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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1612 Session of  
2007

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INTRODUCED BY SOLOBAY, COHEN, CARROLL, GOODMAN, GRELL,  
HENNESSEY, JOSEPHS, KIRKLAND, KORTZ, LEACH, MAHONEY,  
MANDERINO, PALLONE, PAYNE, PETRONE, STABACK, YOUNGBLOOD,  
BOYD, BRENNAN, JAMES, FREEMAN, SIPTROTH AND CALTAGIRONE,  
JUNE 21, 2007

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SENATOR TOMLINSON, CONSUMER PROTECTION AND PROFESSIONAL  
LICENSURE, IN SENATE, AS AMENDED, MARCH 11, 2008

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AN ACT

1 Providing for testing standards for cigarette fire safety, for  
2 certification of compliance by manufacturers, for package  
3 markings and for enforcement and penalties; establishing  
4 special funds; and providing for sale of existing inventory,  
5 for manufacturers' sale to other states or foreign countries  
6 and for regulations and preemptions.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 Section 1. Short title.

10 This act shall be known and may be cited as the Cigarette  
11 Fire Safety and Firefighter Protection Act.

12 ~~Section 2. Legislative findings and intent.~~ <—

13 ~~(a) Findings. The General Assembly finds that:~~

14 ~~(1) Cigarettes are the leading cause of fire deaths in~~  
15 ~~this Commonwealth and in the nation. Each year 1,000 persons~~  
16 ~~are killed in the United States due to cigarette fires and~~  
17 ~~3,000 are injured in fires ignited by cigarettes. A high~~

1 ~~proportion of the victims of cigarette fires are nonsmokers,~~  
2 ~~including senior citizens and young children. Cigarette~~  
3 ~~caused fires result in billions of dollars of property losses~~  
4 ~~and damage in the United States and millions of dollars in~~  
5 ~~this Commonwealth. Cigarette fires unnecessarily jeopardize~~  
6 ~~firefighters and result in avoidable emergency response costs~~  
7 ~~for municipalities.~~

8 ~~(2) The State of New York has enacted a cigarette fire~~  
9 ~~safety regulation effective June 28, 2004, that requires that~~  
10 ~~cigarettes sold in that state meet a fire safety performance~~  
11 ~~standard. California passed this bill into law on October 7,~~  
12 ~~2005. The General Assembly finds that New York State's~~  
13 ~~cigarette fire safety standard is based upon decades of~~  
14 ~~research by the National Institute of Standards and~~  
15 ~~Technology, Congressional research groups and private~~  
16 ~~industry.~~

17 ~~(b) Intent. It is the General Assembly's intent that the~~  
18 ~~Commonwealth adopt the cigarette fire safety standard that is in~~  
19 ~~effect in New York State to reduce the likelihood that~~  
20 ~~cigarettes will cause fires and result in deaths, injuries and~~  
21 ~~property damage. It is further the General Assembly's intent to~~  
22 ~~adopt a cigarette fire safety standard with a minimum of cost to~~  
23 ~~the Commonwealth and with minimal burden to cigarette~~  
24 ~~manufacturers, distributors and retail sellers as set forth~~  
25 ~~under this act.~~

26 SECTION 2. (RESERVED).

27 Section 3. Definitions.

28 The following words and phrases when used in this act shall  
29 have the meanings given to them in this section unless the  
30 context clearly indicates otherwise:

1 "Agent." Any person authorized by the Commonwealth to  
2 purchase and affix tax stamps on packages of cigarettes.

3 ~~"Cigarette." Any roll for smoking whether made wholly or in~~ <—

4 "CIGARETTE." ANY OF THE FOLLOWING: <—

5 (1) A ROLL FOR SMOKING WHETHER MADE WHOLLY OR IN part of  
6 tobacco or any other substance, irrespective of size or shape  
7 and whether or not the tobacco or substance is flavored,  
8 adulterated or mixed with any other ingredient, the wrapper  
9 or cover of which is made of paper or any other substance or  
10 material except tobacco.

11 (2) A ROLL FOR SMOKING WRAPPED IN ANY SUBSTANCE <—  
12 CONTAINING TOBACCO OTHER THAN A PRODUCT ACCEPTED BY THE  
13 FEDERAL GOVERNMENT AS A CIGAR, WHICH, BECAUSE OF ITS  
14 APPEARANCE OR THE TYPE OF TOBACCO USED IN THE FILLER, OR ITS  
15 PACKAGING AND LABELING, IS LIKELY TO BE OFFERED TO, OR  
16 PURCHASED BY, CONSUMERS AS A CIGARETTE AS DESCRIBED IN  
17 PARAGRAPH (1).

