

**NON-PARTICIPATING TOBACCO PRODUCT MANUFACTURER
("NPM") CERTIFICATION SEEKING LISTING ON THE CALIFORNIA
TOBACCO DIRECTORY**JUS-TOB5 (Rev. ~~09/2020~~ Rev. 03/11/2021)**PART I: Certification Type**

A. Applicant: _____

B. Application year: _____

C. Application type:

- Initial certification – Applicant is not currently listed on the California Tobacco Directory.
- Annual certification – Applicant is currently listed on the California Tobacco Directory and seeks to reestablish Directory eligibility.
- Supplemental certification – Information in support of Applicant's last certification (JUS-TOB5 ~~Rev. 09/2020~~ Rev. 03/11/2021) is no longer current, accurate, or complete. Alternatively, Applicant is requesting to add or remove Brand Styles from the California Tobacco Directory

D. Application version: _____

If Applicant has submitted more than one JUS-TOB5 this year, describe the pending certification. For example, responses may include Amended Annual, Second Amended Annual, First Supplemental, etc.

- Applicant has carefully read and reviewed all definitions, instructions, forms and exhibits in support of Applicant's certification, including but not limited to Title 11, California Code of Regulations Sections 999.10-999.29 ~~and Definitions (JUS-TOB5 (Rev. 09/2020 03/2021))~~.
- Applicant understands that all statements, information, and exhibits in support of Applicant's certification are sworn under the penalty of perjury and/or criminal prosecution under the laws of California.
- Applicant understands that, under Title 11, California Code of Regulations Section 999.17, if any information within this certification is no longer current, accurate, or complete, Applicant shall submit a supplemental certification within thirty (30) days of the change.
- Applicant understands that incomplete or illegible submissions will not be processed.

PART II: Applicant

A. Primary contact person designated by Applicant



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If the Office of the Attorney General has questions or requires additional information, documents, or other submissions, Applicant instructs the Office of the Attorney General to first contact:

Name: _____

Telephone number: _____

Email address: _____

Mailing address: _____

B. Applicant's information

Name: _____

Telephone number: _____

Email address: _____

Mailing address: _____

C. Applicant's attorney

Name and firm: _____

Telephone number: _____

Email address: _____

Mailing address: _____

Part III: Applicant's registered agent for service

A. Is Applicant domiciled in California? **No** **Yes**

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- B. Is Applicant a non-resident that is registered to do business in California as a foreign corporation or business entity? **No** **Yes**

(If Applicant answered "Yes" a copy of Applicant's registration is attached as Exhibit _____ / BUSINESS REGISTRATION)

- C. If Applicant answered "No" to both questions III.A and III.B above, Applicant has appointed and shall continuously maintain a registered agent for service of process for the State of California. A Notice of Appointment of Registered Agent and Registered Agent's Statement (JUS-TOB2 Rev. (02/2011)) is attached as Exhibit _____ / JUS-TOB2. **N/A** **Yes**

- D. If Applicant attached Notice of Appointment of Registered Agent and Registered Agent's Statement (JUS-TOB2 Rev. (02/2011)), Applicant either:

- executed the Notice of Appointment of Registered Agent and Registered Agent's Statement (JUS-TOB2 Rev. (02/2011)) within the last six (6) months; or
- attached a letter from Applicant's registered agent for service dated this calendar year confirming that the registered agent continues to serve as Applicant's registered agent for service for the State of California pursuant to the terms of the previously executed Notice of Appointment of Registered Agent and Registered Agent's Statement (JUS-TOB2 Rev. (02/2011))

Part IV: Brands

- A. Applicant prepared a complete and accurate Brand List (JUS-TOB~~458~~ (Rev. 09/2020 Rev. 03/11/2021)), which is attached as Exhibit B and is incorporated by reference. Applicant's Brand List includes: (1) all Brand Styles of Cigarettes that Applicant seeks to list on the California Tobacco Directory; (2) all Brand Styles of Cigarettes that Applicant Fabricated for sale anywhere in the United States within the past ~~thirty-nine~~ twelve (~~39~~12) months (as used in this form, "Fabricate(d)" means the process of physically assembling components into a finished Cigarette); (3) all Brand Styles of Cigarettes that Applicant Fabricated in the United States for export-only during the past ~~thirty-nine~~ twelve (~~39~~12) months; and (4) all Brand Styles of Cigarettes that Applicant or Applicant's Importer(s) imported into the United States during the past ~~thirty-nine~~ twelve (~~39~~12) months.

