

MIAX Options Exchange Regulatory Circular 2021-45
MIAX Pearl Options Exchange Regulatory Circular 2021-38
MIAX Emerald Options Exchange Regulatory Circular 2021-42

DATE: August 13, 2021

TO: MIAX Exchange Members

FROM: MIAX Regulatory Department

RE: Market for Underlying Security Used for Openings on MIAX Options, MIAX Pearl Options and MIAX Emerald Options for Symbol XXII Effective Monday, August 16, 2021

22nd Century Group, Inc. ("XXII") will transfer primary listing from the NYSE American Exchange to the Nasdaq Capital Market ("NASDAQ") effective Monday, August 16, 2021. As set forth in MIAX Options Rule 503(d), MIAX Pearl Rule 503(a)(3) and MIAX Emerald Rule 503(d), the exchanges shall use NASDAQ as the "market for the underlying security" for the purpose of Openings on the Exchange.

SECURITY SYMBOL	SECURITY NAME	EXCHANGE FOR OPENING
XXII	22 ND CENTURY GROUP, INC.	NASDAQ

Please direct questions to the Regulatory Department at Regulatory@MIOXOptions.com or (609) 897-7309.