State of Arkansas Department of Finance And Administration

DFA - ARKANSAS TOBACCO CONTROL

101 E. Capitol Ave., Suite 401 Little Rock, AR 72201 Phone: (501) 682-9756

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WHOLESALE (TOBACCO PRODUCTS, VAPOR PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS, OR E-LIQUIDS) PERMIT APPLICATION

Instructions

- <u>Fully</u> complete this Application. Incomplete Applications will not be processed. The Application *must* be notarized by a notary public and all required documentation *must* be complete and attached to the Application (<u>refer to checklist</u>; <u>Page 10</u>).
- Separate applications must be filed for **EACH** established place of business, including but not limited to subsidiary or partner companies that you are affiliated with that intend to sale products into Arkansas. Further, separate applications must be filed for retail permits if you intended to open a retail location and salesperson permits for each salesperson in Arkansas.
- Any legal Doing Business As (DBA) names that your company intends to use must be listed on the application and fully documented on your Secretary of State Filing. Only the legal name of the business or the legal DBA names registered with this office may be used on invoices or receipts of products issued to retailers in Arkansas. Any products issued under a name that is not registered could result in a violation for selling without a license being issued to your business.
- Newspaper Publication. The completed Application package (Application and required attachments) is to be sent to Arkansas Tobacco Control for review. Upon finalizing the review of the Application package for completeness, Arkansas Tobacco will notify Applicant. Applicant must then advertise its intentions to obtain a permit in a newspaper of statewide circulation. The notice shall be placed on two (2) occasions, seven (7) days apart. The date of the first publication shall be at least thirty (30) days prior to the meeting at which the Board will consider the Application (and attached documents). Please refer to Rules 3.1 through 3.10 of the Arkansas Tobacco Control Board Rules, located on the Agency website.

Definitions

- Alternative Nicotine Products. "Alternative nicotine product" means a "product that consists of or contains nicotine that can be ingested into the body by chewing, smoking, absorbing, dissolving, inhaling snorting, sniffing, or by any other means" and does not include a tobacco product or a vapor product. Ark. Code Ann. § 26-57-203(1)(A)–(B).
- **Cigars.** "Cigar' means any roll of tobacco wrapped in leaf tobacco or in any substance containing tobacco, other than any roll of tobacco that is a cigarette." Ark. Code Ann. § 26-57-203(5).
- E-Liquid and E-Liquid Products. "E-liquid' and 'e-liquid product' means a liquid product, which may or may not contain nicotine, that is inhaled when using a vapor product, and that may or may not include without limitation propylene glycol, vegetable glycerin, nicotine from any source, and flavorings." Ark. Code Ann. § 26-57-203(12).
- **Tobacco Products.** "Tobacco products' means all products containing tobacco for consumption, including without limitation cigarettes, cigars, little cigars, cigarillos, chewing tobacco, smokeless tobacco, snuff, smoking tobacco, including pipe tobacco, and smoking tobacco substitutes[.]" Ark. Code Ann. § 26-57-203(32).
- Vapor Products. "Vapor product' means an electronic oral device of any size or shape that contains a vapor of nicotine, eliquid, or any other substance that when used or inhaled simulates smoking, regardless of whether a visible vapor is produced, including without limitation a device that:

(A) Is composed of a heating element, battery, electronic circuit, chemical process, mechanical device, or a combination of heating element, battery, electronic circuit, chemical process, or mechanical device;
(B) Works in combination with a cartridge, other container, or liquid delivery device containing nicotine, e-liquid, or any other substance and manufactured for use with vapor products;
(C) Is manufactured, distributed, marketed, or sold as any type or derivation of a vapor product, e-cigarette, e-cigar, e-pipe, or any other product name or descriptor; and
(D) Does not include a product regulated as a drug or device by the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 301 et seq., as it existed on January 1, 2015." Ark. Code Ann. § 26-57-203(34).

Consumer. "Consumer" means "a member of the public at large." Ark. Code Ann. § 26-57-203(9).

