

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1740 Session of
2007

INTRODUCED BY COHEN, JOSEPHS, FREEMAN, MELIO, PETRONE, HARHART,
HENNESSEY, PAYNE, GOODMAN, KIRKLAND, KORTZ, KULA, LEACH,
MANDERINO, MCGEEHAN, SAMUELSON, SIPTROTH AND YOUNGBLOOD,
JULY 13, 2007

REFERRED TO COMMITTEE ON FINANCE, JULY 13, 2007

AN ACT

1 Requiring that cigarettes sold in this Commonwealth comply with
2 the New York Fire Safety Standards for Cigarettes.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Fire-Safe
7 Cigarettes Act.

8 Section 2. Definitions.

9 The definitions set forth in Article XII of the act of March
10 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971,
11 shall apply to this act.

12 Section 3. Fire safety standards.

13 (a) New York Fire Safety Standards.--No cigarette may be
14 sold or offered for sale to a person in this Commonwealth unless
15 the cigarette complies with the New York Fire Safety Standards
16 for Cigarettes in effect on January 1, 2007.

17 (b) Revisions.--Each pack of cigarettes that complies with

1 this section shall be marked in accordance with the New York
2 Fire Safety Standards for Cigarettes in effect on January 1,
3 2007. If these standards for marking packs of cigarettes change,
4 the Secretary of Revenue shall determine whether packs must be
5 marked in accordance with the existing or new standards.

6 Section 4. Enforcement.

7 (a) Regulations.--The Secretary of Revenue shall promulgate
8 any regulations that are necessary for carrying out the
9 provisions of this act.

10 (b) Penalties.--Civil penalties may be assessed against a
11 person who knowingly sells cigarettes in violation of this act.
12 The penalty may not exceed \$10,000 for each sale.

13 (c) Powers and duties of Attorney General.--In addition to
14 any other remedy provided by law, the Attorney General may file
15 any of the following actions against a person who violates this
16 act:

17 (1) A petition for injunctive relief.

18 (2) An action to recover damages for expenses incurred
19 by the Commonwealth as a result of the violation, including,
20 but not limited to, enforcement costs and attorney fees.

21 (3) Any other action which the Attorney General believes
22 to be in the interest of the Commonwealth.

23 (d) Seizure of contraband.--A cigarette that has been
24 offered for sale, possessed for sale or sold in violation of
25 this act shall be deemed contraband and may be subject to
26 seizure by the Commonwealth. The Secretary of Revenue shall
27 oversee the destruction of all seized cigarettes.

28 Section 5. Effective date.

29 This act shall take effect in 60 days.