No **Yes**

- B. _____ (Initial) Applicant agrees and stipulates that Applicant shall be liable for all escrow for any Brand Style of Cigarettes listed on Exhibit B / Brand List (JUS-TOB~~458~~ (Rev. 09/2020 Rev. 03/11/2021)) that are Units Sold in California under subdivision (j) of

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- C. _____ (Initial) While Applicant agrees and stipulates that Applicant is liable for all escrow for all Brand Style of Cigarettes listed on Exhibit B / Brand List (JUS-TOB~~458~~ (~~Rev. 09/2020~~ Rev. 03/11/2021)) that are Units Sold in California, California retains the right to assert that a different Tobacco Product Manufacturer or other Person is liable for the escrow ~~for the escrow~~ owed on Brands Styles of Cigarettes listed on Exhibit B / Brand List (JUS-TOB~~458~~ (~~Rev. 09/2020~~ Rev. 03/11/2021)) that are Units Sold in California. **No** **Yes**
- D. _____ (Initial) Approving this certification does not waive or otherwise limit California's ability to assert that Applicant is liable for escrow owed on Brand Styles of Cigarettes that are not listed on Exhibit B / Brand List (JUS-TOB~~458~~ (~~Rev. 09/2020~~ Rev. 03/11/2021)) that are Units Sold in California. **No** **Yes**
- E. Using columns A, B, C, and D of Exhibit B / Brand List (JUS-TOB~~458~~ (~~Rev. 09/2020~~ 03/11/2021)), Applicant identified all the Brand Styles of Cigarettes that Applicant seeks to add, remove, or recertify for listing on the California Tobacco Directory. Column A identifies the Brand Styles of Cigarettes that Applicant seeks to add to the California Tobacco Directory. Column B identifies the Brand Styles of Cigarettes that are currently listed on the California Tobacco Directory and Applicant seeks to reestablish eligibility for listing on California Tobacco Directory. Column C identifies the Brand Styles of Cigarettes that Applicant seeks to remove from the California Tobacco Directory. Column D identifies the Brand Styles of Cigarettes that Applicant does not seek to list on the California Tobacco Directory. **No** **Yes**
- F. Using columns G and H of Exhibit B / Brand List (JUS-TOB~~458~~ (~~Rev. 09/2020~~ Rev. 03/11/2021)), Applicant provided all carton and pack UPCs used or otherwise associated with all of the Brand Styles of Cigarettes listed on Exhibit B / Brand List (JUS-TOB~~458~~ (~~Rev. 09/2020~~ 03/11/2021)), including all promotional UPCs. **No** **Yes**

Part V: Reserve Fund Statute Compliance

- A. For Sales Year _____ (prior calendar year), Applicant's total Units Sold, under subdivision (j) of Section 104556 of the Health and Safety Code, in the State of California was _____ (total Cigarettes in Sticks), and Applicant has deposited a total of _____ Qualified Escrow Principal (total in dollars) into a Qualified Escrow Fund for the benefit of California based upon those sales.
- B. Applicant will retain all records, invoices, and other documentation regarding all of its Cigarettes sold in California during the prior Sales Year for at least five (5) years, unless Applicant is required to retain them for a longer period pursuant to other laws or

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regulations. **No** **Yes**

- C. Attached as Exhibit _____ / CIG-MAP JUS-TOB7 is Applicant's CIG-MAP (JUS-TOB7 (Rev. 09/2020)), which accurately states the number of Applicant's Cigarettes sold and on which tobacco escrow or equity fee payments were made in California, all other states, the District of Columbia, and United States territories during the prior Sales Year.
- D. By April 30, Applicant updated all CIG-MAPs (JUS-TOB7 (Rev. 09/2020)) previously submitted to Office of the Attorney General for two (2) additional years to update all sales totals, additional deposits of escrow or equity fee, or withdrawals of escrow. **No** **Yes**
- E. Excluding Applicant's communications with California distributors (which must be identified on Applicant's JUS-TOB4 [Rev. 11/2021](#)), does Applicant receive any data or information regarding Applicant's Cigarette sales in California from any source, including but not limited to MSA² data? **No** **Yes**
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Part VI: Qualified Escrow Account Compliance