Retailer. Have a physical presence in the Arkansas to provide products over the counter to consumers. Ark. Code Ann. § 26-57-203(27). (Retailers must have an active retail permit from Arkansas Tobacco Control)

General Information	
1. Applicant intends to sell and distribute the following products (please select all applicable b Cigarettes Vapor and/or E-Liquid Products Roll-Your-Own Tobacco Hookah Tob Cigars Alternative Nicotine Products Chewing Tobacco Moist Tobac Other:	
2. Describe the primary business activity of your company:	
3. Do you, Applicant, understand and agree to complete and attach with the application the <i>Wholesale Permit Application Checklist</i> (provided on Page 9 of this Application), and to fully provide the requested documentation and/or information contained in that checklist?	I I I VIEC I I NIO
4. Do you, Applicant, understand and agree to follow, stay current on, and comply with all local federal and state laws, including, but not limited to Arkansas Code Annotated § 4-75-701, <i>et al.</i> , Arkansas Code Annotated § 26-57-201, <i>et. al.</i> ?	
5. Do you, Applicant, understand that it is illegal in the State of Arkansas to give, barter or sel to anyone under the age of twenty-one (21) tobacco in any form, cigarette paper, vapo product, alternative nicotine product, e-liquid product, or any component of a vapor product alternative nicotine product, or e-liquid product?	
6. Do you, Applicant, understand and agree that it is your responsibility under Arkansas law to ensure every Arkansas Retail Customer has a correct and valid Arkansas Tobacco Contro permit <i>prior to</i> you selling any tobacco products, vapor products, alternative nicotine products, or e-liquid products to those Arkansas customers?	

7. Has Applicant or any person who owns or operates the business been denied a pelicense, or other authorization to engage in any business by any government ag (Federal, State, local or foreign) or had such permit, license or other authorization revolutions are suspended or otherwise terminated? If Yes, please attach to this application the details of each occurrence.	gency
8. Has Applicant or any person who owns or operates the business ever been convicted found in violation of any cigarette, tobacco, alternative nicotine, vapor or e-liquid, or tobacco product statute, rule, or regulation? If Yes, please attach to this application the details of each occurrence.	
 9. Does Applicant owe any sales taxes due to the State of Arkansas? If Yes to Question 9, Applicant must satisfy the debt with the appropriate agency before ATC can approve your permit. Please attach a copy of sales and tax certificate to this Application. 	
 10. Do you, Applicant, consent to allow Arkansas Tobacco Control ("ATC") or Arkansas Police conduct a state or national criminal background check on any person listed in Application? Arkansas Code Annotated § 26-57-216(3) prohibits a permit from being issue any person or business owned or operated by a person who has pleaded guilt nolo contendere to or been found guilty of a felony. 	n this YES NO ed to
11. Do you, Applicant, understand and agree to submit the reports required by the Jenkins 15 U.S.C. § 375, et seq., as amended, to the Arkansas Department of Finance Administration and Office of the Arkansas Attorney General?	
12. Do you, Applicant, understand and agree to submit monthly sales reporting requirement Arkansas Tobacco Control as set out in A.C.A. § 26-57-265 by the tenth (10th) of each material for the previous month's sales/deliveries, <i>even if no sales are made</i> ?	
13. Do you, Applicant, understand and agree that if the required monthly sales report to Arka Tobacco Control as set out in A.C.A. § 26-57-265 is not submitted, is submitted late, submitted incomplete or inaccurate, you may be assessed civil penalties and your license also be suspended or revoked?	or is YES NO

