



Certification Year:
2018

**STATE OF LOUISIANA
PARTICIPATING MANUFACTURER CERTIFICATION
PURSUANT TO LA. R.S. 13:5073**

Type of Certification:

- Annual Certification Supplemental Certification

Certification Fee:

Each tobacco product manufacturer is required to submit a fee of \$500 made payable to the "State of Louisiana" along with its Annual Certification no later than April 30th of each year. Please note that the Certification will not be acted upon until the fee is received.

- Please indicate if the Certification Fee has been included: **Yes** **No**

Tobacco Product Manufacturer Identification:

Company: _____

Address: _____

Address: _____

Phone: _____ FAX: _____

Name of Person Completing Report: _____

Title: _____

E-mail: _____

Is the company represented by counsel? **Yes** **No**

Identification of Counsel for Tobacco Product Manufacturer (if applicable):

Counsel: _____

Firm: _____

Address: _____

Address: _____

Phone: _____ FAX: _____

E-mail: _____

Sales Entity Affiliates:

Please list the names and addresses of all sales entity affiliates that may transact business in Louisiana on behalf of your company. A "sales entity affiliate" is defined in La. R.S. 13:5071 (17) as an entity that (1) sells cigarettes that it acquires directly from a manufacturer or importer and (2) is affiliated with that manufacturer or importer as established by documentation received directly from that manufacturer or importer to the satisfaction of the attorney general. Entities are affiliated with each other if one, directly or indirectly through one or more intermediaries, controls or is controlled by or is under common control with the other.

Company 1: _____

Address: _____

Address: _____

Phone: _____

Company 2: _____

Address: _____

Address: _____

Phone: _____

Company 3: _____

Address: _____

Address: _____

Phone: _____

Company 4: _____

Address: _____

Address: _____

Phone: _____

- All documentation in the company's possession is attached to establish the companies listed directly above are "sale entity affiliates" pursuant to La. R.S. 13:5073.

Brand Families to be Certified in Louisiana and All Other Brand Families:

Please fully complete Attachment #1 entitled **BRAND FAMILIES TO BE CERTIFIED IN LOUISIANA** and Attachment #2 entitled **ALL OTHER BRAND FAMILIES**.

Fabrication of Brand Families:

Does the company seeking to certify as a Tobacco Product Manufacturer actually fabricate each of the brand families identified in Attachments #1 and #2 of this Certification?

- Yes** **No**

If the answer to the above question is "no," please provide the basis below for the belief that the company seeking to certify is the Tobacco Product Manufacturer of those brand families that it does not itself fabricate.

Manufacturing Facilities Access:

Do other companies have access to or utilize any of the manufacturing facilities identified in Attachments #1 and #2 of this Certification? **Yes** **No**

If the answer to preceding question is "yes," please explain below. A separate sheet may be attached if additional space is needed.

Sample Packaging:

Please provide a sample of the packaging for each brand family identified in Attachment #1 of this Certification. If a sample of the brand packaging has previously been provided to the Louisiana Department of Justice and has not changed, please check the box below and indicate the year in which the sample was provided. In such an event, there is no need to submit additional sample packaging.

- A sample has previously been provided to the Louisiana Department of Justice and has not changed.

Please provide the year in which the sample was submitted to the Louisiana Department of Justice: _____

Fire Safe Compliance:

Has each of the brand families listed in Attachment #1 of this Certification been listed as fire safe compliant and certified with the Louisiana Office of State Fire Marshal?

- Yes**
- No**

If the answer to the preceding question is “yes,” please provide the date of the last approval below and attach a copy of the approval from the Louisiana Office of State Fire Marshal.

If the answer to the preceding question is “no,” please explain below.

Federal Trade Commission Rotation Plan:

For each brand family that has been identified in Attachment #1 of this Certification, please provide a copy of the complete warning rotation plan submitted to the Federal Trade Commission and a copy of the approval letter from the Federal Trade Commission.

