



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2007 Wisconsin Act 225
[2007 Assembly Bill 717]

Fire Safety Standards for Cigarettes

Act 225 requires that each manufacturer that sells or offers to sell cigarettes in Wisconsin must file a written certification with the Department of Commerce, certifying that each type of cigarette has been tested in accordance with the Act and complies with the applicable fire safety performance standards under the Act. The certification must be filed with the department every three years and the manufacturer must pay to the department a fee of \$1,000 for each brand family of cigarettes listed in the certification.

The Act further provides the testing requirements that must be met, including requiring laboratories conducting the testing to implement a quality control and quality assurance program and requiring that laboratories be accredited. No more than 25% of the cigarettes tested in a complete test trial may exhibit full-length burns. If the Department of Commerce determines that a type of cigarette cannot be tested in accordance with the required test method, the manufacturer must propose an alternative test method and alternative fire safety performance standards for approval by the department. In lieu of approving an alternative test method and alternative fire safety performance standards, the department may review the cigarette fire safety requirements enacted or otherwise adopted by another state, and shall allow a manufacturer to use those test methods and standards if the department determines that the requirements are comparable to the requirements under the Act. Manufacturers are also required to mark tested cigarettes to show that the cigarettes have met applicable fire safety performance standards, with details of the markings specified in the Act.

No person may sell or offer to sell cigarettes to a person in Wisconsin unless: (1) the cigarettes are of a type that has been tested; (2) the cigarettes meet the applicable fire safety performance standards; (3) the cigarettes are of a type that are covered by a certification filed with the Department of Commerce; and (4) the cigarettes are marked in compliance with the Act.

Penalties are imposed on manufacturers and retailers who knowingly sell or offer to sell cigarettes in violation of the Act. In addition, the Department of Commerce or the Attorney General may file an action in civil court for violations of the Act.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.

The Act is to be implemented in accordance with the implementation and substance of the New York Fire Safety Standards for Cigarettes that are in effect on the effective date of the Act. If the New York safety standards are changed, the Department of Commerce is required to suggest proposed legislation to the Legislature containing provisions necessary to bring Wisconsin's statutes into accordance with the New York safety standards. Finally, if the Department of Commerce determines that the federal government has enacted legislation that establishes a fire safety performance standard that conflicts with or that preempts the provisions of the Act, the Act does not apply after the date on which the federal legislation takes effect.

Effective Date: October 1, 2009

Prepared by: Richard Sweet, Senior Staff Attorney

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RNS:jb;wu