14. Do you, Applicant, understand and agree to provide written notice to the Arkansas Tobacco Control Director when the business changes physical locations?	☐ YES ☐ NO
 An ATC permit holder must receive ATC approval prior to making any sales at a new location. 	
15. Do you, Applicant, understand and agree to provide written notice to the Arkansas Tobacco Control Director within thirty (30) days of a change in (i) the managing partner, limited liability company managing member, or president or chief executive officer of a corporation, partnership, or limited liability company; or (ii) the stockholders effecting twenty-five percent (25%) or more of the total voting shares of a non-publicly traded corporation?	☐ YES ☐ NO
16. Do you, Applicant, understand and agree to maintain three (3) years of tobacco product, vapor product, alternative nicotine product, and e-liquid product invoices, with the name or other identifying information of the Applicant and the retailer, that are available upon demand during normal business hours in the permitted location?	☐ YES ☐ NO
17. Do you, Applicant, understand and agree that each agent or employee of the company who sells or offers for sale to permitted wholesalers or permitted retailers or that solicits for sale, takes orders for, or in any manner promotes the sale or use of tobacco products, vapor products, alternative nicotine products or e-liquid products will obtain a separate Wholesaler's Salesperson's Permit?	☐ YES ☐ NO
Salespersons must obtain and maintain a permit, available on the ATC website.	
 Salespersons must obtain and maintain a permit, available on the ATC website. 	☐ YES ☐ NO
Salespersons must obtain and maintain a permit, available on the ATC website. Vapor and E-Liquid Products	☐ YES ☐ NO ☐ YES ☐ NO
 Salespersons must obtain and maintain a permit, available on the ATC website. Vapor and E-Liquid Products 18. Does Applicant intend to distribute or sell vapor/e-liquid products in the State of Arkansas? 19. Does Applicant sell or offer for sale any vapor products or e-liquid products that contain any 	
Vapor and E-Liquid Products 18. Does Applicant intend to distribute or sell vapor/e-liquid products in the State of Arkansas? 19. Does Applicant sell or offer for sale any vapor products or e-liquid products that contain any hemp or cannabidiol (CBD)? (a) If Yes to Question 19, does 100% of Applicant's vapor products and/or e-liquid products	☐ YES ☐ NO

21. Does Applicant verify and agree that all E-Liquid Containers containing nicotine sold in the State of Arkansas will satisfy the child-resistant packaging effectiveness standards described in Arkansas Code Annotated § 26-57-203(4)(A)–(B) when tested in accordance with the methods described by 16. C.F.R. § 1700.20, as it existed on January 1, 2015?	☐ YES ☐ NO
22. Does Applicant intend to manufacture, fabricate, assemble, process, mix compound, repackage or resize any vapor products and/or e-liquid products?	☐ YES ☐ NO
23. If Yes to Question 22, does applicant intend to mix any vapor products and/or e-liquid products?	☐ YES ☐ NO
24. If Yes to Question 21, does Applicant attest that the manufacturing of vapor products or eliquid products complies with or will comply with the applicable ingredient listing and submission required by 21 U.S.C. 387d(a)(1) of the Federal Food Drug, and Cosmetic Act (FD&C Act) and related rules (81 FR 28973-01)?	☐ YES ☐ NO
If NO, please submit an explanation as a separate written document.	
25. Is Applicant a federally licensed importer or federally licensed distributor?	
If YES, please attach the applicable proof of documentation.	YES NO
	L YES L NO
If YES, please attach the applicable proof of documentation.	☐ YES ☐ NO
If YES, please attach the applicable proof of documentation. Cigarettes and Roll-Your-Own Tobacco 26. Does Applicant intend to sell cigarettes or roll-your-own tobacco to persons in the State of	
If YES, please attach the applicable proof of documentation. Cigarettes and Roll-Your-Own Tobacco 26. Does Applicant intend to sell cigarettes or roll-your-own tobacco to persons in the State of Arkansas? 27. Does Applicant verify and agree that it will properly affix or otherwise have placed the proper Arkansas tax stamps to any cigarettes, before selling, delivering, or otherwise disposing of	☐ YES ☐ NO

sold in the State of Arkansas will satisfy the child-resistant packaging effectiveness standards described in Arkansas Code Annotated § 26-57-203(4)(A)–(B) when tested in accordance with the methods described by 16. C.F.R. § 1700.20, as it existed on January 1, 2015?	described in Arkansas Code Annotated § 26-57-203(4)(A)-(B) when tested in accordance	☐ YES ☐ NO
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Alternative Nicotine Products

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK – APPLICATION CONTINUES ON NEXT PAGE 6]

