



Administrative Release

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January 8, 2008

To: All Manufacturers, Wholesalers, Subwholesalers, Retailers, and Vending Machine Operators

Subject: Fire Safety Performance Standard for Cigarettes

The Cigarette Fire Safety Performance Standard and Firefighter Protection Act (HB 785) Chapter 497 of the Acts of Maryland (2007) will become effective **July 1, 2008**. This bulletin sets forth the essential requirements under the new law for cigarette manufacturers, wholesalers, subwholesalers, retailers, and vending machine operators.

Any cigarettes manufactured, sold, or offered for sale after July 1, 2008 must be in compliance with the methods, standards, and provisions of this new Fire-Safe Cigarette Law.

MANUFACTURERS:

The three essential requirements are test method, performance standard, and certification.

1. The “test method” shall be the ASTM standard E2187-04 “Standard Test Method for Measuring the Ignition Strength of Cigarettes” conducted on 10 layers of filter paper where each cigarette has a complete test trial of 40 repeated tests.

The testing laboratory shall have:

- (A) accreditation under Standard ISO/IEC 17025 of the International Organization for Standardization, or a comparable accreditation program determined by the Comptroller;
- (B) a quality control and assurance program including a procedure to determine repeatability of testing results; and
- (C) a repeatability value no greater than 0.19.

2. The “performance standard” is met when no more than 25% of the cigarettes tested in a complete test trial exhibit full-length burns.

The Comptroller in consultation with State Fire Prevention Commission may approve a test method and performance standard proposed by a manufacturer which meets the same requirements of this Fire-Safe Cigarette Law, and the Comptroller may also approve an alternate proposed marking.

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3. A written “certification” shall be made to the Comptroller. The certification shall attest that each cigarette has been tested, meets the performance standard required, and shall also include the following items of description:

1. brand or trade name on package;
2. style, such as light or ultra light;
3. length in millimeters;
4. circumference in millimeters;
5. flavor, such as menthol, if applicable;
6. whether filtered or nonfiltered;
7. package description, such as soft pack or box;
8. approved mark on package;
9. if different from manufacturer, the name, address, and telephone number of laboratory that conducted the test; and
10. date of testing.

4. Certified cigarettes must be permanently marked “FSC” designating they are “fire-safe” cigarettes. Recertification for each cigarette is required every 3 years. Reports of tests conducted for all cigarettes offered for sale should be retained for 3 years.

5. A copy of written certification submitted to the Comptroller for each brand of cigarette must be provided to a wholesaler.

6. Copies of the illustration of the packaging marking used must be provided to a wholesaler for each retailer, subwholesaler, and vending machine operator that purchases cigarettes from that wholesaler.

Note: The Comptroller will be providing a certification form to manufacturers.

Penalties:

A manufacturer who does not provide testing report data requested by the Comptroller, the State Fire Prevention Commission, or the Attorney General within 60 days from the date of the request shall be subject to a civil penalty not to exceed \$10,000 for each day in violation.

A sale or offer for sale of any cigarette that is known not to be a Fire-Safety Cigarette is subject to a civil penalty not to exceed \$100 for each package of cigarettes, subject to a \$100,000 maximum for a 30-day period.

A manufacturer that knowingly makes a false certification is subject to a civil penalty of at least \$75,000 not to exceed \$250,000 for each false certification.

WHOLESALERS:

A wholesaler must provide a copy of the manufacturer’s illustration of the packaging marking to each retailer, subwholesaler, and vending machine operator to which the wholesaler sells cigarettes.

Penalties: Wholesalers, Subwholesalers, Retailers, Vending Machine Operators:

A sale or offer for sale of any cigarette that is known not to be a Fire-Safety Cigarette is subject to a civil penalty not to exceed \$100 for each package of cigarettes. The maximum of civil penalties imposed for a 30-day period may not exceed \$25,000 for a retailer and \$100,000 for a wholesaler, subwholesaler, or vending machine operator.

Questions related to this Administrative Release can be directed to the taxpayer service section at 410-260-7314.

Thad Russell
Director