18 "Commissioner." The State Fire Commissioner.

19 "DEPARTMENT." THE DEPARTMENT OF REVENUE OF THE COMMONWEALTH. <—

20 "Manufacturer."

21 (1) Any entity which manufactures or otherwise produces  
22 cigarettes or causes cigarettes to be manufactured or  
23 produced ~~anywhere~~ IN ANY JURISDICTION that such manufacturer <—  
24 intends to be sold in this Commonwealth, including cigarettes  
25 intended to be sold in the United States through an importer.

26 (2) The first purchaser ~~anywhere~~ IN ANY JURISDICTION <—  
27 that intends to resell in the United States cigarettes  
28 manufactured ~~anywhere~~ IN ANY JURISDICTION that the original <—  
29 manufacturer or maker does not intend to be sold in the  
30 United States.

1 (3) Any entity that becomes a successor of any entity  
2 described under paragraph (1) or (2).

3 "Quality control and quality assurance program." The  
4 laboratory procedures implemented to ensure that operator bias,  
5 systematic and nonsystematic methodological errors and  
6 equipment-related problems do not affect the results of the  
7 testing.

8 "Repeatability." The range of values within which the repeat  
9 results of cigarette test trials from a single laboratory will  
10 fall 95% of the time.

11 "Retail dealer." Any person other than a manufacturer or  
12 wholesale dealer engaged in selling cigarettes or tobacco  
13 products.

14 "Sale." Any transfer of title or possession or both,  
15 exchange or barter, conditional or otherwise, in any manner or  
16 by any means whatever or any agreement therefore. In addition to  
17 cash and credit sales, the giving of cigarettes as samples,  
18 prizes or gifts and the exchanging of cigarettes for any  
19 consideration other than money shall be considered sales.

20 "Sell." To sell, to offer or to agree to do the same.

21 "Wholesale dealer." Any person, other than a manufacturer,  
22 who sells cigarettes or tobacco products to retail dealers or  
23 other persons for purposes of resale and any person who owns,  
24 operates or maintains one or more cigarette or tobacco product  
25 vending machines in, at or upon premises owned or occupied by  
26 any other person.

27 Section 4. Standards for cigarette fire safety.

28 (a) Testing.--Except as provided under subsection (g), no  
29 cigarettes may be sold or offered for sale in this Commonwealth  
30 or offered for sale or sold to persons located in this

1 Commonwealth unless the cigarettes have been tested in  
2 accordance with the test method and meet the performance  
3 standard specified in this section, a written certification has  
4 been filed by the manufacturer with the ~~commissioner~~ DEPARTMENT ←  
5 in accordance with section 5 and the cigarettes have been marked  
6 in accordance with section 6.

7 (b) Testing standards.--Testing of cigarettes shall be  
8 conducted in accordance with the American Society of Testing and  
9 Materials (ASTM) Standard E2187-04 "Standard Test Method for  
10 Measuring the Ignition Strength of Cigarettes." Testing shall be  
11 conducted on ten layers of filter paper. No more than 25% of the  
12 cigarettes tested in a test trial in accordance with this  
13 subsection shall exhibit full-length burns. Forty replicate  
14 tests shall comprise a complete test trial for each cigarette  
15 tested. The performance standard required by this subsection  
16 shall only be applied to a complete test trial. Laboratories  
17 conducting testing in accordance with this subsection shall  
18 implement a quality control and quality assurance program that  
19 includes a procedure to determine the repeatability of the  
20 testing results. The repeatability value shall be no greater  
21 than 0.19. The program shall ensure that the testing  
22 repeatability remains within the required repeatability values  
23 for all test trials used to certify cigarettes in accordance  
24 with this act. Written certifications shall be based upon  
25 testing conducted by a laboratory that has been accredited under  
26 standard ISO/IEC 17025 of the International Organization for  
27 Standardization or has been accredited under another comparable  
28 accreditation standard required by the commissioner. Additional  
29 testing shall not be required under this subsection if  
30 cigarettes are tested in a manner consistent with this act for

1 any other purposes. Testing performed or sponsored by the  
2 commissioner to determine a cigarette's compliance with the  
3 required performance standard shall be conducted in accordance  
4 with this subsection.

5 (c) Use of bands.--Each cigarette listed in a certification  
6 submitted under section 5 that uses lowered permeability bands  
7 in the cigarette paper to achieve compliance with the  
8 performance standard set forth in this section shall have at  
9 least two nominally identical bands on the paper surrounding the  
10 tobacco column. At least one complete band shall be located at  
11 least 15 millimeters from the lighting end of the cigarette. For  
12 cigarettes on which the bands are positioned by design, there  
13 shall be at least two bands fully located at least 15  
14 millimeters from the lighting end and 10 millimeters from the  
15 filter end of the tobacco column or 10 millimeters from the  
16 labeled end of the tobacco column for a nonfiltered cigarette.

