



MIKE CAUSEY
INSURANCE COMMISSIONER & STATE FIRE MARSHAL

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Fire Safe Cigarette Guidance for Manufacturer, Distributor and Seller

The State of North Carolina has enacted the [NC Fire Safety Standard and Fire Fighter Protection Act](#) (GS 58, Article 92) requiring that all cigarettes sold or offered for sale in NC meet the criteria for reduced ignition propensity cigarettes. This law is expected to significantly reduce the number of people killed or injured by fires caused by cigarettes left burning in North Carolina.

Manufacturer Guidelines:

Cigarette manufacturers are required to submit certification that testing of cigarettes was conducted in accordance with the American Society of Testing and Materials (ASTM) standard E2187 04, "Standard Test Method for Measuring the Ignition Strength of Cigarettes" by a test lab that is accredited pursuant to standard ISO/IEC 17025 of International Organization for Standardization (IOS). In order to obtain a passing result, no more than twenty-five percent (25%) of the cigarettes tested in a test trial in accordance with this section shall exhibit full-length burns. Forty replicate tests shall comprise a complete test trial for each cigarette tested.

Manufacturers can apply for permission to use an alternate test method if their cigarettes cannot be tested under ASTM E2187. Manufacturer must demonstrate how the alternate testing ensures the same reduced ignition propensity as ASTM E2187. Manufacturers must also submit samples of packaging of pack and carton showing "FSC" in a font 8 point or larger near the UPC code or another marking approved by NC Office of the State Fire Marshal.

Distributor/Seller Guidelines:

Cigarette distributors and retailers are required to sell only cigarettes that have been certified compliant with Article 92. Manufacturers are required to provide distributors a letter certifying compliance. The default marking for compliant cigarettes is 'FSC' in 8-point type or larger near the UPC code on the pack and the carton. Manufacturers may apply for approval to use an alternate marking by they must provide a copy of this approval to distributors.

Penalties:

Manufacturers and distributors can face fines of up to \$100,000 and retailers, fines of up to \$25,000 for cigarette sales in violation of the law. To enforce the provisions of this Article, the Attorney General, the Department of Revenue, and the Commissioner, their duly authorized representatives, and other law enforcement personnel may examine the books, papers, invoices, & other records of any person in possession, control, or occupancy of any premises where cigarettes are placed, stored, sold, or offered for sale, as well as the stock of cigarettes on the premises. In addition to monetary penalties, any cigarettes that have been sold or offered for sale that do not comply with Article 92 shall be subject to forfeiture as contraband & subsequently destroyed.