORE ME, \_\_\_\_\_ PERSONALLY APPEARED \_\_\_\_\_

PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL.

SIGNATURE: \_\_\_\_\_

MY COMMISSION EXPIRES ON: \_\_\_\_\_

THIS CERTIFICATION MUST BE FILED WITH THE ATTORNEY GENERAL'S OFFICE:

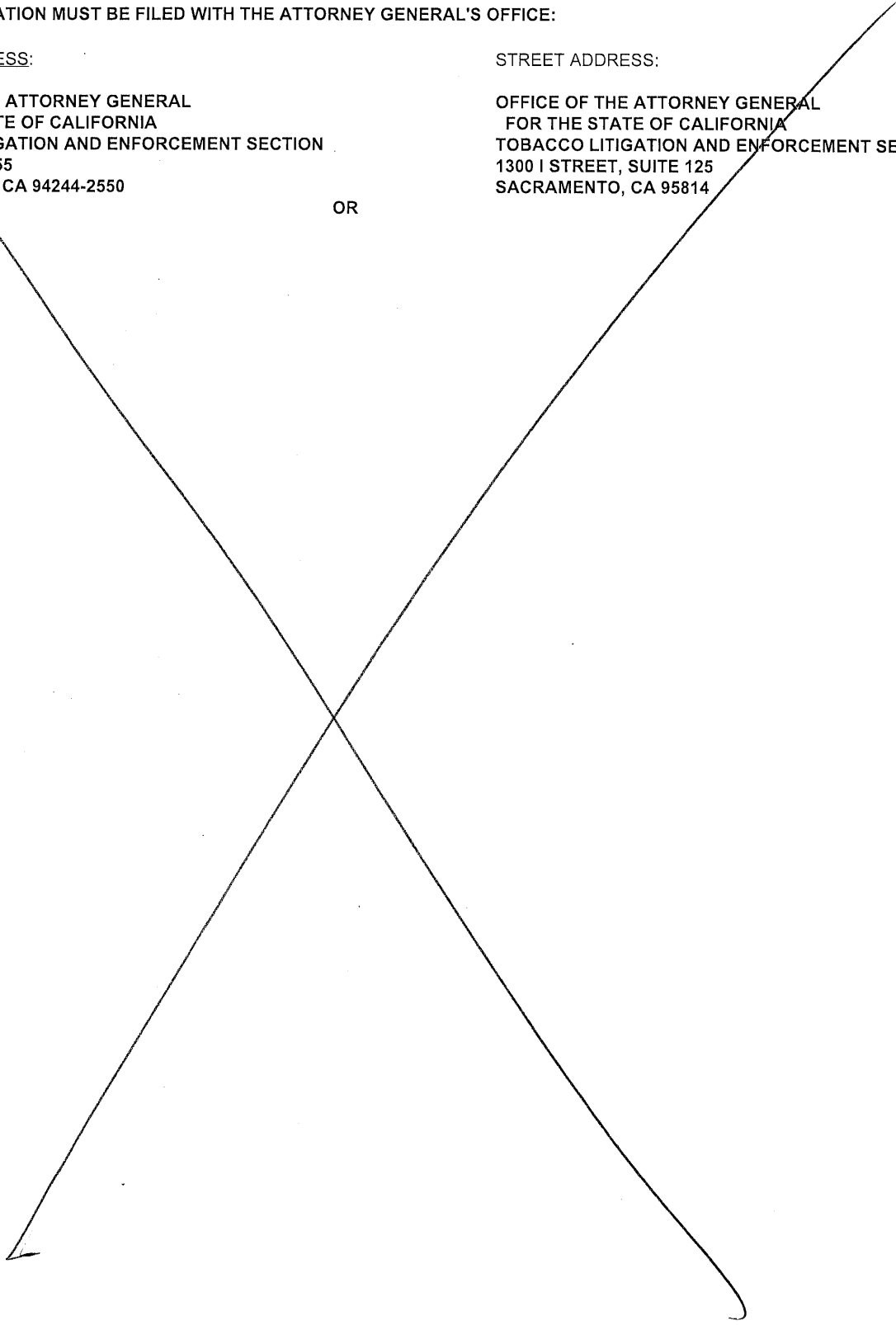
MAILING ADDRESS:

OFFICE OF THE ATTORNEY GENERAL  
FOR THE STATE OF CALIFORNIA  
TOBACCO LITIGATION AND ENFORCEMENT SECTION  
P. O. BOX 944255  
SACRAMENTO, CA 94244-2550

