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www.llr.state.sc.us

September 8, 2009

Dear South Carolina Cigarette and Tobacco Products Manufacturer and/or Distributor:

On July 11, 2008, Act 331 became law. This law requires that all cigarettes sold in South Carolina meet new fire safe standards. Although the bill was signed on July 11, 2008, the new law will not go into effect until January 1, 2010. This will allow cigarette manufacturers, distributors, and retailers time to sell cigarettes already in the state that do not meet the new fire safe standards. Under the new law, cigarettes sold in South Carolina must meet the following criteria:

- (1) The cigarettes must satisfy ASTM International Standard E2187-04, entitled "Standard Test Method for Measuring the Ignition Strength of Cigarettes" or an alternate test method approved by the State Fire Marshal.
- (2) The cigarettes must be sold in packaging marked with the letters "FSC" for "fire standards compliant" or other packaging marking approved by the State Fire Marshal.
- (3) A certification must be submitted by the manufacturer of the cigarettes to the State Fire Marshal certifying that each cigarette listed in the certification has been tested and satisfied the performance requirements listed in (1) above.
- (4) Certification will be required every three years and there will be a certification fee of \$250 for each style (i.e., 100's Lights, Menthol) within each brand family.

Manufacturers, distributors and retailers who knowingly sell cigarettes in South Carolina after January 1, 2010, that do not meet the fire safe cigarette requirements listed in the previous paragraph are subject to significant penalties. These penalties can include both fines and/or product seizure. The new law does allow a distributor or retailer to sell non-fire safe cigarettes remaining in inventory after January 1, 2010, if the cigarettes were purchased prior to January 1, 2010, and all taxes were paid prior to January 1, 2010. Note that the quantity allowed to be sold after that date cannot be greater than the inventory purchased during the same period of the previous year. It is the responsibility of the distributor to ensure that the individual retailers that they service are made aware of these new requirements. A complete copy of the law, a form fill-able application and instructions are housed at the following Web site:

http://www.llr.state.sc.us/FMARSHAL/index.asp?file=Fire_Safe_Cigarettes.htm

Completed Fire Safe Cigarette Certification applications and pertinent documentation, along with a check payable to SC-LLR, Office of State Fire Marshal should be submitted to the following address:

SC FSC PROGRAM
South Carolina Office of State Fire Marshal
141 Monticello Trail
Columbia, SC 29203

The South Carolina Office of State Fire Marshal will begin to accept certifications on October 1, 2009.

If you have any additional questions regarding South Carolina's fire safe cigarette certification process, please call the Office of State Fire Marshal at (803) 896-9800.

With the implementation of these new fire safe cigarette requirements, the South Carolina Office of State Fire Marshal will be posting a directory of those cigarette styles within each brand family that are fire safe cigarette compliant on their Web site at:

http://www.llr.state.sc.us/FMARSHAL/index.asp?file=Fire_Safe_Cigarettes.htm

Cigarette brands must also still be approved and listed on the South Carolina Tobacco Directory maintained by the Attorney General, which can be viewed online at:

<http://www.scattorneygeneral.org/civil/tobacco.html>

Implementation of this program is anticipated to produce a positive impact in reducing the number of fire deaths and injuries in our State, helping to make South Carolina a safer place to live, work and play.

Sincerely,



John G. Reich
Deputy Director, State Fire Marshal
SC Division of Fire & Life Safety