

HCS HB 205 -- FIRE SAFETY STANDARD AND FIREFIGHTER PROTECTION ACT

SPONSOR: Jones, 89 (Parson)

COMMITTEE ACTION: Voted "do pass" by the Special Committee on General Laws by a vote of 11 to 3.

This substitute establishes the Fire Safety Standard and Firefighter Protection Act which prohibits the sale of any cigarette in this state that has not been tested, certified, and marked that it has met certain performance standards. Any manufacturer, wholesale dealer, agent, or other person or entity who violates this requirement other than through retail sale may be fined up to \$100 per pack of cigarettes sold or offered for sale. No penalty against a manufacturer, wholesale dealer, or agent can exceed \$100,000 during any 30-day period, and no penalty against a retail dealer can exceed \$25,000 during any 30-day period. Any corporation, partnership, sole proprietorship, limited partnership, or association engaged in the manufacture of cigarettes that knowingly makes a false certification will be subject to a penalty of between \$75,000 and \$250,000. Other violations of the act will result in a civil fine of up to \$1,000 for a first violation and up to \$5,000 for a subsequent offense. Certain exemptions for sales prior to the effective date of the substitute and for cigarettes used for consumer testing are specified.

The Attorney General, Department of Revenue, or the State Fire Marshal are authorized to enforce the provisions of the substitute. These entities may view business records related to cigarettes that are suspected of nonconformity with the substitute's requirements. Methods for the seizure and disposal of illegal cigarettes are specified; however, any person may appeal to a court of competent jurisdiction for injunctive relief prior to the destruction of any illegal cigarettes. All fines will be deposited into the newly created Cigarette Fire Safety Standard and Firefighter Protection Act Fund which must be used by the State Fire Marshal to support fire safety and prevention programs.

Performance standard tests will be conducted in accordance with the Standard Test Method for Measuring the Ignition Strength of Cigarettes of the American Society of Testing and Materials unless the State Fire Marshal determines that it is impossible for the cigarette manufacturer to use this test method.

The substitute becomes effective September 1, 2011.

FISCAL NOTE: No impact on General Revenue Fund in FY 2010, FY 2011, and FY 2012. Estimated Effect on Other State Funds of

an income of \$0 in FY 2010, an income of \$84,535 to Unknown in FY 2011, and a cost of \$54,194 to an income of Unknown in FY 2012.

PROPOSERS: Supporters say that the bill will ensure that cigarettes extinguish within a short period of non-use and will prevent fires. The bill has been introduced in 37 states and reduces cigarette-caused fires by over 20%. Cigarettes currently cause approximately 20% to 25% of all residential fires and also lead to deadly wildfires. The cost of producing fire safe cigarettes is minimal.

Testifying for the bill were Representative Parson; Richard Lehmann, Missouri Association of Fire Chiefs; Missouri State Council of Fire Fighters; American Cancer Society; and Stan Cowan.

OPPOSERS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill say that the Department of Revenue may be better suited to enforce the bill than the State Fire Marshal. Vendors should be allowed to sell existing cigarette stocks. Business records should not be widely available to the State Fire Marshal's office, and due process of law in the seizure and destruction of cigarettes is necessary. Missouri had 402 cigarette-caused fires and eight fatalities from these fires in 2007 and 2008. Fire marshals need to inspect retail stores to prevent fraud and the illegal importation of cigarettes.

Testifying on the bill were LPC, Incorporated; UGAS Incorporated; Missouri Petroleum Marketers and Convenience Store Association; and State Fire Marshal.