Tobacco Tax and Trade Bureau (TTB) Permit:

Please provide the company’s U.S. Department of Treasury, Tobacco Tax and Trade (TTB) permit number: _____

Please attach a copy of the company’s TTB permit. If the company submitting this Certification is a foreign tobacco manufacturer, please submit a copy of the TTB permit held by its importer(s).

Department of Health and Human Services Ingredient List:

For each brand family that has been identified in Attachment #1 of this Certification, please provide a copy of the Certificate of Compliance issued by the Department of Health and Human Services, Centers for Disease Control and Prevention, and the Office on Smoking Health.

Delivery Sales:

Does the company engage in sales of cigarettes or roll-your-own tobacco via the telephone, internet, catalog, or other non-face to face method for the purpose of selling to individual consumers or entities for resale whether in the State of Louisiana or other United States jurisdiction? Please note that, pursuant to La. R.S. 47:871 *et seq.*, sales not for personal consumption to a person who is a cigarette wholesale dealer or a cigarette retail dealer do not constitute delivery sales as contemplated herein. **Yes** **No**

If the answer to the preceding question is “yes,” please describe the method(s) utilized and identify all websites or other media in which advertisements have been made.

Have any delivery sales, as described above, been made by the company or any of its sales entity affiliates to consumers in the State of Louisiana in the past year? **Yes** **No**

If the answer to the preceding question is “yes,” please list on a separate sheet of paper the names and addresses of the purchasers, brands sold, dates of sale, and the quantity of each brand sold.

Directory Removal / Refusal to List on Directory:

Has either the company seeking to certify or any of its brand families been removed from the list of tobacco products approved for sale in any state at any time? **Yes** **No**

If the answer to the preceding question is “yes,” please provide the state(s) from which the company was removed, approximate date(s) of removal, and reason for the removal.

Has any state refused to list any of the brand families which the company is currently seeking to certify? **Yes** **No**

If the answer to the preceding question is “yes,” please provide the brand(s)/brand families and state(s) that refused to list them on their state directory of tobacco product manufacturers and the reason(s) for refusal.

Litigation:

A. Please provide a list of the following as they pertain to the company seeking to certify, any of its owners, officers, or directors, or any of its subsidiaries, importers or sales entity affiliates:

1. All outstanding judgments in any United States state or federal court;
2. All pending lawsuits in any United States state or federal court, including the caption, court and case number; and
3. All past or present actions by any government entity that resulted in a suspension or revocation of a license or permit.

B. Has the company seeking to certify ever been enjoined from selling cigarettes or roll-your-own in any state or jurisdiction? **Yes** **No**

If the answer to the preceding question is “yes,” please explain the circumstance surrounding the injunction as well as the brand(s)/brand families involved.

Federal Returns

Each manufacturer that sells cigarettes in Louisiana and each importer that imports cigarettes into Louisiana is required by La. R.S. 13:5075(L) to do either of the following:

- (a) Submit its federal returns to the attorney general by sixty (60) days after the close of the quarter in which the returns were filed; or
- (b) Submit to the United States Treasury a request or consent under Internal Revenue Code Section 6103 (c) authorizing the Alcohol and Tobacco Tax and Trade Bureau and, in the case of a foreign manufacturer or importer, the U.S. Customs Service, to disclose the manufacturer’s or importer’s federal returns to the attorney general as of sixty (60) days after the close of the quarter in which the returns were filed.

For this purpose, “federal returns” means all federal excise tax returns and all monthly operational reports on Alcohol and Tobacco Tax and Trade Bureau Form 5210.5, and all adjustments, changes and amendments to the foregoing.

Please indicate the company’s choice in the corresponding box above.

