

(K) "TOBACCO PRODUCT MANUFACTURER" HAS THE MEANING AS STATED IN SUBSECTION 2(J) OF THE ESCROW ACT.

(L) "UNITS SOLD" HAS THE MEANING AS STATED IN SUBSECTION 2(K) OF THE ESCROW ACT.

16-502.

(A) VIOLATIONS OF THE ESCROW ACT, AN ACT CONCERNING NONPARTICIPATING MANUFACTURERS AND DEPOSITS OF FUNDS INTO ESCROW ACCOUNTS, THREATEN THE INTEGRITY OF THE TOBACCO MASTER SETTLEMENT AGREEMENT, THE FISCAL SOUNDNESS OF THE STATE, AND THE PUBLIC HEALTH.

(B) ENACTING PROCEDURAL ENHANCEMENTS WILL HELP PREVENT VIOLATIONS AND AID THE ENFORCEMENT OF THE ESCROW ACT AND THEREBY SAFEGUARD THE MASTER SETTLEMENT AGREEMENT, THE FISCAL SOUNDNESS OF THE STATE, AND THE PUBLIC HEALTH.

(C) THE PROVISIONS OF THIS SUBTITLE ARE NOT INTENDED TO AND ~~SHALL~~ MAY NOT BE INTERPRETED TO AMEND THE ESCROW ACT.

16-503.

(A) A TOBACCO PRODUCT MANUFACTURER WHOSE CIGARETTES ARE SOLD IN THIS STATE, WHETHER DIRECTLY OR THROUGH A DISTRIBUTOR, RETAILER OR SIMILAR INTERMEDIARY, SHALL EXECUTE AND DELIVER, ON A FORM PRESCRIBED BY THE ~~COMPTROLLER~~ ATTORNEY GENERAL, A CERTIFICATION TO THE ~~COMPTROLLER~~ AND ATTORNEY GENERAL NO LATER THAN THE 30TH DAY OF APRIL EACH YEAR, CERTIFYING UNDER PENALTY OF PERJURY THAT, AS OF THE DATE OF THE CERTIFICATION, THE TOBACCO PRODUCT MANUFACTURER EITHER:

- (1) IS A PARTICIPATING MANUFACTURER; OR
- (2) IS IN FULL COMPLIANCE WITH THE ESCROW ACT.

(B) (1) A PARTICIPATING MANUFACTURER SHALL INCLUDE IN ITS CERTIFICATION A LIST OF ITS BRAND FAMILIES.

(2) THE PARTICIPATING MANUFACTURER SHALL UPDATE THE LIST AT LEAST 30 CALENDAR DAYS PRIOR TO ANY ADDITION OR MODIFICATION TO ITS BRAND FAMILIES BY EXECUTING AND DELIVERING A SUPPLEMENTAL CERTIFICATION TO THE ATTORNEY GENERAL ~~AND COMPTROLLER~~.

(C) (1) A NONPARTICIPATING MANUFACTURER SHALL INCLUDE IN ITS CERTIFICATION A COMPLETE LIST OF ALL OF ITS BRAND FAMILIES.

(2) THE CERTIFICATION SHALL:

(I) SEPARATELY LIST EACH BRAND FAMILY OF CIGARETTES AND THE NUMBER OF UNITS SOLD FOR EACH BRAND FAMILY THAT WAS SOLD IN THE STATE DURING THE PRECEDING CALENDAR YEAR;

(II) LIST EACH OF ITS BRAND FAMILIES THAT HAVE BEEN SOLD IN THE STATE AT ANY TIME DURING THE CURRENT CALENDAR YEAR;