

Reduced Cigarette Ignition Propensity
Standard and Firefighter Protection Act
(RCIP)

FAQs

- ~ What does Reduced Cigarette Ignition Propensity Standard mean?
 - The Reduced Cigarette Ignition Propensity Standard refers to the requirements placed on cigarette manufacturers to reduce the likelihood that their cigarettes will continue to burn if left unattended. The manufacturers must make their cigarettes to inhibit them from burning if not being smoked, and must show the state proof that the cigarettes were tested to meet the criteria of the standard.

- ~ Why will Florida require only fire safe cigarettes to be sold in the state?
 - Cigarettes are the leading cause of fire deaths in this state, with a high percentage of the victims of cigarette fires being nonsmokers such as senior citizens and young children. Cigarette fires result in millions of dollars in property losses and damages in this state. The legislature therefore found it fitting and proper for this state to adopt the cigarette fire safety standard to reduce the likelihood that cigarettes will cause fires and result in deaths, injuries, and property damages.

- ~ When must all cigarettes sold in Florida be fire safe?
 - The Reduced Cigarette Ignition Propensity standards are effective January 1, 2010. Any manufacturers selling cigarettes into the state on or after this date must only sell fire safe cigarettes.

- ~ How are the cigarettes tested?
 - Testing of cigarettes are to be conducted in accordance with the American Society for Testing and Materials standard E2187-04, “Standard Test Method for Measuring the Ignition Strength of Cigarettes”. Each cigarette brand tested must go through forty replicated tests and no more than twenty five percent of the cigarettes can exhibit full-length burns. The labs testing the cigarettes must implement a quality control and quality assurance program that determines the repeatability value of the testing results, which must be no greater than nineteen percent.

- ~ How do I know that the cigarettes I purchase are fire safe cigarettes?

- All cigarettes that have been tested and are certified must be marked by the manufacturer indicating compliance with the Reduced Cigarette Ignition Propensity standards. The markings are 8-point type or larger, and consist of a combination of alphanumeric or symbolic characters permanently stamped, engraved, or embossed upon the cigarette package at or near the universal product code.
 - Manufacturers must provide a copy of the certifications to all wholesale dealers and agents to which they sell cigarettes. They must also provide copies to the wholesale dealer of the package marking used by the manufacturer for the wholesale dealer to give to each retail dealer to which they sell cigarettes.

- ~ I am a wholesale/retail dealer and I have an inventory of non-fire safe cigarettes. Can I continue to sell them?
 - Wholesale dealers may continue to sell their existing inventory of cigarettes to retailers on or after January 1, 2010, if they can establish that the state tax stamps were affixed to the cigarettes prior to the effective date. Retail dealers may continue to sell their existing inventory of cigarettes and those purchased from the wholesale dealers on or after January 1, 2010, if they can show that the state tax stamps were placed on the cigarettes prior to the effective date. The inventory must be in comparable quantity to the inventory purchased during the same period of the prior year. It is suggested that the wholesalers and retailers perform a certified inventory prior to opening for business on January 1, 2010, to designate the pre-existing inventory from any new purchases after that date.

- ~ I am a manufacturer of cigarettes and do not sell directly into Florida, but my cigarettes are sold in Florida in-directly through wholesalers in other states. Do I still need to certify my cigarettes?
 - Yes. It is the intent of the Legislature that all cigarettes sold in Florida meet the fire safety standards.

- ~ Do I need to have a Florida manufacturer or importer license if my cigarettes are sold in-directly into Florida?
 - Yes. Section 210.085, Florida Statutes, states that a dealer may obtain cigarettes only from a manufacturer or importer, or from a distributing agent acting on their behalf, or from another dealer, with a valid, current permit under section 210.15. The wholesale dealer permitted to sell cigarettes in Florida must purchase their cigarettes from a manufacturer or importer who holds a Florida permit.

- ~ How do I certify my cigarettes?

- Each manufacturer must submit a written certification to the Division of Alcoholic Beverages and Tobacco attesting that the cigarettes being certified have been tested in accordance with the specified requirements and meet the performance standard. The certification request is submitted to the division on form [DBPR ABT 6040](#).

- ~ As a distributor, am I responsible for getting certifications on the cigarettes I sell?
 - No. The wholesale dealer (distributor) can not certify the cigarettes. That is the responsibility of the manufacturer or importer selling you the cigarettes. However, the wholesale dealer and the retail dealer are responsible for assuring that all cigarettes they purchase and sell do have the appropriate markings to show that the cigarettes have been certified.

- ~ Can I certify all cigarettes under one brand or do they need to be certified separately?
 - Each cigarette you sell must be tested and certified as fire safe compliant. One certification can be submitted for all of your brands at one time, but each cigarette listed in the certification must describe the following:
 - Brand, or trade name, on the package.
 - Style, such as light or ultra light.
 - Length in millimeters.
 - Circumference in millimeters.
 - Flavor, such as menthol or chocolate, if applicable.
 - Filter or non-filter.
 - Package description, such as soft pack or box.
 - Marking.
 - Name, address, and telephone number of the testing laboratory if different from the manufacturer.
 - Date the testing occurred.

- ~ Do I need to have a different mark for each type of cigarettes I sell?
 - No. Each manufacturer will use only one approved marking and must apply this marking uniformly to all brands and all packages marketed by that manufacturer.

- ~ What happens if I do not get my cigarettes certified on time?
 - The law requires that all cigarettes sold in Florida beginning January 1, 2010 be certified and marked as fire safe cigarettes. The law provides for penalties on any manufacturer, wholesale dealer, agent, retail dealer, or any other person or entity that knowingly sells or offers to sell cigarettes in violation of this law.

- ~ What are the penalty amounts for non-compliance?
 - All sellers except retail dealers are subject to a civil penalty not to exceed \$100 for each pack of such cigarettes sold or offered for sale, with a maximum of \$100,000 during any 30-day period.
 - A retail dealer is subject to a civil penalty not to exceed \$100 for each pack of such cigarettes sold or offered for sale, with a maximum of \$25,000 during any 30-day period.
 - Any manufacturer or their representative that knowingly makes a false certification is subject to a civil penalty of at least \$75,000 but not to exceed \$250,000 for each such false certification.
 - Any person violating this law is subject to a civil penalty not to exceed \$1,000 for a first offense and not to exceed \$5,000 for each subsequent offense.
 - Any cigarettes discovered that have not been marked in the manner required can be seized, forfeited to the state, and destroyed.

- ~ How often do I need to test and certify my cigarettes to the state of Florida?
 - Each cigarette must be recertified every 3 years.
 - If a manufacturer makes any change to a cigarette after certification that is likely to alter its compliance with the reduced cigarette ignition propensity standards, the cigarette cannot be sold or offered for sale in this state until the manufacturer retests the cigarette in accordance with the testing standards and maintains records of that retesting.

- ~ What happens if I have non-certified cigarettes in my retail store after January 1, 2010?
 - The division, in the regular course of conducting inspections and audits, may inspect cigarettes to determine if they are marked as required. The inspections may include examination of the books, papers, invoices, and 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. If non-compliant cigarettes are found, the person must prove that they were in the stamped inventory prior to January 1, 2010, and that they did not purchase them after that date. Otherwise, the applicable penalties will apply.