Participating Manufacturer Certifications:

- A. That, as of the date of this certification, the certifying Tobacco Product Manufacturer herein certifies that it is a Participating Manufacturer as that term is defined in section II(jj) of the Master Settlement Agreement and all amendments thereto;**
- B. That, as of the date of this certification, the certifying Tobacco Product Manufacturer herein certifies that the brand family/families listed herein, and all supporting information, is true and correct;**
- C. That, the certifying Tobacco Product Manufacturer herein certifies that thirty (30) days prior to the addition to or modification of the brand family/families listed herein, it will execute and deliver a supplemental certification to the Louisiana Department of Justice;**
- D. That, the certifying Tobacco Product Manufacturer herein hereby affirms that the brand family/families listed herein are deemed to be its cigarettes for all purposes of calculating its payments under the Master Settlement Agreement for the relevant year, in the volume and shares determined pursuant to the Master Settlement Agreement;**
- E. That, the certifying Tobacco Product Manufacturer herein will maintain all invoices and documentation of sales and other such information relied upon for such certification for a period of five (5) years, unless otherwise required by law to maintain them for a greater period of time;**
- F. That, no later than the thirtieth (30th) day of April of each of the following years, the certifying Tobacco Product Manufacturer herein, as long as it remains a Participating Manufacturer as that term is defined in section II(jj) of the Master Settlement Agreement and all amendments thereto, will execute and deliver to the Louisiana Department of Justice a current certification in this same form or another as prescribed by the Louisiana Department of Justice;**
- G. That, the certifying Tobacco Product Manufacturer herein understands that the company can be removed from the tobacco directory based upon failure to comply with La. R.S. 13:5061 *et seq.*, R.S. 13:5071 *et seq.*, or their equivalent in any other state, or any other law; and**
- H. That, the certifying Tobacco Product Manufacturer herein hereby acknowledges that the brand family/families will not be authorized for sale in Louisiana if the “country of origin” on the packaging differs from the “country of origin” listed on the Attorney General’s brand directory.**

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

Signature of Authorized Agent: _____

Name of Authorized Agent: _____

Title: _____

Date: _____

Signature of Notary Public: _____

Parish or County of: _____

Sworn and Subscribed before me
on this date: _____

My Commission Expires: _____

AFFIX
NOTARY
SEAL
HERE

Checklist:

Please review your submission and assure that all sections have been fully completed and that each of the following has been provided:

- Check for \$500 Certification Fee
- Documentation establishing Sales Entity Affiliate relationship
- Attachments #1 and #2
- Sample Packaging
- Fire Safe Certification
- Rotation Plan
- Copy of TTB Permit
- Ingredient List
- Signature
- Notary

MAIL THIS COMPLETED FORM TO:

**ATTORNEY GENERAL JEFF LANDRY
LOUISIANA DEPARTMENT OF JUSTICE
TOBACCO SETTLEMENT ENFORCEMENT UNIT
POST OFFICE BOX 94005
BATON ROUGE, LOUISIANA 70804-9005**

ATTACHMENT #1 – BRAND FAMILIES TO BE CERTIFIED IN LOUISIANA

List all Brand Families presented for Certification in Louisiana (LA).

Note: Only brand families listed here will appear on the Attorney General’s brand directory.

(Attach Additional Sheets if Necessary).

Brand Families ¹ to be sold in LA	Trademark Holder	Units Sold in LA (List quantity and year sold)	Country of Origin (as it appears on the packaging)	Name of Manufacturer and Manufacturing Facility Location (complete physical address)

¹ “Brand Family” shall have the same meaning as defined in La. R.S. 13:5072(1). **NOTE 1:** It is not necessary to list every brand in a brand family UNLESS the brands are manufactured at different locations and/or have a different country of origin printed on the packaging. **NOTE 2:** If the “country of origin” on the packaging does not match the “country of origin” on the brand directory, the product cannot be sold in LA.

ATTACHMENT #2 – ALL OTHER BRAND FAMILIES

List all current and past brand families manufactured in the last five (5) years.

Note: Identify whether or not the brand family has been sold in Louisiana (LA) in the last five (5) years.

(Attach Additional Sheets if Necessary).

Current and Past Brand Families²	Trademark Holder	Units Sold in LA? (List quantity and year sold)	Country of Origin	Name of Manufacturer and Manufacturing Facility Location (complete physical address)

² "Brand Family" shall have the same meaning as defined in La. R.S. 13:5072(1).