
VENDING MACHINE INDUSTRY NOTICE

September 30, 2010

Fire Standard Compliant (FSC) Cigarettes

As of July 1, 2010, it is unlawful to sell cigarettes that are not fire standard compliant. The cigarette packages and cartons have FSC near the barcode or on the bottom of the packs. Any Non-FSC cigarettes remaining in a vending machine will be seized by Cigarette And Tobacco Enforcement (CATE) inspectors. Administrative action may be taken against your vending machine operator's license and permits for such violations.

Brands Allowed for Sale in Kansas

The Kansas Attorney General's office is charged with maintaining a directory of brands permitted to be sold in Kansas. The directories include cigarettes that are in compliance with the Master Settlement Agreement (MSA) and are Fire Standard Compliant (FSC). The cigarettes must be in compliance with both to be permitted for sale in Kansas. Any non-compliant cigarettes located will be deemed contraband and seized. You may view the directories on the Attorney General's website: www.ksag.org/page/directories.

Placement of Vending Machines

It is unlawful to sell cigarettes by means of a vending machine in any establishment or portion of an establishment which is open to minors except when the machine is placed behind a counter only accessible by the proprietor of the establishment or their employees or a portion of the establishment which minors are prohibited by law from having access. However, a vending machine that has a lock-out device that requires manual activation by the person supervising the operation of the machine each time cigarettes are purchased from the machine may be used. A machine may also be installed in a commercial building or industrial plant where the public is not customarily admitted and the machines are intended for the sole use of adult employees employed in the building or plant.

Required Records

Each owner and operator of cigarette vending machines shall keep a record showing the business location of each vending machine being currently serviced and shall be available to the Director of Revenue or his agents.

--Continued Next Page--

Name and Address Required on Machines

All owners and operators of cigarette vending machines are required to have the name and address of the owner displayed on each vending machine in operation within the state.

Cigarette Sales ONLY

A cigarette vending machine may be used for cigarette sales only. Candy or any other items including other tobacco products may not be sold from a cigarette vending machine.

FDA Regulations and Training

As of July 22, 2010, manufacturers can no longer distribute for sale any tobacco products labeled or advertised as "light," "low," or "mild" or similar descriptors. However, retailers and vending machine operators are allowed to sell any existing product they have.

Recently, the FDA provided training for retailers in person or via phone or web cast. They have archived previous meetings and handouts for you to view and print from their web site. For more information, please visit www.fda.gov/tobacco. Topics of discussion from the meetings are listed below.

- Who is subject to the regulation
- What tobacco products are regulated
- Prohibition of sale and distribution of cigarettes and smokeless tobacco to persons younger than 18 years of age
- Self service displays and vending machines
- Minimum cigarette and smokeless tobacco package sizes
- Prohibition of free samples of cigarettes
- Coupons
- Sponsorships
- Non-tobacco gift or items
- Flavored cigarettes
- "Light, Low and Mild" cigarettes
- Tobacco Retailer Training Programs

FDA Enforcement Contract

The CATE team will be expanding due to Kansas receiving a grant from the FDA to enforce FDA regulations. The CATE Inspectors will be conducting inspections and controlled buys under the FDA grant in addition to the inspections and controlled buys for the state. Operators may receive citations from the FDA in the mail if a violation is found. Kansas Operator licenses may be affected if a citation from the FDA is not satisfied.