- A. Applicant last executed California's Approved Tobacco Escrow Agreement on or about _____ (the Execution Date). (If the dates on the first page and the signature page(s) of the Approved Tobacco Escrow Agreement do not match, Applicant shall use the date on the first page of its Approved Tobacco Escrow Agreement.)
- B. Since the Execution Date, has Applicant or any other **P**erson or entity modified or amended any terms or conditions in California's Approved Tobacco Escrow Agreement? **No** **Yes**
- C. Account information
- Name of financial institution: _____
- Escrow agent: _____
- Telephone number: _____
- Email address: _____
- Mailing address: _____
- _____
- Escrow account number: _____
- California sub-account number(s): _____



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- D. A Ledger, as defined by section 2.1 of California's Approved Tobacco Escrow Agreement (JUS-TOB6 (Rev. 5/24/19)), reflecting all the Minimum Qualified Escrow Principal On-Deposit and all of Applicant's deposits, withdrawals, assignments, and Returns itemized by both Deposit Date and Sales Year is attached as Exhibit _____ / LEDGER.
- E. Does anyone other than Applicant or the State of California have any rights, ownership, or security interest in Applicant's Qualified Escrow Fund Account or any funds in the Qualified Escrow Fund Account, this includes but is not limited to any purported ownership right or security interest in any Principal or Interest in the account or any ownership or interest right in the account? **No** **Yes**

If Applicant answered "Yes," a written narrative that identifies the purported purchaser(s), interest(s) purportedly sold, and all current ownership right(s) is attached as Exhibit _____ / ESCROW RIGHTS.

Part VII: Fabrication

- A. The Cigarettes that Applicant seeks to list on the California Tobacco Directory are Fabricated:

_____ only in the United States

_____ only outside the United States

_____ both inside and outside of the United States

- B. Currently, how many ~~entities~~ persons Fabricate any Cigarettes for Applicant ~~or Applicant's Domestic Affiliates~~? Identify each Fabricator by name, physical address of all factories (not a mailing address), and federal manufacturer and/or importer permit number(s).

(Alternatively, Applicant's response is attached as Exhibit _____ / FABRICATOR(S))

- C. Other than the ~~entities~~ persons identified in your response to question VII.B. above, has any ~~person~~ person used the factory or factories identified in your response to question VII.B. that are located in the United States to Fabricate any Cigarettes that were sold to consumers in the United States during the last five (5) years? **No** **Yes**



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If Applicant's answer is "Yes," a written response that identifies all persons that Fabricated any Cigarettes at the factory during the last five (5) years and all the Brand Family names of all the Cigarettes Fabricated is attached as Exhibit _____ / FACILITY SHARING.

- D. During the past five (5) years, how many entities~~persons~~ have Fabricated any Cigarettes for Applicant ~~or Applicant's Domestic Affiliates~~? Identify each Fabricator by name(s), physical address(es) of all factories (not a mailing addresses), and federal manufacturer and/or importers permit number(s).

(Alternatively, Applicant's response is attached as Exhibit _____ / FABRICATOR(S))

- E. During the past five (5) years, did the physical location of any factory that Fabricated any Cigarettes for Applicant ~~or Applicant's Domestic Affiliates~~ change? **No** **Yes**
- F. During the past five (5) years, has Applicant ~~or any of Applicant's Domestic Affiliates~~ Fabricated any Cigarettes for anyone other than Applicant? **No** **Yes**
- G. During the past five (5) years, has anyone Fabricated any Cigarettes for Applicant ~~or Applicant's Domestic Affiliates~~? **No** **Yes**

If Applicant responded "Yes" to questions ~~IV.VII~~.F or ~~IV.VII~~.G, a narrative describing all contract and/or "private label" manufacturing during the past five (5) years is attached as Exhibit _____ / CONTRACT MANUFACTURING. The narrative shall include, at least, the identity of each Fabricator by name(s), physical address(es) of all factories (not a mailing addresses), and the federal manufacturer and/or importer permit number(s), the Brand Families fabricated by Brand Family name, and the date(s) of fabrication.

- H. Excluding Applicant and any person Fabricating Cigarettes that were not sold to any consumers in the United States, during the past twelve (12) months has any other person Fabricated any of the Brand Families of Cigarettes listed on Applicant's Attached JUS-TOB8 (Rev. 11/2021) that were sold to consumers in the United States?
No **Yes**

If Applicant answered "Yes," identify all such person(s) by name, address, TTB permit number (if applicable), and each Brand Family of Cigarettes Fabricated by them for sale to consumers in the United States.