Business Information

Permit Fee type: \$1,000.00 Wholesale Permit (Tobacco	o Products, Vapor Products, Alte	ernative Nicotine Products, or E-Liquid Products	ducts); NO CASH PAYMENTS
Legal Business/Company Name:		C □ INC □ Partnership □ Corpor	ration Other
· ·			
If Corporation: <i>Publicly traded?</i> \square Yes \square N			
Name of Business if different from Legal N	ame:		
(Any fictitious name or 'Do	ing Business As" (DBA) nam	ne must be filed with the Secretary of S	tate's Office)
Sales Tax Number (If Applicable):		FEIN (If Applicable):	
Physical Business/911 Address:			/Unit #:
(Must be numeric address plus street n	· ·		-
City: $\underline{\hspace{1cm}}$ I own the property	County: v □I rent this property		Zip Code:
If rent/lease, Landlord name:		Phone Number:	
Contact Address:			
Business Mailing Address (if different): _ (This is the address where you	nu want to receive any and all	Suit	te/Unit #:
City:			_
Business Phone Number: ()		Store Fax Number: ()	
Business Email:	Pre	vious ATC Permit (If Applicabl	e):
Note: Arkansas Tobacco Control primarily uses business that is review frequently.	e-mail to communicate with	permit holders. Please provide the mos	t up-to-date email for your
Warehouse Address (where product is sto	ored).		Suite/Unit #·
_			
City:	County:		Zip Code:
<u>Facility information</u> : \Box I own the property	\Box I rent this property	Oother	
If rent/lease, Landlord name:		Phone Number:	
Contact Address:			
		ent/CEO Information	
Owner/President/CEO Demographic Info		•	he legal head of the company
Owner/President/CEO Name:		Date of Birth:	/
Home Address: (Must be a numeric a		Suite/Unit #:	
(Must be a numeric a		NNOT be a P.O. Box or location descri	
E-mail Address:		Phone Number: ()	
Driver's License/ID Number:			
SSN: Percent	age of Ownership or Shar	es Held of Total Shares Issued:	%
Have you ever pled guilty, plead no contest,	, or been convicted of a Fe	elony? □YES □NO	

Secondary Owner/Partner/Member/ Stockholder/Family Member Information

Use these sections to

- (1) list any other person(s) considered owners (Example: Wife/Husband, Brother/Sister, Son/Daughter, etc.) OR
 - (2) to list any other business partners, LLC members, company officers, stockholders, etc. Please note it is also recommended that the person(s) are also listed on your sales and use tax permit.

USE ADDITIONAL PAGES AS NECESSARY

Business Primary Contact Information		If different from own	ier/President/CEO
Name:		Date of Birth:/	/
Home Address:		Suite/Unit #:	
(Must be a numeric a	address plus street name; CANNOT be a P.	O. Box or location description)	
City:	County:	Zip Code:	
E-mail Address:	Phone N	Tumber: (
Driver's License/ID Number:	State of Issuance:	Alien Registration No.:	
SSN: Perc	centage of Ownership or Shares He	eld of Total Shares Issued:	%
Have you ever pled guilty, pled no conte	est, or been convicted of a Felony?	□YES □NO	
Officer/Partner Information:			
Name:		Date of Birth:/	/
Home Address:(Must be a numeric a		Suite/Unit #:	
City:	County:	Zip Code:	
E-mail Address:	Phone N	[umber: ()	
Driver's License/ID Number:	State of Issuance:	Alien Registration No.:	
SSN: Perc	centage of Ownership or Shares He	eld of Total Shares Issued:	%
Have you ever pled guilty, pled no conte	est, or been convicted of a Felony?	□YES □NO	
Officer/Partner Information:			
Name:		Date of Birth: /	/
Home Address:			
·	address plus street name; CANNOT be a P.	• .	
City:	County:	Zip Code:	
E-mail Address:	Phone N	Tumber: (
Driver's License/ID Number:	State of Issuance:	Alien Registration No.:	
SSN: Perc	centage of Ownership or Shares He	eld of Total Shares Issued:	%
Have you ever pled guilty, pled no conte	est, or been convicted of a Felony?	□YES □NO	

Important Information

Please note that this application <u>MUST</u> be completed in its entirety. Any application that is submitted that is incomplete will <u>not</u> be accepted and will be returned to the applicant. Please review the application and the accompanying checklist to ensure that you have provided all required information and documentation for application submission.

