

**227.774 Manufacturer to submit written certification of testing to state fire marshal -- Recertification -- Reduced Cigarette Ignition Propensity and Firefighter Protection Act enforcement fund.**

- (1) Each manufacturer shall submit to the state fire marshal a written certification attesting that:
  - (a) Each cigarette listed in the certification has been tested in accordance with KRS 227.772; and
  - (b) Each cigarette listed in the certification meets the performance standard set forth under KRS 227.772(1)(d).
- (2) Each cigarette listed in the certification shall be described with the following information:
  - (a) Brand or trade name on the package;
  - (b) Style, such as light or ultra light;
  - (c) Length in millimeters;
  - (d) Circumference in millimeters;
  - (e) Flavor, such as menthol or chocolate, if applicable;
  - (f) Filter or nonfilter;
  - (g) Package description, such as soft pack or box;
  - (h) Marking approved in accordance with KRS 227.776;
  - (i) The name, address, and telephone number of the laboratory, if different than the manufacturer that conducted the test; and
  - (j) The date that the testing occurred.
- (3) The certifications shall be made available to the Attorney General for purposes consistent with KRS 227.770 to 227.784 and the Department of Revenue for the purposes of ensuring compliance with this section.
- (4) Each cigarette certified under this section shall be recertified every three (3) years.
- (5) For cigarettes certified in compliance with this section, a manufacturer shall pay to the state fire marshal a fee of one thousand dollars (\$1,000) per brand family. "Brand family" shall have the same meaning as in KRS 131.604.
- (6) The Reduced Cigarette Ignition Propensity and Firefighter Protection Act enforcement fund is established in the Finance and Administration Cabinet for use by the state fire marshal solely for processing, testing, enforcement, and oversight activities set out in KRS 227.770 to 227.784. The fund shall consist of certification fees required under subsection (5) of this section, and any other moneys made available for such purpose from any source. Moneys credited to the fund may be invested until needed. All interest earned in the fund shall be retained in the fund. Notwithstanding KRS 45.229, moneys in the fund shall not lapse but shall carry forward at the end of the fiscal year.
- (7) If a manufacturer has certified a cigarette pursuant to this section, and afterward makes any change to the cigarette that is likely to alter its compliance with the reduced cigarette ignition propensity standards required by KRS 227.770 to

227.784, that cigarette shall not be sold or offered for sale in this state until the manufacturer retests the cigarette in accordance with the testing standards set forth in KRS 227.772(1)(b) and maintains records of that retesting as required by KRS 227.772. Any altered cigarette which does not meet the performance standard set forth in KRS 227.772(1)(d) shall not be sold in this state.

**Effective:** April 1, 2008

**History:** Created 2007 Ky. Acts ch. 70, sec. 3, effective April 1, 2008.