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- I. Copies of all of Applicant's current federal manufacturer and/or importers permit(s) are attached as Exhibit _____ / TTB PERMIT.
- J. A copy of Applicant's current manufacturer and/or importer license issued by the California Department of Tax and Fee Administration ("CDTFA") is attached as Exhibit _____ / CDTFA LICENSE.
- K. Does Applicant ~~or any of Applicant's Domestic Affiliates~~ license, share, lease, or rent any Cigarettes Brand Family trademark from any Person?

No **Yes**

If Applicant answered "Yes," a list containing all the: trademark names licensed, leased, or rented; trademark numbers; and names, addresses, and telephone numbers of the trademark owners is attached as Exhibit _____ / Trademarks.

PART VIII: IMPORTER

- A. Are any of Applicant's Cigarettes Fabricated outside the United States and imported into the United States? **No** **Yes**

If Applicant answered "No," Applicant may proceed to Part ~~VIII~~IX.

- B. During the past ~~thirty-nine~~twelve (30/12) months, how many importers have imported Applicant's Cigarettes into the United States? _____
- C. Identify each of Applicant's importers during the past ~~thirty-nine~~twelve (30/12) months by name, address, FIEN, and TTB importer permit number.

(Alternatively, Applicant's response is attached as Exhibit _____ / IMPORTER(S).)

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- D. Attached as Exhibit _____ / JUS-TOB12 are true and correct United States Importer Declaration Accepting Joint and Several Liability (JUS-TOB12 (Rev. 02/2011)) forms from all of Applicant's Importer(s) who sell or will sell Applicant's Cigarettes in California.
- E. Attached as Exhibit _____ / JUS-TOB13 are true and correct Notice of Appointment of Registered Agent and Registered Agent's Statement Form for Importer (JUS-TOB13 (Rev. 02/2011)) forms from all of Applicant's Importer(s) who sell or will sell Applicant's Cigarettes in California.
- F. Attached as Exhibit _____ / IMPORTER LICENSE are all current importer licenses issued by CDTFA for each importer who sells or will sell Applicant's Cigarettes in California.

Section IX: Surety Bond

- A. Did Applicant waive any purported claim to sovereign immunity using a JUS-TOB9 (Rev. 10/2021), JUS-TOB10 (Rev. 10/2011), or JUS-TOB11 (Rev. 08/2011)?

No Yes

If Applicant answered "Yes," copies of Applicant's JUS-TOB9, JUS-TOB10, or JUS-TOB11 are attached as Exhibit _____ / WAIVERS.

- B. Has the Office of the Attorney General previously instructed Applicant to file a surety bond for the current Sales Year pursuant to subdivision (c)(4) of [Revenue and Taxation Code](#) section 30165.1?

No Yes

- C. Answer the following questions:

1. Has any state removed Applicant ~~or, any of Applicant's Domestic Affiliates,~~ or any of Applicant's ~~or Applicant's Domestic Affiliate(s)'s~~ Brand Families from a state tobacco directory based upon noncompliance with a state's tobacco escrow deposit law or tobacco tax law at any time during the calendar year or within past three calendar years?

No Yes

2. Does any state have litigation pending against or an unsatisfied final judgment against Applicant ~~or any Domestic Affiliates thereof~~ for escrow or for penalties, fees, costs, refunds, or attorney's fees related to noncompliance with state tobacco escrow laws?

No Yes

3. Does Applicant sell its Cigarettes or other tobacco products directly to consumers via remote or other non-face-to-face means?

No Yes



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- 4. Has any federal or state court, administrative forum, or state or federal agency entered a judgment or made a finding that Applicant ~~or any of Applicant's Domestic Affiliates~~ engaged in an unfair business practice, unfair competition, or violated any tobacco tax or tobacco control law relating to the sale of Cigarettes?
No **Yes**
- 5. Has any state suspended or revoked Applicant's license to engage in any aspect of tobacco business?
No **Yes**
- 6. Has any state or federal court determined that Applicant failed to comply with state or federal law imposing marking, labeling, and stamping requirements or requiring information to be affixed to, or contained in, the labels, marking, or packaging?
No **Yes**

D. If Applicant answered "No" to question IX.A, "Yes" to question IX.B, or "Yes" to any question under IX.C, attach a fully executed California Tobacco Manufacturer and Importer Surety Bond (JUS-TOB14 (Rev. 10/2011)) Exhibit _____ / BOND.

