

UTAH CERTIFICATION OF ELECTRONIC CIGARETTE PRODUCTS

Applicant, _____, hereby certifies, under penalty of perjury, that:

1. Applicant is the manufacturer of electronic cigarette products, as defined by Utah Code §76-9-1101, that are sold or intended to be sold in the state of Utah, whether directly or indirectly or through a distributor, wholesaler, retailer, or similar intermediary or intermediaries.
2. Applicant shall comply with all provisions of Utah Code §59-14-810.
3. Applicant understands it is unlawful for any person to sell, either directly or indirectly through a distributor, wholesaler, retailer, or similar intermediary or intermediaries, an electronic cigarette product that is not included in the Utah Electronic Cigarette Product Registry ("Registry") as of Jan. 1, 2025.
4. Applicant understands it is unlawful for any person to give, distribute, sell, offer for sale, or furnish to any person an electronic cigarette product that is flavored, pursuant to Utah Code §76-9-1114, as of Jan. 1, 2025.
5. Applicant certifies that for each electronic cigarette product listed, the electronic cigarette product:
 - a. is premarket authorized as defined in Utah Code §76-9-1101(16)(a)(i) or is a pending electronic cigarette product as defined in Utah Code §76-9-1101(a)(ii); and
 - b. does not exceed 4 percent nicotine by weight per container or a nicotine concentration of 40 milligrams per milliliter pursuant to Utah Code §76-9-1101(16)(b).
6. Applicant shall notify the Utah State Tax Commission within 30 days of any material change to this Certification, including whether the FDA has issued or not issued a marketing order or other authorization or has ordered the manufacturer to remove any electronic cigarette products, either temporarily or permanently, from the United States market.
7. Applicant understands the Department of Health and Human Services is relying on information provided in this Certification for the manufacturer's authority to sell or distribute electronic cigarette products in Utah.
8. Applicant understands the Department of Health and Human Services may require additional information and/or documentation to determine if the applicant and/or products qualify for listing on the Registry.

9. Applicant has examined the Certification, including attachments and supporting documents. To the best of my knowledge and belief, this Certification, including attachments and supporting documents, is true, correct and complete.
10. Applicant understands that the company must comply with state and federal laws concerning the sale of electronic cigarette products.
11. Applicant hereby submits itself to the jurisdiction of the Third District Court of the State of Utah for the purpose of all litigation arising from this Certification or the sale of electronic cigarette products in Utah.
12. Applicant hereby waives any claims or defense of sovereign immunity with respect to litigation brought by the State of Utah arising from this Certification or the sale of electronic cigarette products in Utah.

This Certification must be signed by a qualified officer of the manufacturer authorized to bind the Applicant. By marking the box and typing my name below, I affirm my position with the manufacturer, my authority to certify on behalf of the Applicant, and my authority to bind the company.

Mark the box below to confirm the statement:

- ☐ Under penalty of perjury, I state the electronic cigarette product manufacturer named above, as of the date of this Certification, is in full compliance with Utah Code §59-14-810.

Name: _____ Title: _____

Email: _____ Date: _____

Phone: _____