



Form TPM-2

Certification for Listing in the Connecticut Tobacco Directory as of July 1, 2013

This application will not be processed or considered complete until all the information and documents required, either by the application form, the instructions to the application form, or by the request of the Department of Revenue Services (DRS) or the Office of the Attorney General, have been submitted.

Initial Supplemental

Complete this form in blue or black ink only.

Part I: General Business and Ownership Information

For completion by participating manufacturers (PMs) and nonparticipating manufacturers (NPMs)

1. Applicant tobacco product manufacturer identification

▶ Applicant: _____

Street address: _____

▶ Mailing address if different from above: _____

Telephone number: _____ Facsimile (Fax) number: _____

Email address: _____

Website address: _____

Name and title of authorized officer completing this certification: _____

Manufacturing plant(s) name and street address if different from above: _____

Manufacturing plant telephone number: _____

Manufacturing plant fax number: _____

Name, title, and telephone number of contact person at plant if different from above: _____

Attach additional sheet(s) as necessary to provide a complete response.

Attach a photograph or diagram of the manufacturing (fabricating) facility and indicate on the photograph or diagram where the equipment and facilities for manufacturing the cigarettes, if any, are located.

2. The undersigned certifies that as of the date of this certification, the applicant named above is a (initial one):

___ Participating manufacturer (PM) as the term is defined in Section II(jj) of the Master Settlement Agreement (MSA) that has in the past generally performed and is currently generally performing its financial obligations under the MSA.

___ Nonparticipating manufacturer (NPM) that is in full compliance with Conn. Gen. Stat. §4-28i and implementing regulations including having made all required deposits into a qualified escrow fund for all the years beginning with calendar year 2000.

3. The applicant is the manufacturer (fabricator) of all of the brand families 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

8. Licenses and permits

A. Connecticut Tax Registration Number assigned to applicant by DRS: _____

Attach copies of all current and valid licenses issued to applicant by DRS.

If the applicant is not the holder of a DRS cigarette manufacturer's license that will expire on September 30, 2012, has the applicant applied for a DRS cigarette manufacturer's license expiring on that date and submitted the \$5,250 annual license fee with the license application?

Yes No

B. U.S. Treasury, Tobacco Tax Bureau (TTB) Permit Number as a manufacturer, if any: _____

U.S. Treasury, Tobacco Tax Bureau (TTB) Permit Number as an importer, if any: _____

Attach a copy of the applicant's current permit as a manufacturer, importer, or both under 26 USC §§5701 through 5763 and regulations issued under 26 U.S.C. §§5701 through 5763, if the applicant has been issued such permit(s).

If the applicant has not been issued such permit(s), attach an explanation for the applicant not being issued such permit(s).

9. Agreements with other PMs, NPMs, or affiliates: See instructions.

| Brand Family | PM, NPM, or Affiliate | Physical Address | Telephone Number |
|--------------|-----------------------|------------------|------------------|
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Nature of agreement(s): _____

Attach additional sheet(s) as necessary to provide a complete response. Attach a copy of each agreement.

10. Jenkins Act Reporting Requirements

The applicant has complied, and is continuing to comply, with the registration requirement and the monthly report requirements described in **Special Notice 2010(8)**, *Federal PACT Act Expands Jenkins Act Reporting Requirements*.

Yes No

If the answer is **No**, the applicant is required to submit the Registration Statement and the Monthly Reports in the manner provided in **Special Notice 2010(8)**. This application will not be considered to be complete unless and until the Registration Statement and the Monthly Reports (for the months during 2012) are submitted in the manner provided in **Special Notice 2010(8)**.

Part III: Additional Business Information

For completion by NPMs only

1. Organizational documents

See instructions for a list of documents required.

2. Officers, directors, and owners of applicant

Complete the table by listing all officers, directors, and owners of the applicant. An **owner** is any person with an equity interest of 10% or more in the applicant.

| | Individual #1 | Individual #2 | Individual #3 |
|---|--|--|--|
| Full name (first, middle, last) | | | |
| Street address | | | |
| Telephone number | | | |
| Fax number | | | |
| Date and place of birth | | | |
| Email address | | | |
| Title or relationship to applicant | | | |
| If owner, enter ownership interest (%) | | | |
| Is this individual an officer, director, or owner of any other PM or NPM? | <input type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| If Yes , identify the PM(s) or NPM(s) | | | |

Attach additional sheet(s) as necessary to provide a complete response.