E. Amount of Applicant's surety bond for the benefit of California:
_____.

F. Largest amount of escrow deposited by Applicant for the benefit of California for any Sales Year during the last five (5) Sales Years:
_____ (Amount of escrow deposited in dollars for largest Sales Year)
_____ (Sales Year for deposit amount above)

G. Name of bond company: _____

H. A letter from Applicant's bond company dated this calendar year confirming that the attached surety bond remains in place and the amount of the ~~S~~surety ~~B~~bond is attached as Exhibit _____ / BOND LETTER.

Section X: PACT Act Compliance

A. Has Applicant registered with the Federal Bureau of Alcohol, Tobacco, and Firearms ("ATF") ATF under the Prevent All Cigarette Trafficking Act, 15 U.S.C. §§ 375-378 ("PACT Act")?
No **Yes**

B. Has Applicant registered with the California Department of Tax and Fee Administration ("CDTFA") under the PACT Act?
No **Yes**



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C. During the past ~~sixteen (16)~~ twelve (12) months, did Applicant sell, transfer, or ship Cigarettes into California or between points in California through any Indian Country as defined by the PACT Act?

No Yes

D. During the past ~~sixteen (16)~~ twelve (12) months, did Applicant file PACT Act reports with CDTFA? N/A No Yes

E. Identify all ~~entities~~ persons that sold, transferred, or shipped any Cigarettes Fabricated by Applicant ~~or any of Applicant's Domestic Affiliates~~ into California or between points in California through any Indian Country during the past ~~sixteen (16)~~ twelve (12) months.

(Alternatively, Applicant's response is attached as Exhibit _____ / SHIPPER(S).)

F. Does Applicant anticipate that any additional ~~entities~~ persons will sell, transfer, or ship any Cigarettes fabricated by Applicant ~~or any of Applicant's Domestic Affiliates~~ into California or between points in California through any Indian Country during the next twelve (12) months?

No Yes

If Applicant answered "Yes," list the additional ~~entities~~ persons here:

(Alternatively, Applicant's response is attached as Exhibit _____ / SHIPPER(S).)

Section XI: Federal Excise Tax

A. How many ~~entities~~ persons paid or will pay federal excise tax on any of the Cigarette Brand Styles listed on Exhibit B / Brand List (JUS-TOB~~158~~ (Rev. 09/2020 Rev. 03/11/2021)) for the preceding calendar year?

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- B. Identify all entitiespersons that paid or will pay federal excise tax on any of the Cigarette Brand Styles listed on Exhibit B / Brand List (JUS-TOB458 (Rev. 09/2020 Rev. 03/11/2021)) during the preceding calendar year.
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- C. Applicant has provided the Office of the Attorney General with:

- copies of all tax returns reflecting all of the federal excise tax paid on all of the Cigarettes Brand Styles listed on Exhibit B / Brand List (JUS-TOB458 (Rev. 09/2020 Rev. 03/11/2021)) during the preceding calendar year; or
- written consent to obtain all tax returns reflecting all of the federal excise tax paid on all of the Cigarettes Brand Styles listed on Exhibit B / Brand List (JUS-TOB458 (Rev. 09/2020 Rev. 03/11/2021)) during the preceding calendar year.

Section XII: Cigarette Fire Safety Standard Compliance

For each Brand Style that Applicant seeks to list on the California Tobacco Directory, all letters and supporting documentation establishing compliance with the California Cigarette Fire Safety and Firefighter Protection Act, Health and Safety Code sections 14950-14959, are attached as Exhibit _____ / FIRE STANDARD COMPLIANT.

Section XIII: Packaging or Labeling

For each Brand Style that Applicant seeks to list on the California Tobacco Directory:

- Electronic copies of all packaging or labeling that was not previously provided to the Office of the Attorney General are attached as Exhibit _____ / PACKAGING. (Do not submit actual packaging or labeling); or
- Applicant certifies that: none of its packaging has changed since Applicant's last submission to Office of the Attorney General; and the Office of the Attorney General has received electronic copies of all of Applicant's current packaging.

The Office of the Attorney General is not approving Applicant's packaging through the Directory certification process.

