



STATE OF VERMONT  
OFFICE OF THE ATTORNEY GENERAL  
109 STATE STREET  
MONTPELIER, VT  
05609-1001

## TOBACCO PRODUCT MANUFACTURER CERTIFICATION PURSUANT TO 33 V.S.A. CHAPTER 19, SUBCHAPTER 1-B

### INSTRUCTIONS FOR CERTIFICATION YEAR 2024

**Please note: Certifications that fail to adhere to the instructions will not be approved.**

#### **A. Who is required to file a TPM Certification?**

- a. Any Tobacco Product Manufacturer (TPM) that sells or intends to sell cigarettes or “roll-your-own” within the state of Vermont, whether directly or through any distributor, retailer, or similar intermediary, is required to file this Certification. This TPM Certification is in addition to any Quarterly or Annual Certificate of Compliance that may be required of Non-Participating TPMs pursuant to 33 V.S.A. Chapter 19, subchapters 1-A and 1-B.

#### **B. When is the TPM Certification due?**

- a. The TPM Certification must be received on or before April 30, 2024, with figures provided for the previous sales year (2023).

#### **C. How do I submit the TPM Certification and Supporting Documents?**

- a. The TPM Certification and all supporting documents must be submitted electronically and emailed to [ago.tobaccoenforcement@vermont.gov](mailto:ago.tobaccoenforcement@vermont.gov). *Please do not mail a physical copy of the TPM Certification.*
- b. The TPM Certification for Certification Year 2024 and supporting documents must be typewritten. Handwritten forms will not be accepted.
  - i. Notwithstanding the foregoing, Part 8 of the TPM Certification, Execution and Authorized Designee, must be notarized and contain the handwritten signatures of the authorized designee and notary.

- c. All attachments, exhibits, and other supporting documents to the TPM Certification must be submitted in *separate* attachments that are named as to clearly indicate the nature of the document (e.g. “XYZ Company Escrow Agreement,” “XYZ Company List of Brands to be Added to Vermont Directory,” “XYZ Company Fire Safe Certification Documents”).

**D. Definitions:**

- a. “Brand Family” means all styles of Cigarettes sold under the same trade mark and differentiated from one another by means of additional modifiers or descriptors, including, but not limited to, "menthol," "lights," "kings," and "100s," and includes 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 product identification identical or similar to, or identifiable with, a previously known brand of Cigarettes.
- b. “Cigarette” has the same meaning as in 33 V.S.A. § 1913(4).
- c. “Directory” means the listing of all TPMs that have provided current and accurate certifications conforming to the requirements of 33 V.S.A. Chapter 19, Subchapter 1-B, and all Brand Families that are listed in such certifications, except as provided by 33 V.S.A. § 1918.
- d. “Master Settlement Agreement” has the same meaning as in 33 V.S.A. § 1913(5).
- e. “Non-Participating Manufacturer” or “NPM” means any Tobacco Product Manufacturer that is not a Participating Manufacturer.
- f. “Participating Manufacturer” or “PM” has the meaning given that term in Section II (jj) of the Master Settlement Agreement and all amendments thereto.
- g. “Qualified Escrow Fund” has the same meaning as that term is defined in 33 V.S.A. § 1913(6).
- h. “Licensed Wholesale Dealer” (32 V.S.A. § 7702(5)) means a person or entity that is required to secure a license pursuant to 32 V.S.A. § 7731 or that is required to pay a tax on cigarettes imposed pursuant to 32 V.S.A., Chapter 205.
- i. “Tobacco Product Manufacturer” or “TPM” has the same meaning as that term is defined in 33 V.S.A. § 1913(9).
- j. “Units Sold” has the same meaning as that term is defined in 33 V.S.A. §1913(10).

## **SPECIFIC INSTRUCTIONS**

### **Part 1: TPM Identification**

Identify the name, physical address, mailing address, phone number, e-mail address, and name and title of person completing report. Identify the name, physical address, phone number, and name of the plant manager of the manufacturing plant if fabrication is done at another location.

