

State Senator
Don White
41st Senatorial District

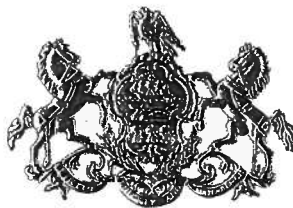
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December 17, 2010

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TO: All Senators

FR: Senator Don White *DCW*

RE: Co-sponsorship: Tobacco Product Directory—notification requirement

I plan to re-introduce legislation (Senate Bill 1487 from last session) which would amend the Tobacco Product Manufacturer Directory (TPMD) Act. The Tobacco Product Directory lists the brands and brand styles of cigarettes which have been certified as Fire Standard Compliant (FSC) by the Department of Revenue and which have been approved by the Office of the Attorney General under the TPMD. Cigarette brand styles appearing on this list may be stamped by cigarette stamping agents and sold by retailers.

In some cases, manufacturers on the Tobacco Product Directory list fall out of compliance with certain restrictions or requirements of the TPMD. Noncompliance results in the manufacturer's cigarette brands being removed from the list, which in turn requires retailers to pull them from their shelves. Under the current law, distributors are notified when delisted brands are removed from the directory. There is no requirement, however, that retailers be given the same notification. While the law allows both the distributor and the retailer 21 days to dispose of (or sell) the delisted cigarettes, the retailers (particularly smaller stores) may not be informed until they are in violation. As a result, they have little or no time to recoup their investment.

This proposed legislation would amend the TPMD Act to require distributors to notify retailers when cigarettes are removed from the Tobacco Product Directory. It also extends the 21 day selling period (after delisting) for retailers to 45 days. This extended period provides the retailer with extra time to sell their inventory.

If you would like to cosponsor this bill, please contact Anne Achenbach at aachenbach@pasen.gov or call 7-8724.

DCW/ama