

PM INSTRUCTIONS

Every MSA Participating Manufacturer that intends to sell cigarettes/RYO's in the Commonwealth, whether directly or through any distributor, retailer, or similar intermediary must complete this certification form to be included or remain on the Directory. (Non-Participating manufacturers must file a different form.)

This Certification must be completed in English. All attachments must include a certified English translation if the original document is in a different language. Attachments must clearly indicate the section to which it corresponds.

Complete the certification form. Do not leave any required fields blank.

Part I: Tobacco Product Manufacturer's Identification

Provide the name, complete address and telephone number for the company official signing this certification. Provide an email address that is designated to receive all official office communication from our Office. Also, provide the company web address. Identify factory addresses, telephone numbers and names of plant managers where the cigarettes are made. If using an outside agency to complete this certification, please identify the name of that agency.

In the blocks provided, supply the Manufacturer and (if applicable) all Importer(s)' contact information and Federal Permit(s). Identify factory addresses, telephone numbers and names of plant managers where the cigarettes/RYO are made. Do not leave any fields blank, as this will cause the certification to be rejected and returned.

You must indicate whether this is an annual, supplemental, quarterly or initial certification by checking one of the blocks.

Initial Certification questions should be completed by companies not currently included on the Pennsylvania Directory.

Part II: General Questions for the Manufacturer

Answer the questions by checking the applicable boxes, supplying detailed explanations when indicated, and attaching required documentation.

Part III: Brand Family Identification

Provide an electronic color copy of every brand style or promotional packaging. Include views of each side of the packaging with the UPC code clearly visible. Each time you change your packaging; add new brand styles; or, create a special, limited edition package, you must submit an electronic color copy. When in doubt about packaging submission, please contact our Office for clarification.

Please be sure the packaging provided is clear of any proprietary information as it will be displayed to the public on the Pennsylvania Tobacco Product Directory of Approved Brands.

Section A - Brand Styles – Using the Required Brand List template provided, indicate all styles either to be added, removed, or that will remain for the filing year. Also include the brand styles manufactured at that location. If your product is manufactured at multiple locations, please indicate the manufacturing facility in the appropriate cell for each brand style.

We recommend waiting a sufficient amount of time before delisting a brand to allow retailers time to clear their inventories.

The Required Brand List Template has conditional formatting to prevent errors in data entry. The following columns only accept specific answers: C, D, E, J, K. You may copy, paste, and drag data into each cell as long as the input matches the acceptable answers. If, for any reason, your data does not conform to these answers, please add a detailed explanation in an open cell on the corresponding row.

C	D	E	J	K
Menthol	Filtered	Box	Cigarette	Add
Non-Menthol	Non-Filtered	Soft Pack	RYO	Remain
				Remove
PLEASE NOTE THAT ANSWERS ARE NOT CASE-SENSITIVE.				

Section B – Brand Transfers

If a brand family or style has ever been owned, marketed or manufactured by more than one manufacturer and/or a brand formula was ever marketed as another brand style, use the required Brand Transfer Template. Further documentation may be requested to verify sales and purchase details.

Section C – Required Certification Checklist Form TES-016

Part IV: Execution by Corporate Officer or Director

The Signatory executing the Tobacco Manufacturer Certification Form must be an authorized Officer or Director of the Tobacco Product Manufacturer and is responsible for all information contained within. Questions regarding this certification may directed to the designee. A power of attorney will not be accepted. The Signatory's name, title, email address and telephone number must be completed.

Definitions:

- a) "Brand Family" - All styles of cigarettes/RYO sold under the same trademark and differentiated from one another by means of additional modifiers or descriptors, including, but not limited to, "menthol," "kings," and "100s." The term includes any use of a 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 any product identification identical or similar to or identifiable with a previously known brand of cigarettes/RYO.
- b) "Cigarette" - Any product that contains nicotine, is intended to be burned or heated under ordinary conditions of use and consists of or contains any of the following:

- (1) Any roll of tobacco wrapped in paper, or in any substance not containing tobacco.
 - (2) Tobacco, in any form, that is functional in the product, which, because of its appearance, the type of tobacco used in the filler or its packaging and labeling, is likely to be offered to or purchased by consumers as a cigarette.
 - (3) Any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler or its packaging and labeling, is likely to be offered to or purchased by consumers as a cigarette described in paragraph (1).
 - (4) Any "roll-your-own," which means any tobacco which, because of its appearance, type, packaging or labeling, is suitable for use and likely to be offered to or purchased by consumers as tobacco for making cigarettes. For purposes of this definition, 0.09 ounces of "roll-your-own" tobacco shall constitute one individual cigarette.
- c) "Distributor" – Any person or entity that purchases, ships, delivers, sells, consigns, or transfers "cigarettes" as defined in the Tobacco Settlement Agreement Act, 35 P.S. §5673 for ultimate resale in Pennsylvania, regardless of whether they knew that such cigarettes were intended to be sold or distributed in Pennsylvania. The term distributor includes, but is not limited to, any "cigarette stamping agent" or "wholesaler" as those terms are defined in Pennsylvania's Cigarette Sales and Licensing Act, 72 P.S. §202-A, and includes the domestic manufacturer or importer of cigarettes distributed into Pennsylvania.
- d) "Enforcement Action" - Any lawsuit filed by any state against a Tobacco Product Manufacturer for failure to make MSA payments, escrow deposits and/or file a certification.
- e) "Non-Participating Manufacturer" - Any tobacco product manufacturer that is not a party to the Master Settlement Agreement (MSA).
- f) "Participating Manufacturer" - A tobacco product manufacturer that is a party to the Master Settlement Agreement (MSA).
- g) "Units Sold" – The number of individual cigarettes sold in this Commonwealth by the applicable tobacco product manufacturer during the year in question on which the Commonwealth has authority under Federal law to collect State excise tax, notwithstanding whether the State excise taxes were imposed or collected by the Commonwealth. Cigarettes that are exempt from State excise taxes under Federal law are specifically excluded from this definition.