By accepting a permit from Arkansas Tobacco Control, the permit holder is agreeing that they, and their business, will follow all lawful requirements and furthermore acknowledging that they understand that Arkansas Tobacco Control Agents, Federal Tobacco Control Agents, or any other lawful Tobacco Control Entity will periodically conduct inspections and compliance checks to ensure compliance with the law.

Legal Responsibility - Application Signature Page

By dating and signing below, I certify and attest that I am an owner or duly authorized agent, partner, officer, or Applicant and hereby declare and sign under penalty of law that the information provided on this application (all pages 2 through 9, including the Application Checklist) is true and correct to the best of my knowledge and belief, and that the Applicant is a Wholesaler in fact. The undersigned applicant also agrees to faithfully comply with all local, state, and federal laws including, but not limited to, the "Unfair Cigarette Sales Act," A.C.A. § 5-27-227 (controlling the provision of minors with tobacco products and cigarettes and the placement of tobacco vending machines), the "Arkansas Tobacco Products Tax Act of 1977," all rules promulgated pursuant thereto, and all lawful orders of the Arkansas Tobacco Control Board. Applicant understands and agrees that any intentional false or misleading information, of any nature or relative to any item, will be sufficient grounds for denial or subsequent revocation of the permit for which he/she is applying.

Date:				
	Signature of Owner or Author	orized Represe	entative – (Please	sign in notary's presence)
	Printed Name of Owner or A	Authorized Rep	presentative	
	Business Title of Owner or A	Authorized Re	presentative	
	Notary l	Information		
Subscribed and sworn to	before me, a Notary Public, by			, to me well known or
identified to me by gover	rnment issued photo identification	, on this	day of	, 20
My Commission Expires	:	Name:		
Please place Notary				
Stamp in box				

Wholesale (Tobacco Products, Vapor Products, Alternative Nicotine Products, or E-Liquids) Permit Application Checklist

(This document **MUST** be submitted with application)

Completed Application. The Applicant must complete and sign the Application for Wholesale (Tobacco Products, Vapor Products, Alterative Nicotine Products, or E-Liquids) Permit for submission to Arkansas Tobacco Control.
Payment. A Check or Money Order must be sent with the Application. Please ensure both the Check or Money Order is completely and accurately filled out. NO CASH PAYMENTS.
COLOR copies of DL or ID. Attach to Application color copies of Drivers' License or ID for <i>all</i> listed owners, members, officers and/or partners. Work Permit, Visas and Alien ID cards are also acceptable. If dropping off application in person, copies can be made in the Tobacco Control office.
Secretary of State's Office filings. Attach to Application copies of Secretary of State's Office filings: All proof of registration documents (if Corporation, LLC or Partnership), fictitious/DBA name filings, and copies of Articles of Incorporation, Operating Agreements, or Partnership Agreements.
Proof of Financial Responsibility. Attach to Application a Dunn & Bradstreet Report reflecting the financial status of the Applicant, a Standard Compilation Report of financial statements prepared by an independent Certified Public Accountant or current copies of Federal tax returns for the business.
Proof of ownership/right to occupy and Proof of Offices and/or Warehouses. Attach to Application copies of any deed, lease, rental agreement, bill of sale, mortgage, purchasing agreement or other documentation (e.g., proof of right to occupy and use the permitted premises) of all offices, buildings and warehouses from where business will be conducted and/or where inventory and/or files will be stored.
Photographs of Buildings/Structures. Attach to Application photos of the outside front, sides and rear of all buildings or structures to be used for storage of Tobacco Products, Alternative Nicotine Products, Vapor Products and/or E-Liquid Products inventory or files.
Notary. The applicant must sign and date the application in the presence of a Notary to swear that all information contained within is true and accurate. The Notary must sign, date and SEAL the application.

NOTICE: ALL ARKANSAS TOBACCO CONTROL PERMITS EXPIRE JUNE 30TH AFTER DATE OF ISSUE AND MUST BE RENEWED EACH YEAR