



**OFFICE OF THE ATTORNEY GENERAL**

**Raúl R. Labrador**

Consumer Protection Division

954 W. Jefferson, 2nd Floor

P.O. Box 83720

Boise, ID 83720-0010

Phone: (208) 334-2424

For Office Use Only

**IDAHO CIGARETTE ROLLING MACHINE OPERATOR**

**Certification of Compliance**

**PART 1: TYPE OF CERTIFICATION AND SALES YEAR**

**A. Type of Certification:**

Initial / Annual

Supplemental

**B. Sales Year:**

Year: \_\_\_\_\_

**PART 2: CIGARETTE ROLLING MACHINE OPERATOR (HEREAFTER OPERATOR) IDENTIFICATION AND PERMITS/LICENSES**

Company Name: \_\_\_\_\_

Mailing Address:

\_\_\_\_\_  
\_\_\_\_\_

Physical Address:

\_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

Email Address: \_\_\_\_\_

Website Address: \_\_\_\_\_

Idaho Tobacco Permit Number: \_\_\_\_\_

Name of Person Completing Certification: \_\_\_\_\_

Title: \_\_\_\_\_

**PART 3: CIGARETTE ROLLING MACHINE INFORMATION**

Complete the following information for each Cigarette Rolling Machine the Operator is certifying.

	<b>MACHINE 1</b>	<b>MACHINE 2</b>	<b>MACHINE 3</b>
Make			
Model			
Serial Number			
Physical location of each machine			
For each machine, state whether owned or leased			
If owned, list owner name. If not the Operator, list the mailing address and telephone number of owner			
If leased, list the lessee's and lessor's name, mailing address and telephone number			
Describe how Operator will keep track of the number of cigarettes produced (i.e., secure meter, cash register receipts, invoices, etc.)			

Attach additional sheets of paper as needed to provide a complete response.

#### **PART 4: TOBACCO BRAND FAMILY(IES) IDENTIFICATION**

##### **A. Tobacco Brand Family(ies) To be Available for Use in the Operator's Cigarette Rolling Machine(s):**

<b>A. Tobacco Brand Family(ies)</b>	<b>B. Name and address of Tobacco Product Manufacturer of Tobacco Brand Family</b>	<b>C. Name and address of entity Tobacco Brand Family was purchased from</b>
Brand:		
Brand:		
Brand:		
Brand:		
Brand:		

Attach additional sheets of paper as necessary.

#### **PART 5: OPERATOR CERTIFICATION**

##### **Operator certifies (answer each):**

1. That all tobacco to be used in the Operator's Cigarette Rolling Machine, regardless of the tobacco's label or description, will only be of a Tobacco Brand Family and of a Tobacco Product Manufacturer listed on the Directory maintained by the Idaho Attorney General pursuant to Idaho Code § 39-8403. Yes No
2. That it has obtained, and has a current Tobacco Permit issued, pursuant to Idaho Code § 39-5704 of the Idaho Prevention of Minors' Access to Tobacco Act. Yes No
3. For each Cigarette Rolling Machine identified in its response to Part 3 above, such machine is physically located where 75% of the revenues of Operator's total merchandise sales at that location are comprised of Tobacco Products, or the location prohibits minors from entering the premises. Yes No
4. That it will not accept or allow its Cigarette Rolling Machine to be used to produce Cigarettes with tobacco that was not first purchased or obtained from the Operator. Yes No

5. It will timely report on a quarterly basis, on a form prescribed by the Attorney General, the number of Cigarettes that the Operator's Cigarette Rolling Machine produced during that quarter; the Tobacco Brand Families, Tobacco Product Manufacturer of each brand family, and the ounces of tobacco of each Brand Family that were used in the Operator's Cigarette Rolling Machine(s) to produce Cigarettes during the quarter; and the person(s) from whom it purchased or obtained the tobacco. Yes      No
6. That all Tobacco Products taxes have been paid on the tobacco purchased for use in the Cigarette Rolling Machine(s). Yes      No
7. That it will not sell Cigarettes, or make a Cigarette Rolling Machine available for use to produce Cigarettes, in any quantity less than twenty (20) cigarettes per transaction. Yes      No
8. That it will not itself manufacture Cigarettes with its Cigarette Rolling Machine(s) unless the Operator holds a federal license as a Cigarette manufacturer. Yes      No

**PART 6: AUTHORIZED DESIGNEE SIGNATURE AND CERTIFICATIONS**

1. **Representation.** Under penalty of perjury, I certify and declare that all of the statements and information contained in this Certification, including attachments, if any, are true, correct, accurate and complete in every particular, and that, if not the Operator, I am a person authorized to bind the Operator under the laws of the State of Idaho. Any violation of these requirements or these representations is a basis for revoking the certification of the Operator and/or its Cigarette Rolling Machine(s).
2. **Tobacco Brand Families.** That the Tobacco Brand Families listed herein is a complete list of all Tobacco Brand Families that it intends to use in the Cigarette Rolling Machine(s) during the sales year identified in Part 1.
3. **Consent to be Sued in Idaho.** Pursuant to Idaho Code 39-8403(5), the Operator consents to being sued in Idaho District Court for the purposes of the State of Idaho enforcing any provisions of Idaho Code § 39-8420, et seq.

Name of Operator or Operator's Authorized Designee: \_\_\_\_\_

Title: \_\_\_\_\_

Signature of Designee: \_\_\_\_\_ Date: \_\_\_\_\_

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

Signature of Notary Public: \_\_\_\_\_

City or County of: \_\_\_\_\_

Printed Name of Notary Public: \_\_\_\_\_

My Commission expires: \_\_\_\_\_

Seal:

# INSTRUCTIONS FOR THE IDAHO CIGARETTE ROLLING MACHINE OPERATOR CERTIFICATION OF COMPLIANCE

## General Information

### **Who must file an Idaho Cigarette Rolling Machine Operator Certification of Compliance?**

Any person who makes available for use by another person in a commercial setting a Cigarette Rolling Machine that has the capacity to produce at least one hundred fifty (150) cigarettes in less than thirty (30) minutes.