Section XIV: Federal Trade Commission Rotation Plan Compliance

For each Brand Style that Applicant seeks to list on the California Tobacco Directory, copies of the complete and unredacted warning rotation plan(s) submitted to the Federal Trade Commission ("FTC") pursuant to 15 U.S.C. § 1333 and the FTC's current approval letter for each Brand Family are attached as Exhibit _____ / FTC APPLICATIONS.

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Section XV: FDA Compliance

- A. Has the United States Food and Drug Administration ("FDA") determined that any Brand Style of Cigarettes on Exhibit B / Brand List (JUS-TOB~~458~~ (Rev. 09/2020 Rev. 03/11/2021)) is not currently lawful for sale in the United States, including but not limited to not compliant with Substantial Equivalence under section 905(j) of the Federal Food, Drug and Cosmetic Act? **No** **Yes**
- B. Has FDA issued a finding or otherwise advised Applicant that any Brand Style of Cigarettes on Exhibit B / Brand List (JUS-TOB~~458~~ (Rev. 09/2020 Rev. 03/11/2021)) may not be lawful for sale in the United States, including but not limited to compliance with Substantial Equivalence under section 905(j) of the Federal Food, Drug and Cosmetic Act? **No** **Yes**
- C. Applicant will notify the Office of the Attorney General within five (5) business days if FDA or any other federal or state agency determines or issues a statement that any Brand Style of Cigarettes on Exhibit B / Brand List (JUS-TOB~~458~~ (Rev. 09/2020 Rev. 03/11/2021)) is no longer lawful for sale in the United States or California. **No** **Yes**

Section XVI: Department of Health and Human Services Ingredient Compliance

For each Brand Style that Applicant seeks to list on the California Tobacco Directory, copies of the current documentation from the Department of Health and Human Services establishing compliance with 15 U.S.C. § 1333a is attached as Exhibit _____ / DHHS INGREDIENT.

Section XVII: Additional Questions

- A. Has Applicant's business structure or owners changed since Applicant's last Certification seeking Listing on the California Tobacco Directory (JUS-TOB5) (~~Rev. 9/2020 Rev. 03/11/2021~~)? **No** **Yes**
- B. Does Applicant ~~or any of Applicant's Domestic Affiliates~~ have any contract or other agreement with any Participating Manufacturer under the Master Settlement Agreement? **No** **Yes**
- C. Is Applicant ~~or any of Applicant's Domestic Affiliates~~ prohibited, enjoined, or banned from selling any Cigarettes in any state or in the United States by any court order, administrative forum, or state or federal agency order, ruling, or other determination? **No** **Yes**

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- D. Does any state or the United States government have any unsatisfied judgment against Applicant ~~or any of Applicant's Domestic Affiliates~~? **No** **Yes**
- E. During the past five (5) years, has Applicant ~~or any of Applicant's Domestic Affiliates~~ been named as a party in a criminal or civil proceeding related to the manufacturing or distribution of Cigarettes in the United States or any state? **No** **Yes**
- F. During the past five (5) years (since but no earlier than 2021), has Applicant withdrawn any certification or other application seeking listing on a state's tobacco directory before the state rendered a decision on any portion of the certification or application? **No** **Yes**

If Applicant answered "Yes" to any of questions A-F above, a narrative that fully explains Applicant's answer(s) is attached as Exhibit _____. Applicant's response shall contain, at least, the names of the states, dates, years, Brand Families, ~~P~~ersons, case names and numbers involved, and/or dates the ownership or business structure change became effective.

- G. During the past five (5) years, has any state denied any part of a certification by Applicant seeking listing on any state's tobacco directory? **No** **Yes**

If Applicant answered "Yes", attach a narrative that includes the state(s), year(s) and attach a copy of the letter(s) or notice(s) of denial. Exhibit _____.

- H. During the past five (5) years, has Applicant deposited all tobacco escrow demanded by any state within ninety (90) days of each demand? This question concerns whether Applicant deposited all of escrow demanded by all states during the past five (5) years, not whether Applicant agrees with the grounds or sufficiency of any escrow demand(s) at issue. **No** **Yes**

If Applicant answered "No", a narrative that fully explains Applicant's answer, including but not limited to, the year(s), state(s), whether the amount of escrow demanded by any state remains unsatisfied is attached as Exhibit _____.