17 (d) Alternate testing.--The manufacturer or manufacturers of  
18 a cigarette that the commissioner determines cannot be tested in  
19 accordance with the test method prescribed under subsection (a)  
20 shall propose a test method and performance standard for such  
21 cigarette to the commissioner. Upon approval of the proposed  
22 test method and a determination by the commissioner that the  
23 performance standard proposed by the manufacturer or  
24 manufacturers is equivalent to the performance standard  
25 prescribed under subsection (a), the manufacturer or  
26 manufacturers may employ such test method and performance  
27 standard to certify the cigarette under section 5. If the  
28 commissioner determines that another state has enacted reduced  
29 cigarette ignition propensity standards that include a test  
30 method and performance standard that are the same as those

1 contained in this act, and the commissioner finds that the  
2 officials responsible for implementing those requirements have  
3 approved the proposed alternative test method and performance  
4 standard for a particular cigarette proposed by a manufacturer  
5 as meeting the fire safety standards of that state's law or  
6 regulation under a provision comparable to this section, then  
7 the commissioner shall authorize that manufacturer to employ the  
8 alternative test method and performance standard to certify that  
9 cigarette for sale in this Commonwealth, unless the commissioner  
10 demonstrates a reasonable basis why the alternative test should  
11 not be accepted under this act. All other applicable  
12 requirements of this section shall apply to the manufacturer or  
13 manufacturers.

14 (e) Compliance.--In order to ensure compliance with the  
15 performance standard specified in subsection (a), data from  
16 testing conducted by manufacturers on all cigarettes offered for  
17 sale to comply with this act shall be kept on file by the  
18 manufacturers for a period of three years and copies shall be  
19 sent to the DEPARTMENT UPON THE DEPARTMENT'S WRITTEN REQUEST, TO ←  
20 THE commissioner upon the commissioner's written request and to  
21 the Office of Attorney General upon the Attorney General's  
22 written request. Any manufacturer that fails to make copies of  
23 the reports available within 60 days of receipt of a written  
24 request shall be subject to a civil penalty not to exceed  
25 \$10,000 for each day after the 60th day that the manufacturer  
26 does not make the copies available.

27 (f) Subsequent testing methods.--The commissioner may adopt  
28 a subsequent ASTM Standard Test Method upon a finding that such  
29 subsequent method does not result in a change in the percentage  
30 of full-length burns exhibited by any tested cigarette when

1 compared to the percentage of full-length burns the same  
2 cigarette would exhibit when tested in accordance with ASTM  
3 Standard E2187-04 and the performance standard under subsection  
4 (b).

5 (g) Consumer testing.--The requirements of subsection (a)  
6 shall not prohibit the sale of cigarettes solely for the purpose  
7 of consumer testing. For the purposes of this subsection,  
8 "consumer testing" shall mean an assessment of cigarettes that  
9 is conducted by a manufacturer or under the control or direction  
10 of a manufacturer, for the purpose of evaluation of consumer  
11 acceptance of cigarettes, utilizing only the quantity of  
12 cigarettes that is reasonably necessary for the assessment.

13 (h) Review of standards.--Three years from the effective  
14 date of this section, and every three years thereafter, the  
15 commissioner shall undertake a review of the effectiveness of  
16 this section based upon incidents of cigarette-caused fires,  
17 advances in cigarette fire safety, including improvements in  
18 cigarette technology and the data submitted to demonstrate  
19 compliance with the performance standard. Based upon the  
20 triennial review, the commissioner shall report his findings to  
21 the General Assembly and, if appropriate, submit recommendations  
22 to improve the effectiveness of this section.

23 (i) Implementation.--This act shall be implemented in  
24 accordance with the implementation and substance of the New York  
25 Fire Safety Standards for Cigarettes.  
26 Section 5. Certification of compliance by manufacturers.

27 (a) Written certification.--Each manufacturer shall submit  
28 to the ~~commissioner~~ DEPARTMENT a written certification attesting ←  
29 that:

30 (1) Each cigarette listed in the certification has been



1 tested in accordance with section 4.

2 (2) Each cigarette listed in the certification meets the  
3 performance standard set forth under section 4.

4 (3) Each cigarette listed in the certification shall be  
5 described with the following information:

6 (i) Brand, such as the trade name on the package.

