

WHICH THE NONPARTICIPATING MANUFACTURER MADE ESCROW PAYMENTS UNDER SUBSECTION 3(A)(2) OF THE ESCROW ACT AND ALL REGULATIONS ADOPTED UNDER THAT SECTION.

(E) (1) A TOBACCO PRODUCT MANUFACTURER MAY NOT INCLUDE A BRAND FAMILY IN ITS CERTIFICATION UNLESS:

(I) IN THE CASE OF A PARTICIPATING MANUFACTURER, THE PARTICIPATING MANUFACTURER AFFIRMS THAT THE BRAND FAMILY IS DEEMED TO BE ITS CIGARETTES FOR PURPOSES OF CALCULATING ITS PAYMENTS UNDER THE MASTER SETTLEMENT AGREEMENT FOR THE RELEVANT YEAR, IN THE VOLUME AND SHARES DETERMINED ~~PURSUANT TO~~ IN ACCORDANCE WITH THE MASTER SETTLEMENT AGREEMENT; AND

(II) IN THE CASE OF A NONPARTICIPATING MANUFACTURER, THE NONPARTICIPATING MANUFACTURER AFFIRMS THAT THE BRAND FAMILY IS DEEMED TO BE ITS CIGARETTES FOR PURPOSES OF THE ESCROW ACT.

(2) NOTHING IN THIS SECTION MAY BE CONSTRUED AS LIMITING OR OTHERWISE AFFECTING THE STATE'S RIGHT TO MAINTAIN THAT A BRAND FAMILY CONSTITUTES CIGARETTES OF A DIFFERENT TOBACCO PRODUCT MANUFACTURER FOR PURPOSES OF CALCULATING PAYMENTS UNDER THE MASTER SETTLEMENT AGREEMENT OR FOR PURPOSES OF THE ESCROW ACT.

(3) THE TOBACCO PRODUCT MANUFACTURER SHALL MAINTAIN ALL INVOICES AND DOCUMENTATION OF SALES AND ANY OTHER INFORMATION RELIED UPON FOR ITS CERTIFICATION FOR A PERIOD OF 5 YEARS, UNLESS OTHERWISE REQUIRED BY LAW TO MAINTAIN THEM FOR A GREATER PERIOD OF TIME.

16-504.

(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE COMPTROLLER ATTORNEY GENERAL SHALL DEVELOP AND MAKE AVAILABLE FOR PUBLIC INSPECTION A DIRECTORY LISTING ALL TOBACCO PRODUCT MANUFACTURERS THAT HAVE PROVIDED CURRENT AND ACCURATE CERTIFICATIONS CONFORMING TO THE REQUIREMENTS OF § 16-503 OF THIS SUBTITLE AND ALL BRAND FAMILIES THAT ARE LISTED IN SUCH CERTIFICATIONS.

(B) (1) THE COMPTROLLER ATTORNEY GENERAL MAY NOT INCLUDE OR RETAIN IN THE DIRECTORY THE NAME OR BRAND FAMILIES OF ANY NONPARTICIPATING MANUFACTURER THAT FAILS TO PROVIDE THE REQUIRED CERTIFICATION OR WHOSE CERTIFICATION THE COMPTROLLER ATTORNEY GENERAL DETERMINES IS NOT IN COMPLIANCE WITH § 16-503(C)(3) AND (D) OF THIS SUBTITLE, UNLESS THE COMPTROLLER ATTORNEY GENERAL HAS DETERMINED THAT THE VIOLATION HAS BEEN CURED TO THE SATISFACTION OF THE COMPTROLLER ATTORNEY GENERAL.

(2) NEITHER A TOBACCO PRODUCT MANUFACTURER NOR A BRAND FAMILY MAY BE INCLUDED OR RETAINED IN THE DIRECTORY IF THE COMPTROLLER ATTORNEY GENERAL CONCLUDES, IN THE CASE OF A NONPARTICIPATING MANUFACTURER, THAT: