

HCS HB 205 -- FIRE SAFETY STANDARD AND FIREFIGHTER PROTECTION ACT  
(Parson)

COMMITTEE OF ORIGIN: Special Committee on General Laws

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.