**Section 400.40 Performance Standard**

a) *When tested in accordance with* Section 400.30*, no more than 25 percent of the cigarettes tested in a test trial shall exhibit full length burns.* [425 ILCS 8/20(a)]

b) *Each cigarette listed in a certification submitted pursuant to* Section 400.60 *that uses lowered permeability bands in the cigarette paper to achieve compliance with the performance standard set forth in subsection (a) shall have at least 2 nominally identical bands on the paper surrounding the tobacco column. At least one complete band shall be located at least 15 millimeters from the lighting end of the cigarette. For cigarettes on which the bands are positioned by design, there shall be at least 2 bands fully located at least 15 millimeters from the lighting end and 10 millimeters from the filter end of the tobacco column or 10 millimeters from the labeled end of the tobacco column for a non-filtered cigarette.* [425 ILCS 8/20(b)]

c) *The manufacturer of a cigarette that OSFM determines cannot be tested in accordance with the test method prescribed in* Section 400.30 *shall propose a test method and performance standard for that cigarette to OSFM. Upon approval of the proposed test method and a determination by OSFM that the performance standard proposed by the manufacturer is equivalent to the performance standard prescribed* in Section 400.40*, the manufacturer may employ that test method and performance standard to certify the cigarette pursuant to* Section 400.60. [425 ILCS 8/20(c)] All other applicable requirements of this Part shall apply to the manufacturer.

d) *If OSFM determines that another state, with reduced cigarette ignition propensity standards that are the same as those contained in the Act, has adopted an alternative test method and performance standard for a particular cigarette proposed by a manufacturer as meeting the fire safety standards of that state's law or regulation, then the State Fire Marshal shall authorize that manufacturer to employ the alternative test method and performance standard to certify that cigarette for sale in this State unless the State Fire Marshal demonstrates reasonable basis for not accepting the alternative test method and performance standard.* [425 ILCS 8/20(c)]