



Bureau of Business Trust Fund Taxes  
PO BOX 280909  
Harrisburg PA 17128

# INSTRUCTIONS FOR FIRE-SAFE CERTIFICATION OF CIGARETTE MANUFACTURER APPLICATION

## GENERAL INFORMATION

### Who must file this certification?

Any participating or non-participating cigarette manufacturer that intends to offer its brand(s) for sale in Pennsylvania.

Beginning Jan. 1, 2009, it is unlawful to stamp or offer for sale in Pennsylvania any cigarette not compliant with the Pennsylvania Cigarette Fire Safety and Firefighter Protection Act.

### When is this certification due?

The initial certification must be filed and approved by the Department before offering any cigarette for sale in Pennsylvania after Jan. 1, 2009. All re-certifications (required every three years) must be filed 30 days before the prior certification expires. The Department will not process incomplete or illegible certifications.

### Where do I send my completed application?

Mail completed application and related documents to:

Pennsylvania Department of Revenue  
Bureau of Business Trust Fund Taxes  
PO Box 280909  
Harrisburg, PA 17128-0909

### Definitions

The following words and phrases, when used in this application, shall have the meanings that follow, unless the context clearly indicates otherwise.

**Agent.** Any person authorized by the Commonwealth to purchase and affix tax stamps on packages of cigarettes.

**Brand.** Trade name on package.

**Brand Family.** All styles of cigarettes sold under the same brand and differentiated from one another by additional modifiers, such as "menthol." A brand family includes any brand name alone, or in conjunction with any other word, logo, symbol or identifier.

**Cigarette.** Either of the following:

1. A roll for smoking, whether made wholly or in part of tobacco or any other substance, the

cover or wrapper of which is made of paper or any other substance regardless of size or shape, and whether or not the tobacco or substance is flavored, adulterated or mixed with any other ingredient.

2. A roll for smoking, wrapped in any substance containing tobacco other than a product accepted by the federal government as a cigar, 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 as described in paragraph 1.

**Commissioner.** The Pennsylvania State Fire Commissioner.

**Department.** The PA Department of Revenue.

### Manufacturer.

1. Any entity that produces cigarettes or causes cigarettes to be produced in any jurisdiction and intends to sell cigarettes in Pennsylvania.
2. The first purchaser that intends to resell in the U.S. cigarettes manufactured by a maker that did not intend for sale in the U.S.
3. Any entity that becomes a successor of any entity described under paragraph 1 or 2.

**Non-participating Manufacturer.** A tobacco product manufacturer that is not a signatory to the Master Settlement Agreement.

**Participating Manufacturer.** A tobacco product manufacturer that is a signatory to the Master Settlement Agreement.

**Retail Dealer.** Any entity other than a manufacturer or wholesale dealer engaged in selling cigarettes or tobacco products.

**Sale.** Any transfer of title, possession or both; and/or any exchange or barter. In addition to cash and credit sales, giving cigarettes as samples, prizes or gifts and exchanging cigarettes for any consideration other than money shall be considered sales.

**Sell.** To provide for purchase, offer or agree to do the same.

**Wholesale Dealer.** Any entity, other than a manufacturer, that sells cigarettes or tobacco products to retail dealers or other persons for purposes of resale. Wholesale dealer also includes any entity that owns, operates or maintains one or more cigarette or tobacco product vending machine in, at or upon premises owned or occupied by any other entity.

## **SPECIFIC INSTRUCTIONS**

### **Part 1: Manufacturer Identification**

Provide your company name, address, phone number, fax number, Web address, mailing address and FEIN. Also provide the name, title and e-mail address of the person completing the form.

### **Part 2: Type of Certification**

- Initial certification: Due before offering for sale in Pennsylvania any cigarette after Jan. 1, 2009.
- Re-certification: Due 30 days before prior certification expires.
- Supplemental certification: Must be filed if any brand styles are to be added or removed after initial certification.

### **Part 3: Brand Family Certification**

- Identify each brand family and style of cigarettes the company intends to sell in Pennsylvania and seeks to have included in the Fire-Safe Directory.
- Provide the brand name, test date, style (light, ultra light), length and circumference in millimeters, flavor (menthol, chocolate), filter/non-filter and package description (soft pack, box).
- A Brands Addendum page is included in the certification packet and is available on the Department of Revenue Web site.

### **Part 4: Test Method**

- Check the box indicating which test method applies to the brands being certified.
- If an alternative test method is used, attach a copy of the Fire Commissioner's authorization of the test method.
- Attach most recent test results.

### **Part 5: Marking Approval**

- Before any cigarettes are certified, a manufacturer must present its proposed package marking to the Department of Revenue for approval.
- Attach a copy of approval or attach the proposed marking for approval.
- Check whether 8-point or larger type is used in conjunction with, at or around the UPC code.

### **Part 6: Fee Calculation**

- Multiply the total number of brand families to be initially certified or re-certified by \$1,000.
- Multiply the total number brand families to be supplementally certified by \$500.
- Add Lines 3 and 6 for total amount due.
- Remit with the completed certification the total amount due, made payable to the Pennsylvania Department of Revenue.

### **Part 7: Certification Information Provided to Wholesale Dealers and Agents**

- Manufacturers are required to provide a copy of each certification to all wholesale dealers and agents to which they sell cigarettes.
- Provide sufficient copies of an illustration of the package marking utilized by the manufacturer for each retail dealer to which the wholesale dealers or agents sell cigarettes.

### **Part 8: Designated Contact**

Provide the name, title address, e-mail address and phone and fax numbers of the designated contact. The designated contact is the individual who will receive mailings and other communication from the Department.

### **Part 9: Manufacturer Certification**

The person completing the certification must be an officer, principal, director or other authorized representative of the manufacturer. The authorized designee's name and title must be printed legibly.