### **When is the Certification due?**

If an Idaho Cigarette Rolling Machine Operator has not previously submitted a Certification to the Idaho Office of the Attorney General, it must submit a Certification to the Attorney General, and the Attorney General must certify its status, before the Cigarette Rolling Machine can be used in Idaho. Thereafter, a Cigarette Rolling Machine Operator that has been certified by the Attorney General must annually submit its Certification on or before April 30th of each year.

### **To whom must the Certification be delivered?**

Mail the original Certification and a complete copy of all supporting documents to:

OFFICE OF THE ATTORNEY GENERAL  
Consumer Protection Division  
954 W. Jefferson, 2nd Floor  
P. O. Box 83720  
Boise, ID 83720-0010  
Attention: Tobacco Enforcement

If convenient, a signed Certification may be scanned and e-mailed to: [tobaccoenforcement@ag.idaho.gov](mailto:tobaccoenforcement@ag.idaho.gov).

## DEFINITIONS<sup>1</sup>

- (a) “Brand Family” or “Tobacco Brand Family” has the same meaning given the term in Idaho Code § 39-8402(1) and includes all styles of Cigarettes 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.”
- (b) “Cigarette” has the same meaning given the term in Idaho Code § 39-7802(d), and includes any product that contains nicotine, is intended to be burned or heated under ordinary conditions of use, and consists of or contains (1) any roll of tobacco wrapped in paper or in any substance not containing tobacco; or (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; or (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. The term “cigarette” includes “roll-your-own” tobacco (i.e., 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 of “cigarette,” 0.09 ounces of “roll-your-own” tobacco shall constitute one (1) individual “cigarette.”
- (c) “Cigarette Rolling Machine” means any machine or device that has the capability to produce at least one hundred fifty (150) cigarettes in less than thirty (30) minutes.
- (d) “Cigarette Rolling Machine Operator” means any person who owns or leases or otherwise has available for use a Cigarette Rolling Machine and makes such a machine available for use by another person in a commercial setting in order to manufacture a cigarette. No person shall be deemed a Cigarette Rolling Machine Operator based solely upon that person’s manufacture, sale, enabling, disabling, or repair of a Cigarette Rolling Machine.
- (e) “Directory” means the Idaho Directory of Compliant Tobacco Product Manufacturers and Brand Families as provided for by Idaho Code § 39-8403(2).
- (f) “Minor” has the same meaning as that term is defined in Idaho Code § 39-5702(6) of the Idaho Prevention of Minors’ Access to Tobacco Act.
- (g) “Person” means natural persons, corporations both foreign and domestic, trusts, partnerships both limited and general, incorporated or unincorporated associations, companies, business entities, and any other legal entity, or any other group associated in fact although not a legal entity.
- (h) “Tobacco Product Manufacturer” has the same meaning given the term in Idaho Code § 39-7802(i) and includes an entity that directly manufactures Cigarettes anywhere that such manufacturer intends to be sold in the United States, including Cigarettes intended to be sold in the United States through an importer.
- (i) “Tobacco Products” has the same meaning as that term is defined in Idaho Code § 39-5702(13) of the Idaho Prevention of Minors’ Access to Tobacco Act.

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<sup>1</sup> Defined terms are capitalized throughout these instructions and the Certification.

## **SPECIFIC INSTRUCTIONS**

### **PART 1: TYPE OF CERTIFICATION AND SALES YEAR.**

Indicate the type of Certification being submitted and for what sales year. Choose Initial/Annual if this is the Cigarette Rolling Machine Operator's first or annual Certification. Choose Supplemental if the Cigarette Rolling Machine Operator is adding additional machine(s) to its current Certification.

### **PART 2: CIGARETTE ROLLING MACHINE OPERATOR IDENTIFICATION.**

Identify the Cigarette Rolling Machine Operator's name, physical address, mailing address, email, telephone and fax numbers, and website address. Also identify the name and title of the person completing the Certification who will serve as the contact person for the Operator.

### **PART 3: CIGARETTE ROLLING MACHINE INFORMATION.**

For each Cigarette Rolling Machine the Operator plans to make available for use, list the make, model, serial number, physical location, whether each machine is owned or leased, and the owner or lessor's name, mailing address and telephone number. Describe what method the Operator will use to accurately identify and report for each quarter the number of Cigarettes produced by each Cigarette Rolling Machine, such as a secure meter or counter on the machine, cash register receipts, customer invoices, or other methods.

### **PART 4: TOBACCO BRAND FAMILY IDENTIFICATION.**

Identify by Tobacco Brand Family the tobacco that the Operator intends to make available for use in each Cigarette Rolling Machine, the name and address of the Tobacco Product Manufacturer of the Tobacco Brand Family, and the name and address of the Person(s) from whom the Tobacco Brand Family was purchased.

### **PART 5: OPERATOR CERTIFICATION.**

The Cigarette Rolling Machine Operator needs to certify to each of the items listed in this part.

### **PART 6: AUTHORIZED SIGNATURE AND CERTIFICATIONS.**

The person executing the Certification, if not the Operator, must be authorized to bind the Operator. The authorized designee's name and title must be printed, and the Certification must be executed in the presence of a notary public.

The person executing the Certification must consent on behalf of the Operator to its being sued in Idaho District Court should it become necessary for the State of Idaho to enforce any provisions of Idaho Code § 39-8420, et seq.