7 (ii) Style, such as light, ultra light.

8 (iii) Length in millimeters.

9 (iv) Circumference in millimeters.

10 (v) Flavor, such as menthol, chocolate, if  
11 applicable.

12 (vi) Filter or nonfilter.

13 (vii) Packaged description, such as soft pack, box.

14 (viii) Marking approved in accordance with section  
15 6.

16 (ix) The name, address and telephone number of the  
17 laboratory, if different from the manufacturer that  
18 conducted the test.

19 (x) The date that the testing occurred.

20 (b) Certifications.--The certifications shall be made  
21 available to the Attorney General and the ~~Department of Revenue~~ <—  
22 COMMISSIONER for the purposes of ensuring compliance with this <—  
23 section. Each cigarette certified under this section shall be  
24 RETESTED AND recertified every three years. IN THE CASE OF A <—  
25 CHANGE TO THE CERTIFICATION REQUIRED UNDER THIS SECTION, THE  
26 MANUFACTURER SHALL SUBMIT TO THE DEPARTMENT WITHIN 30 DAYS AN  
27 AMENDED CERTIFICATION FORM.

28 (c) Certification fee.--For each certification form  
29 submitted to the ~~commissioner~~ DEPARTMENT, a manufacturer shall <—  
30 pay to the ~~commissioner a fee of \$250.~~ DEPARTMENT A FEE OF <—

1 \$1,000 PER BRAND FAMILY. ANY AMENDED CERTIFICATION FORM  
2 SUBMITTED WITHIN THE THREE-YEAR CERTIFICATION PERIOD SHALL  
3 REQUIRE AN ADDITIONAL \$500 FEE. THE FEE MAY BE INCREASED BY  
4 REGULATION BY THE DEPARTMENT.

5 (d) Modification of certain products.--If a manufacturer has  
6 certified a cigarette under this section and later makes a  
7 change to the cigarette that is likely to alter its compliance  
8 with the reduced cigarette ignition propensity standards  
9 required under this act, the cigarette shall not be sold or  
10 offered for sale in this Commonwealth until the manufacturer  
11 retests the cigarette in accordance with the testing standards  
12 under section 4 and maintains records of that retesting as  
13 required under section 4. Any altered cigarette which does not  
14 meet the performance standards under section 4 may not be sold  
15 in this Commonwealth.

16 Section 6. Package markings.

17 ~~(a) Markings. Cigarettes that are certified by a~~ <—  
18 ~~manufacturer in accordance with section 5 shall be marked to~~  
19 ~~indicate compliance with the requirement of section 4. The~~  
20 ~~marking shall be in eight point font type or larger and shall~~  
21 ~~consist of any one of the following:~~

22 ~~(1) Modification of the product UPC Code to include a~~  
23 ~~visible mark printed at or around the area of the UPC Code.~~  
24 ~~The mark may consist of alphanumeric or symbolic characters~~  
25 ~~permanently stamped, engraved, embossed or printed in~~  
26 ~~conjunction with the UPC Code.~~

27 ~~(2) Any visible combination of alphanumeric or symbolic~~  
28 ~~characters permanently stamped, engraved or embossed upon the~~  
29 ~~cigarette package or cellophane wrap.~~

30 ~~(3) Printed, stamped, engraved or embossed text that~~

1 ~~indicates that the cigarettes meet the standards of this act.~~

2 ~~(b) Uniform markings. A manufacturer must use only one~~  
3 ~~marking and must apply this marking uniformly for all packages,~~  
4 ~~including packs, cartons, cases and brands marketed by that~~  
5 ~~manufacturer.~~

6 ~~(c) Notification. The commissioner must be notified as to~~  
7 ~~the marking that is selected.~~

8 ~~(d) (A) Approval of markings.--Prior to the certification of~~ <—  
9 ~~any cigarette, a manufacturer shall present its proposed marking~~ <—  
10 ~~to the commissioner for approval. DEPARTMENT FOR APPROVAL A~~ <—  
11 ~~PROPOSED MARKING FOR USE ON ALL PACKAGES. Upon receipt of the~~  
12 ~~request, the commissioner DEPARTMENT shall approve or disapprove~~ <—  
13 ~~the marking offered. The commissioner DEPARTMENT shall approve~~ <—  
14 ~~the use of letters "FSC," which signifies Fire Standards~~  
15 ~~Compliant. appearing THE MARKING SHALL APPEAR in eight-point~~ <—  
16 ~~type or larger and permanently printed, stamped, engraved or~~ <—  
17 ~~embossed OR ENGRAVED on the package at or near the UPC Code.~~ <—  
18 ~~Proposed markings shall be deemed approved if the commissioner~~ <—  
19 ~~DEPARTMENT fails to act within ten business days of receiving a~~ <—  
20 ~~request for approval.~~

