

**CERTIFICATION FOR MANUFACTURER/IMPORTER CIGARETTE LICENSE**

Complete this form and mail it to the California Department of Tax and Fee Administration, Compliance Branch, P.O. Box 942879, Sacramento, CA 94279-0088

On behalf of the above manufacturer or importer, the undersigned certifies the following:

1. All of the information contained in the completed Application and Schedule of Cigarette Brand Family Names is current, true, and correct.

Initial: \_\_\_\_\_ Date: \_\_\_\_\_

2. If the applicant is a "tobacco product manufacturer" as defined in subdivision (i) of Health and Safety Code (HSC) section [104556](#), the applicant certifies it is one of the following (check appropriate box):

A "participating manufacturer" as defined in subsection II(jj) of the "Master Settlement Agreement" (MSA), or,  
 In full compliance with paragraph (2) of subdivision (a) of HSC section [104557](#).

Initial: \_\_\_\_\_ Date: \_\_\_\_\_

3. Applicant consents to jurisdiction of the California courts for the purpose of enforcement of the California Cigarette and Tobacco Products Licensing Act of 2003 and has appointed a registered agent for service of process and identified the registered agent to the California Department of Tax and Fee Administration (CDTFA) and the California Office of the Attorney General (AG).

Initial: \_\_\_\_\_ Date: \_\_\_\_\_

4. Applicant certifies that all packages of cigarettes it manufactures or imports and distributes in this state fully comply with subdivision (b) of Revenue and Taxation Code (R&TC) section [30163](#), and that the cigarettes contained in those packages are the subject of filed reports that fully comply with all requirements of the federal Cigarette Labeling and Advertising Act (15 U.S.C. sec. 13355a et seq.) for the reporting of ingredients added to cigarettes.

Initial: \_\_\_\_\_ Date: \_\_\_\_\_

5. Applicant certifies that it will maintain purchase records, sales records, and any other records required by CDTFA for one year at the premises identified in the license and make the records available for inspection by CDTFA or a law enforcement agency for four years, as required in California Business and Professions Code (BPC) sections [22979.4](#) and [22979.5](#). Failure of a manufacturer or importer to comply with these sections is a misdemeanor subject to penalties and fines pursuant to BPC section [22981](#).

Initial: \_\_\_\_\_ Date: \_\_\_\_\_

6. Applicant certifies that it shall include the following information on each invoice for the sale for distribution, wholesale, or retail sale of cigarettes pursuant to BPC section [22979.6](#).

- (1) The name, address, and telephone number of the manufacturer or importer.
- (2) The license number of the manufacturer or importer as provided by CDTFA.
- (3) The name, address, and license number of the person to whom cigarettes or tobacco products are sold.
- (4) An itemized listing of the cigarettes or tobacco products sold.

Each invoice for the sale of cigarettes or tobacco products must be legible.

Failure to comply with this section is a misdemeanor subject to penalties and fines pursuant to BPC section [22981](#).

Initial: \_\_\_\_\_ Date: \_\_\_\_\_

7. Applicant understands and acknowledges that under BPC section [22980.1](#), no manufacturer shall sell cigarettes to a distributor, wholesaler, importer, or any other person who is not licensed or whose license has been suspended or revoked. Failure to comply with this section is a misdemeanor subject to penalties and fines pursuant to BPC section [22981](#).

Initial: \_\_\_\_\_ Date: \_\_\_\_\_

8. Applicant understands and acknowledges that under BPC section [22979.7](#), in addition to any other civil or criminal penalty provided by law, CDTFA may take the following actions upon finding that a manufacturer or importer has violated any provision of the California Cigarette and Tobacco Products Licensing Act of 2003:

- (a) In the case of the first offense, CDTFA may revoke or suspend the license or licenses of the manufacturer or importer according to the procedures applicable to the revocation of a license described in R&TC section [30148](#).
- (b) In the case of a second or any subsequent offense, in addition to the action authorized under subdivision (a), CDTFA may impose a civil penalty in an amount not to exceed the greater of:
  - (1) Five times the retail value of the seized cigarettes or tobacco products defined as cigarettes under this section, or
  - (2) Five thousand dollars (\$5,000).

Initial: \_\_\_\_\_ Date: \_\_\_\_\_

**CERTIFICATION FOR MANUFACTURER/IMPORTER CIGARETTE LICENSE** *(continued)*

9. BPC section [22979\(a\)\(4\)](#) requires an applicant to waive any sovereign immunity defense that may apply to any enforcement action brought by the AG or CDTFA to enforce this division, of the HSC sections [104555](#), [104556](#), and [104557](#), or R&TC Division 2, Part 13 (starting with section [30001](#)), and other adopted regulations. Alternatively, the applicant may file a surety bond for a specified amount with the AG. To download and file the applicable waiver of sovereign immunity forms or surety bond, visit the AG website at [www.oag.ca.gov/tobacco/directory/forms](http://www.oag.ca.gov/tobacco/directory/forms). Waiver of sovereign immunity forms must be filed and submitted with this application.

Please acknowledge you have read and understand the sovereign immunity waiver requirements:

Initial: \_\_\_\_\_ Date: \_\_\_\_\_

For our privacy policy and notice, visit our webpage at [www.cdtfa.ca.gov/privacy.htm](http://www.cdtfa.ca.gov/privacy.htm), or go to [www.cdtfa.ca.gov/formspubs/forms.htm](http://www.cdtfa.ca.gov/formspubs/forms.htm) and search for [CDTFA-324-GEN-WEB](#), *Privacy Notice—Website—No Action Needed*.

**CERTIFICATION**

I certify that all the information provided in this application is true and accurate, and I understand that any person who asserts the truth of any material matter that they know to be false is guilty of a misdemeanor punishable by imprisonment of up to one year in the county jail, or a fine of not more than five thousand dollars (\$5,000), or both the imprisonment and the fine.

This form must be signed by a corporate officer, limited liability corporation (LLC) member or manager, or an authorized agent, or partner. For a partnership, attach an authorization signed by all general partners; for a corporation, attach a corporate resolution; for an LLC, attach the articles of incorporation which authorized the individual who signs below to certify this application. If signed by an authorized agent, attach a properly completed power of attorney.

*Note:* This document must also be signed and dated in front of an authorized notary public, who also signs as a witness.

SIGNATURE	TITLE	EMAIL ADDRESS
NAME <i>(typed or printed)</i>	TELEPHONE NUMBER	DATE
		eREG ID#

Subscribed and sworn to before me on this date: \_\_\_\_\_

City of: \_\_\_\_\_

SIGNATURE OF NOTARY PUBLIC	COMMISSION EXPIRES
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