3. Affiliates: See instructions.

| Brand Family | Affiliate Name | Affiliate Street Address | Type of Business |
|--------------|----------------|--------------------------|------------------|
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Attach additional sheet(s) as necessary to provide a complete response.

4. Applicant information

Please indicate whether the following statements describe the applicant by checking either **Yes** or **No** after the statement. All references to cigarettes include roll-your-own (RYO) tobacco.

- A. The applicant sold cigarettes to consumers within Connecticut, whether directly or through a distributor, dealer, or similar intermediary or intermediaries, during calendar year 2012. Yes No
- B. The applicant made escrow deposits under Conn. Gen. Stat. §4-28i for cigarettes sold to consumers within Connecticut, whether directly or through a distributor, dealer, or similar intermediary or intermediaries, during calendar year 2012. Yes No
- C. The applicant sells cigarettes over the Internet or in catalogs and uses the mail or other delivery service to deliver cigarettes to consumers within Connecticut. Yes No

Part IV: Marketing and Distribution Information

For completion by NPMs only

1. Tobacco products reclassified as cigarettes or roll-your-own (RYO) tobacco

List all tobacco products sold by the applicant that since January 1, 2012, have been reclassified as cigarettes or as RYO by a federal agency or by a state or local government.

| Brand Family 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 |
|---|--|------------------------------------|--------------------------|
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Attach additional sheet(s) as necessary to provide a complete response.

2. Distributors

List the name and address of every distributor that, during calendar year 2012, purchased or handled 10% or more of the applicant's gross cigarette (including RYO) sales for that brand family in Connecticut.

| Brand Family | Distributor | Physical Address | Stamper |
|--------------|-------------|------------------|---|
| | | | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| | | | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| | | | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| | | | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| | | | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| | | | Yes <input type="checkbox"/> No <input type="checkbox"/> |

Attach additional sheet(s) as necessary to provide a complete response.

Part V: Manufacturing and Compliance Information

For completion by NPMs only

1. Manufacturer(s)

For each brand family, list the name and address of the manufacturer(s) (fabricator(s)) of the cigarettes if other than the applicant. Include all company names and addresses used by the manufacturer(s) in making cigarettes for sale in the United States.

| Brand Family | Manufacturer | Physical Address |
|---------------------|---------------------|-------------------------|
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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 in the United States. For each brand family, attach the Federal Trade Commission's written approval of the applicant's annual Cigarette Health Warning rotation plan.

| Brand Family | Filer | Physical Address |
|---------------------|--------------|-------------------------|
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Attach additional sheet(s) as necessary to provide a complete response.

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. Attach copies of all certificates of compliance received from the U.S. Department of Health and Human Services for the applicant's annual ingredient reporting required by the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §1335a.

| Brand Family | Submitter | Physical Address |
|---------------------|------------------|-------------------------|
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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 Family | Packager | Physical Address |
|--------------|----------|------------------|
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Attach additional sheet(s) as necessary to provide a complete response.

5. Internet, mail order, or other delivery sales to consumers within Connecticut: See instructions.

A. Websites: _____

B. Physical address: _____

C. Total delivery sales to consumers within Connecticut during calendar year 2012: _____

Attach additional sheet(s) as necessary to provide a complete response.

Part VI: Disclosure of Prior and Pending Enforcement Actions and Prior and Pending Determinations Affecting Applicant or Affiliates

For completion by NPMs only

1. Enforcement actions banning or enjoining sales

Has the applicant or any person or affiliate listed in the applicant's response to Part II, Question 3, or Part III, Question 2 or Question 3, ever had any of its cigarette brand families banned or enjoined from being sold in one or more states by any state or federal court or by any state or federal agency ruling or determination? Also answer **Yes** if any action to ban or enjoin such sales is pending.

- No
- Yes, and the details are attached to this certification. See instructions.

2. Denial of listing

Has the applicant or any person or affiliate listed in the applicant's response to Part II, Question 3, or Part III, Question 2 or Question 3, or any cigarette brand family of the applicant or of any person or affiliate listed in the applicant's response to Part II, Question 2, or Part III, Question 2 or Question 3, ever been denied listing on or removed from any state tobacco directory? Also answer **Yes** if any action to deny such listing or to remove from such directory is pending.

- No
- Yes, and the details are attached to this certification. See instructions.

3. Unfair business practice or competition

Has a state or federal court ever entered a judgment finding that the applicant or any person or affiliate listed in the applicant's response to Part II, Question 3, or Part III, Question 2 or Question 3, engaged in an unfair business practice or unfair competition relating to the sale of tobacco products? Also answer **Yes** if any judicial proceeding to determine whether the applicant engaged in an unfair business practice or unfair competition relating to the sale of tobacco products is pending.

