

## Commercial RYO Machine Legislative Update

March 19, 2012

To date, four states, including Arkansas, South Dakota, Virginia and Wyoming, have enacted new laws classifying the operators of commercial roll-your-own (RYO) machines as manufacturers or imposing other regulations on the operation of these RYO machines. Some twenty-one other states continue to consider similar legislation.

On March 7, 2012, the National Fire Protection Association (NFPA) issued a letter to all state fire marshals regarding the “proliferation of ‘roll your own’ cigarette machines” in a number of states. The letter goes on to state that “NFPA feels strongly that stores with roll-your-own machines fall under the fire-safe cigarette laws, which were passed in all 50 states.” James Shannon, the President of NFPA, says in this letter that the state fire safe cigarette laws define the term manufacturer as “any entity that manufactures or otherwise produces cigarettes or causes cigarettes to be manufactured” and that this language allows fire marshals to enforce the current fire safe laws with regards to operators of commercial RYO machines.

Also, a bill has been introduced in the U.S. House of Representatives as bill number H.R. 4134 that would include in the definition of a tobacco manufacturer “any person who for commercial purposes makes available for consumer use a machine capable of producing tobacco products.” A number of state and national retail and wholesale associations have signed onto a letter to members of Congress urging them to support this legislation including six national trade associations (NATO is one of those associations), twenty-three major retail store chains, and fifty state retail trade associations.

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