DEPARTMENT OF ENERGY, LABOR, AND ECONOMIC GROWTH

BUREAU OF FIRE SERVICES

REDUCED IGNITION PROPENSITY CIGARETTES

(By authority conferred on the director of the Department of Energy, Labor, and Economic Growth by section 15 of 2009 PA 56, MCL 29.505.)

Part 1. General requirements

R 29.451 Applicability.

Rule 1. These rules apply to the registration and enforcement of the sale and distribution of reduced ignition propensity cigarettes in the state of Michigan.

History: 2011 AACS.

R 29.452. Definitions

Rule 2. As used in these rules:

(a) "Act" means the fire safety standard and firefighter protection act, 2009 PA 56, MCL 29.491 to 29.511.

(b) "Brand family" means all styles of cigarettes sold under the same trademark and differentiated from one another by means of any and all additional modifiers and includes any brand name, along or in conjunction with any other word, trademark, logo, symbol, motto, selling message, recognizable pattern of colors, or any other indicia of product identification identical or similar to, or identifiable with, a previously known brand of cigarettes.

(c) "Distribute" means to do any of the following:

(i) Sell cigarettes or deliver cigarettes for sale by another person to consumers.

(ii) Receive or retain more than 199 cigarettes at a place of business where the person receiving or retaining the cigarettes customarily sells cigarettes or offers cigarettes for sale to consumers.

(iii) Place cigarettes in vending machines.

(iv) Sell or accept orders for cigarettes to be transported from a point outside this state to a consumer within this state.

(v) Buy cigarettes directly from a manufacturer or wholesale dealer for resale in this state.

(vi) Give cigarettes as a sample, prize, gift, or other promotion.

(d) "FSC" or "fire standard compliant" means that a cigarette style has been certified as having a reduced ignition propensity under MCL 29.501 (5)(a).

(e) "Marking" refers to the FSC marking.

(f) "Packaging" is defined as pack, box, carton, or case.

(g) "Reduced ignition propensity" means meeting the fire safety performance standard in MCL 29.495 when tested under MCL 29.495.

(h) "Reduced ignition propensity cigarette" means a cigarette that has been tested as in MCL 29.495 and meets the fire safety performance standard in MCL
29.495.

(i) "Registration" means the submission of all documents required for certification of cigarette brand styles, approval of FSC package markings, successful completion of required registration application documents for cigarette brand families and associated brand styles and payment of all required fees if applicable as required under MCL 29.497 and MCL 29.501.

(j) Re-Registration" means the registering of brand families and associated brand styles after the expiration of the three year registration and certification period.

(k) "Brand Style" means style, as used MCL 29.497 and defined in 15 USC 1332, as means a variety of cigarette distinguished by the tobacco used, tar and nicotine content, flavoring used, size of the cigarette, filtration on the cigarette, or packaging.

History: 2011 AACS.

Part 2. Registration and Certification requirements and procedures

R 29.461. Registration and Certification requirements.

Rule 11. (1) The cigarette manufacturer shall register cigarettes by brand families and brand styles for 3 years under MCL 29.497 and these rules.

(2) The cigarette manufacturer shall do all of the following:

(a) Identify a responsible individual who is authorized to act for the manufacturer to certify cigarettes that are distributed within the state of
Michigan.

(b) Submit a request for FSC packaging mark approval to the state fire marshal under instructions provided by the bureau of fire services available at the bureau website
(http://www.michigan.gov/documents/dleg/Fire_Safe_Cigarettes_Website_Items_298587_7.pdf)
and in compliance with R 29.463.

(c) Maintain records and submit those records upon request to the State Fire Marshal in accordance with provisions of MCL 29.495, Section 5 (8).

(d) Submit a written certification attesting that each style of cigarette listed in the certification has been subjected to testing as in MCL 29.495 and meets the fire safety performance standard described in MCL 29.495 not later than the time of application.

(e) Complete and submit the registration application as required by the bureau of fire services at its website at www.michigan.gov/fscregistration.

(f) Submit fees required under MCL 29.499 at time of application by electronic transfer, check, money order, or credit card.

(3) A manufacturer may add a new cigarette brand style to a previously registered brand family at any time without any fee, by submitting the required information for the new brand under MCL 29.497. The registration period for the newly added brand style shall not exceed the registration period of its parent brand family. However, a manufacturer shall not distribute any newly-added brand style to any wholesale or secondary wholesale dealer in the state of Michigan, as regulated under the tobacco

products tax act, 1993 PA 327, MCL 205.422, until it is registered with the state fire marshal.

(4) A manufacturer may introduce a new brand family for distribution and sale in the state of Michigan at any time by complying with subrule (1) of this rule. The fee for the registration of a new brand family is prescribed under MCL 29.499.

(5) Failure to pay the appropriate fee or incomplete applications shall result in automatic disapproval of the application for registration in this state. The state fire marshal shall provide a reasonable opportunity for a manufacturer to correct and resubmit incomplete applications.

(6) Uncertified styles associated with a certified and registered or uncertified and unregistered brand family shall not be sold in Michigan after the effective date of the act.

History: 2011 AACS.

R 29.462. Brand family re-registration requirements

Rule 12. (1) Manufacturers shall re-register cigarettes every 3 years by brand family and associated brand styles under MCL 29.497 (5) by submitting the required information to the department on forms provided by the department.

(2) The fee for re-registration of each brand family under MCL 29.499 shall be submitted with the application for re-registration. No additional fees are required for cigarette brand styles.

(3) If there is a change in the certified cigarette that no longer meets its "reduced ignition propensity" as previously certified under MCL 29.497 (5), then the brand style shall be removed from the listing as certified and shall not be distributed in the state of Michigan until that brand style has been retested and the brand style has been recertified and re-registered in accordance with procedures established by the department.

History: 2011 AACS.

R 29.463. Packaging marking requirements; penalties.

Rule 13. (1) Manufacturers shall mark all packaging for cigarettes to indicate that cigarettes distributed in this state are fire standard compliant. A manufacturer shall submit a proposal for marking cigarette packaging to the state fire marshal. Proposed packaging marking shall meet the requirements of MCL 29.501 (1) (a) to (c).

(2) Manufacturers shall electronically submit an illustration of their packing marking as in subrule (1) of this rule as a portable document format file (PDF) to the state fire marshal via email at statefiremarshal@michigan.gov for approval. Once approved, a confirmatory email shall be sent to the manufacturer by the state fire marshal. Packaging marking proposals neither approved nor denied by the state fire marshal within 10 business days of receipt are deemed approved.

(3) In determining whether to approve or disapprove a proposal for packaging marking, the state fire marshal shall determine that the marking meets the requirements of MCL 29.501.

(4) Violations of subrule (1) of this rule are subject to civil penalties under MCL 29.503.

History: 2011 AACS.