### **Part 2: Sales Year**

The Sales Year is the immediately preceding calendar year. For the 2024 TPM Certification, the Sales Year is 2023.

### **Part 3: PM Brand Identification** *(To be completed by Participating Manufacturers only)*

All PMs must identify by Brand Family and Brand Style all the cigarettes and “roll-your-own” sold by the TPM in Vermont in the Sales Year. The PM must include a list of its Brand Families. The PM is required to update this list thirty calendar days prior to any addition to or modification of its Brand Families by executing and delivering a supplemental certification to the Attorney General.

### **Part 4: NPM Brand Identification** *(To be completed by Non-Participating Manufacturers only)*

All NPMs must indicate one or more licensed wholesale dealers to sell its products in Vermont. For the purposes of Part 4 of this certification, wholesale dealers must have purchased the NPM’s product in the preceding year or have indicated a commitment to purchase from the NPM within six months of the date of the certification. NPMs shall also include: (i) a list of all of its Brand Families and Brand Styles sold in Vermont in the Sales Year, (ii) the number of Units Sold of each product, to each distributor, during the Sales Year, (iii) the number of Units Sold in Vermont during the first quarter of the current calendar year, and (iv) the name and address of any other current or previous manufacturer of the listed Brand Families. The NPM is required to update its Brand Family List thirty calendar days prior to any addition to or modification of it Brand Families by executing and delivering a supplemental certification to the Attorney General.

### **Part 5: Modifications to the Vermont Directory** *(To be completed by Participating **and** Non-Participating Manufacturers)*

All TPMs must identify by Brand Family and Brand Style all the cigarettes that the Tobacco Product Manufacturer intends to sell and wants listed in the Vermont Directory for the next year. NOTE: Tobacco products not listed in the Vermont Directory are not legal for sale in Vermont. Cigarettes must also be separately certified as “Fire-Safe” to be legal for sale in Vermont under 20 V.S.A. § 2757. Bidis may not be sold in Vermont.

**Part 6: Required Certifications/Documents** *(To be completed by Participating **and** Non-Participating Manufacturers)*

Provide documentation as needed. Certifications that fail to provide up-to-date fire safe certification documents approved by the Vermont Department of Public Safety, for each brand style, will be deemed incomplete.

**Part 7: NPM Certification** *(To be completed by Non-Participating Manufacturers only)*

- A. Provide all required information regarding company officers and owners.
- B. Provide all required corporate documents.
- C. Verify that the NPM is registered to do business in Vermont or has appointed an agent for service of process and provided notice thereof as required by 33 V.S.A § 1920. NOTE: If an agent has been appointed for purposes of this Certification, current proof of appointment and acceptance of appointment for a period of at least one year from the certification date must accompany this Certification.
- D. Identify the name, address, and phone number of the financial institution where the NPM has established a Qualified Escrow Fund pursuant to 33 V.S.A. § 1914(2), the account number of such Qualified Escrow Fund and any sub-account number for Vermont, and the representative of the financial institution who administers the account. Identify the amount such NPM placed in its Qualified Escrow Fund for Cigarettes sold in Vermont during the preceding calendar year, the date and amount of each such deposit, and the amount and date of any withdrawal or transfer of funds the NPM made at any time from such Qualified Escrow Fund.
- E. If the NPM is not located in the United States, provide an executed copy of the State of Vermont Importer Acceptance of Joint and Several Liability form. This form can be found on the Attorney General's website.
- F. If the NPM has not been listed on Vermont's Tobacco Directory for the previous three years, the applicant must contact the Office of the Vermont Attorney General's Tobacco Unit to obtain bond information prior to certification and must timely obtain the requisite bond and file the necessary NPM bond form as a part of its certification. The NPM bond form can be found on the Attorney General's website.

**Part 8: Execution by Authorized Designee** *(To be completed by Participating **and** Non-Participating Manufacturers)*

The person executing the TPM Certification must be an officer or director of the TPM. Part 8 of the TPM Certification must be notarized and contain the handwritten signatures of the authorized designee and notary.