

# **FIRE SAFETY STANDARD AND FIREFIGHTER PROTECTION ACT**

(Pursuant to Act 56 of 2009)

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## **EXECUTIVE SUMMARY:**

On June 25, 2009, [Public Act 56 of 2009](#) (SB 264 – Senator Hunter, sponsor) was signed into law, which created the Fire Safety Standard and Firefighter Protection Act. This Act provides for the regulation of the sale and distribution of reduced ignition propensity cigarettes, otherwise known as “fire safe cigarettes”. These cigarettes are specifically manufactured to self-extinguish if they are left unattended.

Under this law, cigarette manufacturers are required to certify that their product meets the established stringent manufacturing and safety testing standards for cigarettes sold in Michigan. The testing of cigarettes must be conducted by a laboratory that is accredited pursuant to standard ISO/IEC 17025:2005 of the international organization for standardization or other comparable accreditation standards as required by the Department of Licensing and Regulatory Affairs, Bureau of Fire Services (Department). The testing must also be conducted in accordance with the American Society of Testing and Materials (ASTM) standard E2187-04, “Standard Test Method for Measuring the Ignition Strength of Cigarettes”.

When a cigarette manufacturer submits a written certification or recertification, they must also pay a fee of \$1,250.00 to the Department for each brand family of cigarette listed in the certification. Approved certifications are valid for a 3-year certification period.

The Fire Safety Standard and Firefighter Protection Act Enforcement Fund is created within the State Treasury. The Department shall deposit fees paid under this section into the fund. The State Treasurer shall direct the investment of the fund; however, at the close of the fiscal year, fees collected shall remain in the fund and shall not lapse to the general fund as the Department then expends money from the fund, upon appropriation, for processing, testing, enforcement, and oversight activities under this Act.

Pursuant to this law, the Department has prepared this report and issued electronically to the House and Senate appropriations committees and the State Budget Director. This report specifically covers certifications approved October 1, 2018, through September 30, 2021 (FY19 through FY21).

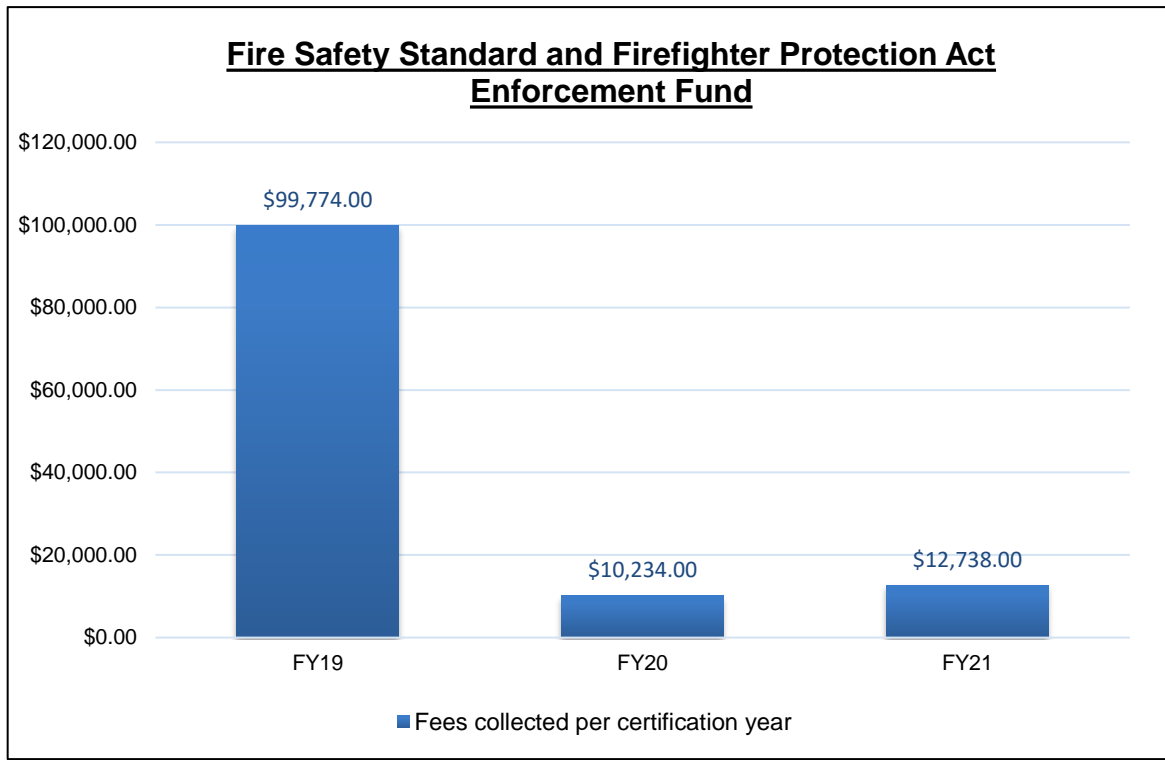
## **REPORTING REQUIREMENTS:**

Under 29.495, Section 5(11), the Act states the reporting requirements for the Department. Specifically:

Sec. 5(11) The Department shall review the effectiveness of this section and report every 3 years to the legislature the Department’s findings and, if appropriate, recommendations for legislation to improve the effectiveness of this Act. The Department shall submit the report and legislative recommendations no later than the first June 30 following the conclusion of each 3-year period to the Legislature and, if appropriate; make recommendations for legislation to improve the effectiveness of this Act.

**CERTIFICATIONS:**

During the FY19-FY21 reporting period, there was a total of 17 active cigarette manufacturers and 83 active brand families in Michigan. Our records indicate that manufacturers have complied with the certification performance standards. The following revenue was collected during time timeframe and deposited into the Fire Safety Standard and Firefighter Protection Act Enforcement Fund:



**RECOMMENDATION:**

Between 2019 and 2021, Michigan fire departments estimated approximately 4,244 fires were caused by smoking related materials. From these, there were 29 civilian deaths, 109 civilian injuries, and \$31,200,000 million in property and content damages. Most deaths in home fires involving smoking related materials were caused by fires ignited in a bedroom (188 total) or in living room, family room or dens (108 total). The research found that the bedroom fires are first ignited with the mattress or bedding (61% of fires) and the living or family rooms are first ignited by the upholstered furniture (75% of fires).

Based on valid testing requirements, certifications, reasonable standards and acceptable FSC markings already set in place, the Department does not recommend any changes in the law at this time.