- No
- Yes, and the details are attached to this certification. See instructions.

4. Convictions

Has the applicant or any person or affiliate listed in the applicant's response to Part II, Question 3, or Part III, Question 2 or Question 3, ever been convicted of any crime under federal, state, or foreign laws in connection with the sale of cigarettes? Also answer **Yes** if any such criminal prosecution is pending.

- No
- Yes, and the details are attached to this certification. See instructions.

5. Denials, suspensions, or revocations of permits or licenses

Has the applicant or any person or affiliate listed in the applicant's response to Part II, Question 3, or Part III, Question 2 or Question 3, ever 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 ever had any such permit, license, or other authorization revoked, suspended, or otherwise terminated? Also answer **Yes** if the denial, revocation, suspension, or other termination of such a permit, license, or other authorization is pending.

- No
- Yes, and the details are attached to this certification. See instructions.

Qualified escrow fund statute compliance

6. Has the applicant or any person or affiliate listed in the applicant's response to Part II, Question 3, or Part III, Question 2 or Question 3, ever been the subject of a claim by any state that it has not made adequate or timely escrow deposits as a nonparticipating manufacturer under Conn. Gen. Stat. §4-28i or any comparable statute of another state? Also answer **Yes** if any such claim is pending.

- No
- Yes, and the details are attached to this certification. See instructions.

7. Has the applicant or any person or affiliate listed in the applicant's response to Part II, Question 3, or Part III, Question 2 or Question 3, ever been involved as an officer, director, or owner of any tobacco manufacturer or affiliate that has ever been the subject of a claim by any state that it has not made adequate or timely escrow deposits as a nonparticipating manufacturer under Conn. Gen. Stat. §4-28i or any comparable statute of another state? Also answer **Yes** if any such claim is pending.

- No
- Yes, and the details are attached to this certification. See instructions.

8. Has the applicant or any person or affiliate listed in the applicant's response to Part II, Question 3, or Part III, Question 2 or Question 3, ever entered into any agreement or settlement with any state relating to whether it has made adequate or timely escrow deposits as a nonparticipating manufacturer under Conn. Gen. Stat. §4-28i or any comparable statute of another state? Also answer **Yes** if any such agreement or settlement is pending.

- No
- Yes, and the details are attached to this certification. See instructions.
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Part VII: Imported Cigarettes: Documentation and Verification

For completion by NPMs only

1. U.S. Customs documents

If the cigarettes that the applicant sells or intends to sell are not made in the United States, provide the following documents listed in A through C:

- A. A copy of the sworn statement(s) of the original manufacturer that it will timely submit ingredients to the U.S. Secretary of Health and Human Services as required by 19 U.S.C. §1681a(c)(1);
- B. A copy of the importer's certificate(s) under penalty of perjury as required by 19 U.S.C. §1681a(c)(2) regarding the precise format of warnings and the rotation plan for health warnings; **and**
- 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 U.S.C. §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 U.S.C. §1681a(c)(3)(B).

Part IX: Declaration, Acknowledgment, and Signature

For completion by PMs and NPMs

Under penalty of criminal prosecution under the laws of Connecticut, I declare and acknowledge that:

1. I have read the instructions for this certification for listing in the Connecticut Tobacco Directory.
2. I understand that the Attorney General or the Department of Revenue Services (DRS) may require additional information or documentation, or both, to determine if the applicant qualifies for listing in the Connecticut Tobacco Directory.
3. Applicant will immediately notify the Office of the Attorney General and DRS if, before a determination is made by DRS to include the applicant and its brand families in the Connecticut Tobacco Directory, any information on this certification changes.
4. I represent and warrant that I am an officer of the applicant authorized to bind the applicant.
5. I have examined this application form, including attachments and supporting documents, and, to the best of my knowledge and belief, this application form, 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 whose name is subscribed to the within instrument and acknowledged to me that he or she executed the same in his or her authorized capacity and that by his or her signature(s) on the instrument the person or the entity upon behalf of which the person acted executed the instrument.

Witness my hand and official seal.

Signature: _____

My commission expires: _____

This application form must be filed **at both of the following addresses:**

File the original with:
 Department of Revenue Services
 Attn: Tax Division Chief, Audit Division
 Excise/Public Services Subdivision
 25 Sigourney St Ste 2
 Hartford CT 06106

File a copy with:
 Office of the Attorney General
 Finance Department
 PO Box 120
 Hartford CT 06141-0120