

**STATE OF SOUTH DAKOTA
DEPARTMENT OF PUBLIC SAFETY
OFFICE OF THE STATE FIRE MARSHAL
CERTIFICATION OF CIGARETTE MANUFACTURER UNDER
SOUTH DAKOTA FIRE SAFE CIGARETTE LAW INSTRUCTIONS**

General Information

Who must file this certification?

Any participating or non-participating manufacturer, who intends for their brands to be listed as compliant with the South Dakota Fire Safe Cigarette Law, shall file a certification.

Beginning January 1, 2011, it is unlawful to stamp or offer for sale in the state of South Dakota any cigarette that is not compliant with the South Dakota Fire Safe Cigarette Law unless the cigarettes were in inventory and stamped prior to January 1, 2011.

When is this certification due?

The initial certification must be filed and approved by the South Dakota State Fire Marshal on or before December 15, 2010. All three-year recertification applications must be filed by January 1 of each recertification year thereafter. The South Dakota State Fire Marshal will not process incomplete or illegible certifications.

Where do I send my completed certification?

Mail the completed certification and related documents to:
South Dakota Department of Public Safety
State Fire Marshal
118 West Capitol Avenue
Pierre, SD 57501

Specific Instructions

Part 1: Type of Certification

Initial certification application is due on or before December 15, 2010

- Subsequent recertification applications are due 30 days prior to expiration.
- Supplemental certifications must be filed if brand families are to be added or removed.

Part 2: Manufacturer Identification

Provide your company name, address, telephone, and fax numbers, web address, and the name, title and email address of person completing the form.

Part 3: Brand family certification

- Identify each brand family and style of cigarettes the company intends to sell in South Dakota, either directly or indirectly, through any distributor, retailer, or similar intermediary, and seeks to have included in the Fire Safe Directory.
- Brand family: Provide the brand name, the style, length in millimeters, circumference in millimeters, flavor (e.g. menthol, chocolate), filter/non-filter, and package description (soft pack, box, etc.)
- A Brands Addendum page and a certification form are available on the South Dakota State Fire Marshal's web page at:
www.dps.sd.gov/emergency_services/state_fire_marshall/forms_applications.aspx.

Part 4: Test Method

- Check the box indicating which test method applies to the brand being certified.
- If an alternative test method is being used, attach a copy of the Fire Marshal's authorization of the alternative test method.
- Attach most recent test results.

Part 5: Marking Approval

- A marking will be deemed approved if the manufacturer indicates that all brands in the certification have an approved marking in accordance with SDCL 34-49-9 and provides a sample of the marking with the certification.

Part 6: Fee Calculation

- Multiply the total number of brand families listed by \$1500.00. Remittance shall be payable to the South Dakota Department of Public Safety.
- Remit payment with the certification.

Part 7: Certification Information Provided to Wholesale Dealers and Agents

- Manufacturers are required to provide a copy of the certification to all wholesale dealers and agents to whom they sell cigarettes.
- Wholesale dealer means any person who sells cigarettes or tobacco products to retail dealers or other persons for purposes of resale, as well as a person who owns, operates, or maintains one or more cigarette or tobacco product vending machines.
- Agent means any person authorized by the South Dakota Department of Revenue and Regulation to purchase and affix stamps on packages or cigarettes.

Part 8: Designated Contact

Provide the name, title, address, telephone and fax numbers, and email address of the individual the Fire Marshal should contact with respect to matters relating to this certification. The designated contact is the individual who will receive mailing.

Part 9: Manufacturer Certification

The authorized designee executing the certification must be an officer, principal, director, or other authorized representative of the manufacturer. The authorized designee's name and title must be legibly printed.