



BOBBY JINDAL
GOVERNOR

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS

Public Safety Services



H. BUTCH BROWNING
STATE FIRE MARSHAL

MEMORANDUM

To: Cigarette Manufacturers, Wholesale Dealers, Agents and Retail Dealers

Date: **REVISED August 14, 2009 - Clarification on Fees**

From: Felicia H. Cooper, Deputy Assistant Secretary

Re: **Cigarette Fire Safety and Firefighter Protection Act
Act 409 of the 2007 Regular Louisiana Legislative Session**

Approved by: H. "Butch" Browning
Louisiana State Fire Marshal

As you may be aware, Act 409 of the 2007 Regular Legislative Session, the Cigarette Fire Safety and Firefighter Protection Act is effective August 31, 2009. A copy of the Act can be found on the State Fire Marshal's website at <http://sfm.dps.louisiana.gov/>.

All manufacturers with cigarette brand families currently listed on the Louisiana Approved Tobacco Brand Directory maintained by the Louisiana Office of the Attorney General must certify cigarettes under the Cigarette Fire Safety and Firefighter Protection Act (hereinafter referred to as "the Act"), effective August 31, 2009, with the Louisiana State Fire Marshal. Because tobacco product manufacturers must comply with all state laws, only cigarettes that are certified *both* by the Attorney General, under the Master Settlement Agreement (R. S. 13:5061 et seq.), *and* by the State Fire Marshal, under the Act, will be legal for sale in Louisiana as of August 31, 2009. The Act has a provision that allows a wholesale dealer or retail dealer to sell its existing inventory of cigarettes on or after the effective date of the Act if the wholesale dealer's inventory was purchased prior to August 31, 2009.

Pursuant to the Act, we request that each manufacturer submit to the State Fire Marshal a certification letter attesting to the following. **Signature of an owner, partner, officer or principal representing the manufacturer is required on the certification letter.**

1. Each cigarette listed in the certification has been tested in accordance with R.S. 40:1601.3. **Note: This section in Act 409 is now "R.S. 40:1628" in statute.**
2. Each cigarette listed in the certification meets the performance standards set forth in R.S. 40:1601.3. **Note: This section in Act 409 is now "R.S. 40:1628" in statute.**

Each cigarette listed in the certification shall be described with the following information:

1. Brand or trade name on the package.
2. Style, such as light or ultra light.
3. Length in millimeters.
4. Circumference in millimeters.

Is Yours Working"??
Smoke Detectors Save Lives!!
OFFICE OF THE STATE FIRE MARSHAL
8181 INDEPENDENCE BOULEVARD, BATON ROUGE, LA 70806
(225) 925-4911 1-800-256-5452

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5. Flavor, such as menthol or chocolate, if applicable.
6. Filter or non-filter.
7. Package description, such as soft pack or box.
8. Marking pursuant to R.S. 40:1601.5 (**now "R.S. 40:1630"**): An illustration of the proposed package marking shall be provided to the State Fire Marshal for approval.
9. The name, address, and telephone number of the laboratory, if different from the manufacturer that conducted the test.
10. The date that the testing occurred.

Each cigarette certified is required to be recertified every 3 years. Please note additional provisions in the law regarding copies of certifications and of illustrations of package markings to be provided to wholesale dealers, agents and retail dealers.

For each certification, a manufacturer shall pay to the State Fire Marshal a fee of \$250. **Note: manufacturers may submit one certification prior to 8/31/2009 covering all of the brand styles and brand families intended for sale in Louisiana.** Money orders, cashier's checks, certified checks, and company checks are accepted. Checks shall be made payable to the Louisiana Office of State Fire Marshal. The certification letter with required information and fee should be sent to the following address:

Office of the State Fire Marshal

Re: Cigarette Fire Safety and Firefighter Protection Act
8181 Independence Blvd.
Baton Rouge, LA 70806
Attention: Felicia H. Cooper

Copies of the certifications shall be made available to the Office of the Attorney General and the Louisiana Department of Revenue purposes of ensuring compliance with this Act. The Attorney General's mailing information is provided below for your convenience.

Tobacco Settlement Enforcement Unit

State of Louisiana, Office of the Attorney General
P.O. Box 94005
Baton Rouge, LA 70804
Attention: Gol S. Hannaman

The certification letter and accompanying documentation are due on or before August 31, 2009. Failure to file the required certification materials is a basis for removal from both the State Fire the State Fire Marshal and Louisiana Attorney General approved brand directories. The approval of the marking for packaging and any proposed alternative test method are required to be sent only to the State Fire Marshal.

Questions for the State Fire Marshal may be directed to Felicia Cooper at email felicia.cooper@dps.la.gov or by fax to 225-925-4593. Questions for the Attorney General should be directed to the Tobacco Settlement Enforcement Unit at (225) 326-6423, by e-mail at tobaccodoj@ag.state.la.us, or by fax at (225) 326-6072. The State Fire Marshal will maintain a directory to reflect the Cigarette Fire Safety and Firefighter Protection Act certifications. Additional information will be provided to manufacturers as needed.

We appreciate your cooperation during the certification process under the Cigarette Fire Safety and Firefighter Protection Act.