



The Commonwealth of Massachusetts Executive Office of Public Safety and Security

One Ashburton Place, Room 2133
Boston, Massachusetts 02108

Tel: (617) 727-7775

TTY Tel: (617) 727-6618

Fax: (617) 727-4764

www.mass.gov/eopss

MAURA T. HEALEY
Governor

TERRENCE M. REIDY
Secretary

KIMBERLEY DRISCOLL
Lieutenant Governor

Notice of Public Hearing

501 CMR 14.00: TESTING, CERTIFICATION, MARKING, AND ENFORCEMENT OF MASSACHUSETTS' FIRE STANDARD COMPLIANT CIGARETTES

Pursuant to M.G.L. c.30A, s. 2, notice is given of a public hearing to be held by the Department of Fire Services (DFS) on behalf of the Executive Office of Public Safety and Security at the DFS Stow Campus, 1 State Road, Stow, MA., in the Boards and Commissions Room on Friday, January 10, 2025 at 10:00 a.m. for the purpose of hearing public comment on several proposed amendments to 501 CMR 14.00: Testing, Certification, Marking and Enforcement of Massachusetts' Fire Standard Compliant Cigarettes. This set of amendments relates to several administrative updates/improvements in the certification process for cigarette manufacturers and the Department of Fire Services Fire Standard Cigarette program. These improvements include: manufacturers being required to submit lab test results no more than 365 days old to ensure compliance with relevant standards when applying for certification; allowing the DFS to invoice manufacturers for certification fees once processed and approved to avoid the potential practice of issuing refunds for rejected or incomplete certification applications; allowing for electronic payments by manufacturers; allowing for pro-rated certification periods and fees so that manufacturers and DFS can align certification dates for all brands styles of a particular manufacturer for administrative convenience and improved record keeping of both parties. Finally, these amendments offer clarity and readability improvements to the end user. Written or oral comments may be submitted at the time and place of the hearing. One may also submit written comments by mailing or e-mailing comments to Glenn Rooney, General Counsel, Department of Fire Services, P.O. Box 1025, State Rd, Stow, MA. 01775 (glenn.rooney@mass.gov). To be considered, mailed or emailed comments must be received no later than 4:00 p.m., January 9th, 2025.

Small Business Impact Statement

(As required by M.G.L. c. 30A §§ 2, 3 & 5)

CMR No.: 501 CMR 14.00: Testing, Certification, Making and Enforcement of Massachusetts' Fire Standard Compliant Cigarettes

Estimate of the Number of Small Businesses Impacted by the Regulation:

This set of amendments relates to several administrative updates/improvements in the certification process for cigarette manufacturers and the Department of Fire Services Fire Standard Cigarette program. These improvements include: manufacturers being required to submit lab test results no more than 365 days old to ensure compliance with relevant standards when applying for certification; allowing the DFS to invoice manufacturers for certification fees once processed and approved to avoid the potential practice of issuing refunds for rejected or incomplete certification applications; allowing for electronic payments by manufacturers; allowing for pro-rated certification periods and fees so that manufacturers and DFS can align certification dates for all brands styles of a particular manufacturer for administrative convenience and improved record keeping of both parties. Finally, these amendments offer clarity and readability improvements to the ends user. These improvements and efficiencies have been requested by the regulated community for several years. This set of amendments is not anticipated to impact any small business.

Select Yes or No and Briefly Explain

Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to create, file, or issue additional reports?
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to implement additional recordkeeping procedures? Small business will not have to implement additional record keeping
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to provide additional administrative oversight? The amendments do not cause small business to provide additional administrative oversight.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to hire additional employees in order to comply with the proposed regulation? No new additional requirements caused by these proposed amendments
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)? No additional professional staff for small business is required for compliance with these proposed amendments.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation? The amendments do not require small businesses to purchase a product or make any other capital investments in order to comply with the regulation.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Are performance standards more appropriate than design/operational standards to accomplish the regulatory objective?(Performance standards express requirements in terms of outcomes, giving the regulated party flexibility to achieve regulatory objectives and design/operational standards specify exactly what actions regulated parties must take.) Due to the nature of the proposed amendments, they do not require an analysis of whether or not design standards vs. operational standards are appropriate.

Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Do any other regulations duplicate or conflict with the proposed regulation?</p> <p>The proposed amendments do not duplicate or conflict with any other regulations.</p>
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	<p>Does the regulation require small businesses to cooperate with audits, inspections or other regulatory enforcement activities?</p> <p>Yes, the records will have to be retained regarding business offering cigarettes for sale as retailers.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements?</p> <p>The proposed amendments do not require small businesses to provide additional educational services to keep up to date with regulatory requirements.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Is the regulation likely to <i>deter</i> the formation of small businesses in Massachusetts?</p> <p>The proposed amendments do not discourage the formation of small business in the Commonwealth.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Is the regulation likely to <i>encourage</i> the formation of small businesses in Massachusetts?</p> <p>The proposed amendments are not likely to <i>encourage or discourage</i> the formation of small businesses in Massachusetts?</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Does the regulation provide for less stringent compliance or reporting requirements for small businesses?</p> <p>The amendment does not impact small businesses in this regard</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses?</p> <p>These proposed amendments do not establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Did the agency consolidate or simplify compliance or reporting requirements for small businesses?</p> <p>The proposed amendments are neutral in this regard.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective?</p> <p>Due to the nature of the proposed amendments, they do not require an analysis of whether or not design standards vs. operational standards are appropriate.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Are there alternative regulatory methods that would minimize the adverse impact on small businesses?</p> <p>There is no anticipated impact on small business, as explained throughout this submission.</p>