STREET ADDRESS:

OFFICE OF THE ATTORNEY GENERAL  
FOR THE STATE OF CALIFORNIA  
TOBACCO LITIGATION AND ENFORCEMENT SECTION  
1300 I STREET, SUITE 125  
SACRAMENTO, CA 95814

OR



# CERTIFICATION FOR LISTING ON CALIFORNIA DIRECTORY (REV. & TAX. CODE, § 30165.1)



## GENERAL INSTRUCTIONS

### Who is required to file this Certification (JUS-TOB1)?

Tobacco product manufacturers whose cigarettes (as defined in subdivision (d) of section 104556 of the Health and Safety Code) are sold in California, whether directly or through any distributor, retailer, or similar intermediary, are required to complete and file this form (JUS-TOB1).

This certification is in addition to the Nonparticipating Manufacturer ("NPM") Certification of Compliance (JUS-TOB3) required by California's Reserve Fund Statute (Health and Safety Code sections 104555-104557) and implementing regulations (California Code of Regulations, Title 11, sections 999.10-999.14).

The answers provided in this certification, when completed, must be reviewed, and signed by an officer with the authority to bind the applicant company. ("Applicant")

### When is this Certification Due?

Initial/Annual Certifications: Every tobacco product manufacturer currently selling cigarettes in California must file a certification (JUS-TOB1) no later than April 30, 2004. After April 30, 2004, tobacco product manufacturers which intend to sell cigarettes in California shall file a certification and qualify for listing on the directory prior to any sales in California. Tobacco product manufacturers listed on the directory must file this form on or before April 30th each year.

Supplemental Certifications: In completing a supplemental certification, applicant must check the "supplemental" box at the top of page one, enter only the new or changed information, then sign and date the supplemental certification form. A tobacco product manufacturer shall file a supplemental certification (JUS-TOB1) no later than thirty days prior to any change in a fabricator for any brand family or any addition to or modification of its brand families by executing and delivering the supplemental certification to the Attorney General. In all other circumstances in which information provided on the certification becomes inaccurate, a supplemental certification must be filed within thirty (30) days after the information becomes inaccurate.

### Where must this certification be filed?

This certification must be filed with the Attorney General's Office:

Mailing Address

Or

Street Address

**Office of the Attorney General  
for the State of California  
Tobacco Litigation & Enforcement Section  
P.O. Box 944255  
Sacramento, CA 94244-2550**

**Office of the Attorney General  
for the State of California  
Tobacco Litigation & Enforcement Section  
1300 I Street, Suite 125  
Sacramento, CA 95814**

### Definitions:

- (a) "Affiliate" means a person who directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or control with, another person, as defined in subdivision (b) of section 104556 of the Health and Safety Code.
- (b) "Brand family" means all styles of cigarettes sold under the same trademark and differentiated from one another by means of additional modifiers, including, but not limited to, "menthol," 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.
- (c) "Cigarette" has the same meaning as in subdivision (d) of section 104556 of the Health and Safety Code. (Roll-your-own "RYO" tobacco is included in the definition of cigarette under section 104556.)
- (d) "Directory" means the listing of all tobacco product manufacturers that have provided current and accurate certifications conforming to the requirements of Revenue and Taxation Code section 30165.1 and all brand families that are listed in such certifications.
- (e) "Distributor" has the same meaning as in section 30011 of the Revenue and Taxation Code.
- (f) "MSA" means the "Master Settlement Agreement," as defined in subdivision (e) of section 104556 of the Health and Safety Code.
- (g) "Nonparticipating manufacturer," or "NPM," means any tobacco product manufacturer that is not a participating manufacturer.

## CERTIFICATION FOR LISTING ON CALIFORNIA DIRECTORY (REV. & TAX. CODE, § 30165.1)

### GENERAL INSTRUCTIONS CONT'D.

- (h) "Participating manufacturer" has the same meaning as in subsection II(J) of the MSA.
- (i) "Person" means an individual, partnership, committee, association, corporation or any other organization or group of persons.
- (j) "Qualified Escrow Fund" has the same meaning as in subdivision (f) of section 104556 of the Health and Safety Code.
- (k) "Reserve Fund Statute" means Chapter 1 of Part 3 of Division 103 of the Health and Safety Code (commencing with section 104555).
- (l) "Tobacco product manufacturer" has the same meaning as in subdivision (i) of section 104556 of the Health and Safety Code.