- I. Has any of Applicant's owners or officers, ~~or the officers or owners of Applicant's Domestic Affiliates~~ ever been an owner or officer of another tobacco company that a state contends did not make the escrow deposits required by a state's Reserve Fund Statute? **No** **Yes**

If Applicant answered "Yes," attach a narrative that fully explains Applicant's answer, including but not limited to the owner(s) or officer(s) and the companies and states(s) involved is attached as Exhibit _____.

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- J. Over the past three (3) years, has Applicant's average annual gross receipts totaled less than fifteen million dollars (\$15,000,000)? The scope of this question is not limited to gross receipts from Cigarettes sales. **No** **Yes**
- K. Does Applicant have more than one hundred employees? **No** **Yes**
- L. Is Applicant a federally recognized tribe? **No** **Yes**
- M. Is Applicant a corporation formed under tribal law? **No** **Yes**
- N. Is Applicant ~~affiliated~~Affiliatedaffiliated with any tribe? **No** **Yes**
- O. Is Applicant's facility or business located on tribal land? **No** **Yes**

Section XVIII: Exhibits

All exhibits in support of this certification are hereby incorporated by reference.

No **Yes**

I have carefully reviewed all of the exhibits in support of Applicant's certification and they are, to the best of Applicant's knowledge, true, correct, and complete.

No **Yes**

All exhibits in support of this certification shall be identified, organized, and ordered by alphabetical designation.

Exhibit A shall be an index that lists and identifies all of the exhibits in support of this certification. The first column must list all exhibits by their alphabetical designation in alphabetical order. The second column must provide a brief description of each exhibit. California predesignated several brief exhibit descriptions, which appear in this certification in all capitals following blank spaces where Applicant enters alphabetical designations for the exhibits in support of this certification. For example, on page ~~seven (7)~~ eight (8) of this certification, the brief exhibit description for Applicant's CDTFA manufacturers license is "CDTFA LICENSE" and appears on the certification as "Exhibit _____ / CDTFA LICENSE." Thus, Applicant shall use "CDTFA LICENSE" as the predesignated brief exhibit description in Applicant's exhibit index. Conversely, the exhibits in support of Applicant's responses to ~~section XVI~~ part XVII, if any, do not have predesignated brief exhibit descriptions and Applicant may choose their own brief descriptions for these exhibits.

If Applicant is submitting both Paper Exhibits and Electronic Exhibits, Exhibit A shall contain a third column reflecting whether each exhibit is submitted as a Paper Exhibit or Electronic Exhibit.

Exhibit B must be an Excel copy of Brand List (JUS-TOB~~458~~ (~~Rev. 09/2020~~ Rev. 03/11/2021)).



NON-PARTICIPATING TOBACCO PRODUCT MANUFACTURER ("NPM") CERTIFICATION SEEKING LISTING ON THE CALIFORNIA TOBACCO DIRECTORY

JUS-TOB5 (Rev. 09/2020 Rev. 03/11/2021)

Except for Exhibit A and Exhibit B, Applicant may choose the alphabetical designations for the exhibits in support of this certification. Applicant may not skip or duplicate any letters.

Each Paper Exhibit shall be separated by a hard 8 1/2 x 11 sheet with hard paper or plastic tabs extending below the bottom of the page bearing the exhibit alphabetical designation.

Electronic Exhibits must be delivered in a format that displays each exhibit's alphabetical designation and a brief description of each exhibit.

Section XIX: Signature

I understand that the Office of the Attorney General may require additional information and/or documentation to establish eligibility for listing on the California Tobacco Directory.

I understand that California regulations require that this certification be signed by a qualified company officer or other such individual authorized to bind Applicant. I am an officer authorized by Applicant to legally bind Applicant under the law of the State of California and I hereby bind Applicant.

I declare, under the penalty of perjury, that all of the statements and information contained in this certification, including but not limited to Exhibits and accompanying statements, are true, correct, accurate, and complete.

NPM

SIGNATURE OF AUTHORIZED AGENT FOR NPM: _____

NAME OF AUTHORIZED AGENT FOR NPM: _____

TITLE: _____

DATE: _____

To be completed by a notary public

A notary public verifies only the identity of the individual who signed the document to which this certificate is attached, not the truthfulness, accuracy, or validity of that document.

On _____, before me, _____
personally appeared _____,
who 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



**NON-PARTICIPATING TOBACCO PRODUCT MANUFACTURER
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instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: _____

(Seal)