

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2821 Session of
1990

INTRODUCED BY VEON, PRESSMANN, LEVDANSKY, HARPER, JOHNSON,
MELIO, KUKOVICH, LINTON, FREEMAN AND FOX, JULY 1, 1990

REFERRED TO COMMITTEE ON LABOR RELATIONS, JULY 1, 1990

AN ACT

1 Amending the act of April 27, 1927 (P.L.465, No.299), entitled,
2 as amended, "An act to provide for the safety of persons
3 employed, housed, or assembled in certain buildings and
4 structures by requiring certain construction and ways of
5 egress, equipment, and maintenance; providing for the
6 licensing of projectionists, except in cities of the first
7 class and second class; requiring the submission of plans for
8 examination and approval; providing for the promulgation of
9 rules and regulations for the enforcement of this act;
10 providing for the enforcement of this act by the Department
11 of Labor and Industry, the Department of Health, boards of
12 school directors and, in certain cases, by the chiefs of fire
13 departments in cities of the third class; providing penalties
14 for violations of the provisions of this act; and repealing
15 certain acts," providing for safety regulations regarding
16 cigarette smoking; conferring additional powers and duties on
17 the Secretary of Labor and Industry; establishing the Fire-
18 Safe Cigarette Fund.

19 The General Assembly finds and declares that fires ignited by
20 cigarettes and little cigars cause unnecessary personal injuries
21 and death and severe loss of property. The General Assembly also
22 finds and declares that prohibiting the sale of cigarettes and
23 little cigars that do not meet certain fire safety standards
24 will reduce fires ignited by cigarettes and little cigars.

25 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 Section 1. The act of April 27, 1927 (P.L.465, No.299),
3 referred to as the Fire and Panic Act, is amended by adding a
4 section to read:

5 Section 10.2. Cigarette Fire Safety.--(a) The purpose of
6 this section is to authorize the regulation of cigarette smoking
7 to ensure safety.

8 (b) As used in this section, the following words and phrases
9 shall have the meanings given to them in this subsection:

10 "Cigarettes" means a roll of tobacco that may be used for
11 smoking and:

12 (1) that is wrapped in paper or other substance not
13 containing tobacco; or

14 (2) that is wrapped in a substance containing tobacco and
15 that, because of its appearance, the type of tobacco used in the
16 filler, or its packing and labeling, is likely to be offered to,
17 or purchased by, consumers as a cigarette; and

18 (3) the package of which is required to bear a surgeon
19 general's warning under 15 United States Code (relating to
20 labeling; requirements; conspicuous statement).

21 "Little cigar" means a roll of tobacco that may be used for
22 smoking that is wrapped in leaf tobacco or a substance
23 containing tobacco, and that has a weight of not more than three
24 pounds for one thousand (1,000) units.

25 "Secretary" means the Secretary of Labor and Industry.

26 (c) The secretary shall adopt rules specifying fire safety
27 standards for cigarettes and little cigars. The secretary may
28 enter into a contract with another entity to develop an
29 appropriate standard. The secretary shall adopt rules under this
30 subsection by January 1, 1992. A standard adopted by the

1 secretary under this subsection may be reconsidered if a Federal
2 standard is adopted.

3 (1) A cigarette or little cigar may be exempt from
4 compliance with these standards if the manufacturer can
5 demonstrate to the secretary that it is technically not feasible
6 to comply with the standard without exceeding the toxicity of
7 existing commercially available cigarettes.

8 (2) The secretary shall certify which brands of cigarettes
9 and little cigars meet the standard and shall convey the
10 information to the Secretary of Revenue.

11 (3) Cigarettes and little cigars not meeting the fire safety
12 standards promulgated under this subsection may not be sold in
13 this Commonwealth.

14 (4) No cigarette or little cigar not meeting the standards
15 promulgated under this subsection may receive the tax stamp
16 necessary for cigarette sales in this Commonwealth.

17 (d) A person who violates the safety standards adopted under
18 subsection (c) commits a summary offense.

19 Section 2. An excise tax of 1/20 of 1¢ per cigarette for a
20 period of one year is hereby imposed and assessed upon the sale
21 and possession of cigarettes in the same manner as, and in
22 addition to, taxes imposed under section 1206 of the act of
23 March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of
24 1971. The moneys raised from this additional excise tax shall be
25 paid into a restricted account in the Treasury Department, to be
26 known as the Fire-Safe Cigarette Fund. The Secretary of labor
27 and Industry shall be also to draw on those moneys deposited
28 into the fund to establish the criteria and promulgate
29 regulations necessary for the enforcement of this act.

30 Section 3. This act shall take effect in 60 days.