State Fire Marshal
700 SW Jackson, Suite 600
Topeka, KS 66603-3714

Kansas
Office of the State Fire Marshal

phone: 785-296-3401
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www.ksfm.ks.gov

Terry L. Maple, Acting State Fire Marshal

Sam Brownback, Governor

[DATE]

[NAME and ADDRESS]

**Delivered via USPS**

Re: Fire Standards Compliance Requirements for Roll-Your-Own ("RYO") Cigarette Machines.

Dear [NAME]:

This notice is to advise that if you or your business currently possesses, leases, or plans to possess or lease a roll-your-own ("RYO") cigarette machine for consumer use, you or your business must be in compliance with the Kansas Fire Safety Standard and Firefighter Protection Act, K.S.A. 31-601 et seq. An RYO cigarette machine is a device that allows customers to purchase loose tobacco and cigarette paper or cigarette paper tubes and then use the RYO cigarette machine at that retail establishment to make cigarettes for personal use.

For the purposes of the Fire Safety Act, a person or business who possesses or leases an RYO vending machine for the purpose of selling tobacco products to consumers is a cigarette manufacturer. A cigarette "manufacturer" as "[a]ny entity which manufactures or otherwise produces cigarettes or causes cigarettes to be manufactured or produced anywhere that such manufacturer intends to be sold in [Kansas]." K.S.A. 31-602(d)(1). A "cigarette" is defined as "any roll for smoking, whether made wholly or in part of tobacco or any other substance, irrespective of size or shape, and irrespective of tobacco or substance being flavored, adulterated or mixed with any other ingredient, if the wrapper is in greater part made of any material except tobacco." K.S.A. 31-602(b).

Certification forms and instruction for the compliance process are available at www.ksag.org/tobacco or may be requested through the Kansas Fire Marshal's Office. Among other things, if you or your business owns or leases one of these machines, to become Fire Standards Compliant, you or your business must:

1. Have these cigarettes tested in accordance with the ASTM testing methods as described in K.S.A 31-603. Records of this testing must be kept by you or your business and copies made available to the Attorney General or Fire Marshal within 60 days upon written request. Failure to do so shall result in a fine of up to $10,000 for each day a manufacturer is in violation. See K.S.A. 31-603(e).

2. Certify each cigarette brand variety with the Fire Marshal's Office and have each cigarette brand variety listed on the Attorney General's directory as described in K.S.A. 31-604. The certification fee is $250 per cigarette brand variety listed.

Additional fines for not complying with this Act range from $500 per cigarette pack per day to $250,000 for filing a false certification. *See* K.S.A. 31-606.

Pursuant to K.S.A. 31-608 the Kansas Department of Revenue or Kansas Fire Marshal will be inspecting wholesale, distribution, and retail establishments within the next 30 days for compliance. Should you have any question, please contact the Kansas Attorney General's Tobacco Enforcement Unit, the Kansas State Fire Marshal's Office, or the Kansas Department of Revenue's Division of Alcohol Beverage Control.

Sincerely,

OFFICE OF THE KANSAS STATE FIRE MARSHAL

Terry L. Maple
Acting State Fire Marshal

KANSAS DEPARTMENT OF REVENUE
ALCOHOL BEVERAGE CONTROL DIVISION

Doug Jorgensen, Director
Alcoholic Beverage Control
Kansas Department of Revenue

OFFICE OF THE KANSAS ATTORNEY GENERAL
DEREK SCHMIDT

Patrick Broxterman, Director
Tobacco Enforcement Unit
Assistant Attorney General