**This certification and all other required forms must be completed in English. For all attachments required by the certification, if the original document is in a language other than English, a true and correct translation into English must be attached as well.**

**All attachments to this certification must indicate to which question it corresponds.**

**If any section of this certification is not applicable to your company, be sure to check the box "Not Applicable" where relevant.**

**Any person who makes an assertion in this certification that he or she knows is false regarding a material matter is guilty of a misdemeanor punishable by imprisonment or a fine, or both.**

### Specific Instructions

#### **Part I. General Business and Ownership Information**

**3-6.** Health and Safety Code section 104556(l) sets forth three circumstances under which an entity is a tobacco product manufacturer. Those circumstances are individually set out in questions 3, 4, and 5. If applicant answered "no" to questions 3, 4, and 5, applicant must provide an explanation for its assertion that it is a tobacco product manufacturer in its response to question 6.

**7.** Applicants must obtain a cigarette and/or tobacco products manufacturer's license and attach a copy of such license(s). (Cal. Code Regs., tit. 11, ch. 16, § 999.16, subd. (b)(2)(D).) All non-participating manufacturers must also provide a copy of a valid federal permit from the U.S. Treasury, Alcohol and Tobacco Tax and Trade Bureau. (Cal. Code Regs., tit. 11, ch. 16, § 999.16, subd. (b)(2)(J).)

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#### **Part II. Brand Family Identification**

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##### **1. Brand Family Identification**

Identify by brand family all of the cigarettes that the tobacco product manufacturer intends to sell in California, whether directly or through any distributor, retailer, or similar intermediary, and seeks to have included in the directory. Only the brands identified may be included in the directory. A participating manufacturer shall list all of its brand families. By listing a brand family, the participating manufacturer affirms that the brand family is deemed to be its cigarettes for the purpose of calculating its payments under the MSA for the relevant year. The participating manufacturer shall update such list at least thirty (30) days prior to any addition to or modification of its brand families by executing and delivering a supplemental certification (JUS-TOB1) to the Attorney General.

Attach samples of the actual packaging and labeling of cartons and packs for each brand style of cigarettes that applicant intends to sell in California. Also submit, on CD or DVD, a color photograph in Adobe 6.0 (.PDF) software, of the packaging and labeling. For each brand family, attach copies of your written certification of compliance with the California Cigarette Fire Safety and Firefighter Protection Act, which you filed with the State Fire Marshal. (Health & Saf. Code, § 14951(A).) Finally, attach a completed JUS-TOB15, Cigarette Brand Authentication Information form. (Cal. Code Regs., tit. 11, ch. 16, § 999.16, subd. (b)(1).)

A nonparticipating manufacturer (NPM) shall: (I) List all of its brand families and the number of units sold of each brand family that were sold in California during the preceding calendar year; (II) Identify by an asterisk any brand family sold in California during the preceding calendar year that is no longer being sold in California as of the date of the certification; and (III) Provide the complete name and address of every tobacco product manufacturer that manufactured a brand family described in (I) above in the preceding calendar year. The NPM shall update such list at least thirty (30) days prior to any addition to or modification of its brand families by executing and delivering a supplemental certification (JUS-TOB1) to the Attorney General. By listing a brand family, the NPM affirms that the brand family is deemed to be its cigarettes for the purpose of calculating its reserve fund deposits pursuant to Health & Safety Code §§104555-104557 and implementing regulations.

## CERTIFICATION FOR LISTING ON CALIFORNIA DIRECTORY (REV. & TAX. CODE, § 30165.1)

### Part III. Additional Business and Ownership Information (NPM Applicants only)

#### 1. Organizational documents to be attached:

If applicant is a:	Attach to certification:
Partnership or Association	Current copy of articles, if any, or the certificate required to be filed by any state municipality
Corporation	1. Current copy of the corporate charter or certificate of corporate existence or incorporation. This copy must be executed by the appropriate state officer for the jurisdiction in which incorporated. 2. Extracts of stockholders' meetings, bylaws, directors' meetings or other documents that list the officers authorized to sign documents or otherwise act on behalf of the corporation. The accuracy of the copy must be certified by an appropriate officer of the corporation.
Limited liability company or other business organization	Current copy of the business document(s) filed with a state, county or municipality when such filing is required. The copy must show that it was filed with the appropriate government agency. A limited liability company must provide an accurate copy of its operating agreement.

#### 3. Affiliates

Identify any affiliate that also manufactures, imports, distributes, or sells cigarettes or other tobacco products in California by completing the table on the application. For the purposes of this certification & application for listing, the term "own" means ownership of an equity interest, or the equivalent thereof, of 10 percent or more. List the names of the brands and the affiliate in the first two columns. List the type of business by writing in the third column (type of business): "M" for manufacturer, "I" for importer, "D" for distributor, and "W" for wholesaler.

### Part IV. Marketing and Distribution Information

#### 3. Agreements with participating manufacturers

Identify every agreement between applicant and any participating manufacturer (PM) or affiliate of a PM which relates to the making, importing, distribution, transportation, or sale of a brand family. List the brand family and the name, address, and phone number of the PM involved in any agreement. For each brand family, describe the agreement or arrangement with any PM or affiliate of a PM in the making, importing, distribution, transportation or sale of the brand family, and provide the name and address of the PM(s), subsidiary(ies), affiliate(s) or partner(s). A list of the participating manufacturers is available on the NAAG website at <http://www.naag.org>. Attach a copy of any written contract(s) and/or agreement(s).

#### 4. Agreements regarding compliance with the MSA

List every brand family that is the subject of an agreement regarding compliance with the MSA and the name, address, and phone number of the participating manufacturer involved in such agreement(s). Attach a copy of any written contract(s) and/or agreement(s).

#### 5. Agreements regarding compliance with the Reserve Fund Statute

List every brand family that is the subject of an agreement regarding compliance with the NPM Reserve Fund Statute and the name, address, and phone number of the person or entity with whom applicant has a contractual arrangement and/or agreement concerning compliance with the NPM Reserve Fund Statute. Attach a copy of any written contract(s) and/or agreement(s).

### Part V. Manufacturing and Compliance Information

#### 5. Internet or mail order sales

If applicant intends to sell any cigarettes (including RYO tobacco) by mail order or through the internet, list and describe: (A) Any website advertising the cigarettes, (B) the address from where the cigarettes will be shipped, (C) and the total sales in California in the previous year.

**Attach copies of Jenkins Act Reports.** If applicant is applying for listing on California's Directory for the first time, attach copies of all reports, if any, filed with the California Board of Equalization to comply with the Jenkins Act (Chapter 10A of Title 15 of the U.S. Code, section 375 et seq.) for sales in the preceding 12 months. If applicant has already been listed on California's directory, but is applying to list other or new brand families, attach copies of the Annual Certification of Compliance (JUS-TOB3) and the Jenkins Act reports for sales of the already listed brand families for the period of time reported in applicant's Annual Certification of Compliance.

# CERTIFICATION FOR LISTING ON CALIFORNIA DIRECTORY (REV. & TAX. CODE, § 30165.1)

## Specific Instructions (Continued)

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**Part VI. Disclosure of Enforcement Actions to California Purchasers** (NPM Applicants only)

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**Part VII. Imported Cigarettes-Documentation and Verification** (NPM Applicants only)

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1. Submit a completed United States Importer Accepting Joint and Several Liability form (JUS-TOB12). (Cal. Code Regs., tit. 11, ch. 16, § 999.16, subd. (b)(2)(L).)
2. Submit a completed Notice of Appointment of Registered Agent and Registered Agent's Statement form for Importer (JUS-TOB13). (Cal. Code Regs., tit. 11, ch. 16, § 999.16, subd (b)(2)L.)

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**Part VIII. NPM Application Certification** (NPM Applicants only)

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**1. Agent for Service of Process**

Certify whether the NPM is (I) domiciled in the State of California; (II) a non-resident or foreign NPM that has registered to do business in California as a foreign corporation or business entity; or (III) an NPM that has appointed a resident agent for service of process pursuant to Revenue and Taxation Code section 30165.1 on whom all process, and any action against it concerning or arising out of the enforcement of Health and Safety Code sections 104555 et. seq., Revenue and Taxation Code section 30165.1 and implementing regulations, may be served in any manner authorized by law, and attach Notice of Appointment of Registered Agent (JUS-TOB2). (Cal. Code Regs., tit. 11, ch. 16, § 999.16, subd. (b)(1)(C).)

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Mail the original certification (JUS-TOB1) and all required forms and documents to:

Mailing Address:

OR

Street Address:

Office of the Attorney General  
For the State of California  
Tobacco Litigation & Enforcement Section  
P.O. Box 944255  
Sacramento, CA 94244-2550

Office of the Attorney General  
for the State of California  
Tobacco Litigation & Enforcement Section  
1300 I Street  
Sacramento, CA 95814

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