21 ~~(e) (B) Modification of marking.--No manufacturer shall~~ <—  
22 ~~modify its approved marking unless the modification has been~~  
23 ~~approved by the commissioner DEPARTMENT in accordance with this~~ <—  
24 ~~section.~~

25 ~~(f) (C) Copy of certifications.--Manufacturers certifying~~ <—  
26 ~~cigarettes in accordance with section 5 shall provide a copy of~~  
27 ~~such certifications to all wholesale dealers and agents to which~~  
28 ~~they sell cigarettes and shall also provide sufficient copies of~~  
29 ~~an illustration of the package marking utilized by the~~  
30 ~~manufacturer pursuant to this section for each retail dealer to~~

1 which the wholesale dealers or agents sell cigarettes. Wholesale  
2 dealers and agents shall provide a copy of these package  
3 markings received from manufacturers to all retail dealers to  
4 which they sell cigarettes. Wholesale dealers, agents and retail  
5 dealers shall permit the commissioner, the ~~Secretary of Revenue~~ <—  
6 DEPARTMENT, the Office of Attorney General or employees thereof <—  
7 to inspect markings of cigarette packaging marked in accordance  
8 with this section.

9 Section 7. Enforcement and penalties.

10 (a) Penalties.--

11 (1) Any manufacturer, wholesale dealer, agent or any  
12 other person or entity who knowingly sells or offers to sell  
13 cigarettes, other than through retail sale, in violation of  
14 section 4 shall for a first offense be subject to a civil  
15 penalty not to exceed \$10,000 per each sale of cigarettes,  
16 and for a subsequent offense be subject to a civil penalty  
17 not to exceed \$25,000 per each sale of cigarettes. A penalty  
18 against a person or entity under this section may not exceed  
19 \$100,000 during any 30-day period.

20 (2) Any retail dealer who knowingly sells or offers to  
21 sell cigarettes in violation of section 4 shall for a first  
22 offense be subject to a civil penalty not to exceed \$500, and  
23 for a subsequent offense be subject to a civil penalty not to  
24 exceed \$5,000 for each violation. In no case shall the  
25 penalty against any retail dealer exceed \$25,000 for sales or  
26 offers to sell during any 30-day period.

27 (3) In addition to any penalty provided by statute, an  
28 entity engaged in the manufacture of cigarettes that  
29 knowingly makes a false certification under section 5 shall  
30 be subject to a civil penalty of not less than \$75,000 and

1 not more than \$250,000 for each false certification.

2 ~~(4) Any cigarettes that have been sold or offered for~~ <—  
3 ~~sale and that do not comply with the package marking or~~  
4 ~~performance standards required under this act shall be~~  
5 ~~subject to forfeiture and disposal by the Commonwealth. Prior~~  
6 ~~to the destruction of any cigarette forfeited under this~~  
7 ~~paragraph, the true holder of trademark rights in the~~  
8 ~~cigarette brand shall be permitted to inspect the cigarette.~~

9 ~~(b) Enforcement. The commissioner is authorized to enforce~~  
10 ~~this act and to promulgate regulations as necessary to implement~~  
11 ~~and administer this act.~~

12 ~~(c) Regulations. The commissioner may, in consultation with~~  
13 ~~the Secretary of Revenue and the Attorney General, promulgate~~  
14 ~~regulations to conduct~~

15 (4) ANY CIGARETTES THAT HAVE BEEN SOLD OR OFFERED FOR <—  
16 SALE AND ARE NOT CERTIFIED PURSUANT TO THIS ACT OR DO NOT  
17 BEAR THE PACKAGE MARKING APPROVED BY THE DEPARTMENT SHALL BE  
18 DEEMED TO BE CONTRABAND AND SHALL BE SUBJECT TO IMMEDIATE  
19 SEIZURE. THE SEIZED CIGARETTES MAY BE DESTROYED BY THE  
20 COMMONWEALTH TEN DAYS AFTER WRITTEN NOTICE OF SUCH SEIZURE IS  
21 GIVEN TO THE MANUFACTURER. THE MANUFACTURER MAY INSPECT SUCH  
22 SEIZED CIGARETTES DURING THAT TEN-DAY PERIOD.

23 (5) ANY CIGARETTES THAT HAVE BEEN SOLD OR OFFERED FOR  
24 SALE THAT DO NOT COMPLY WITH THE PERFORMANCE STANDARD  
25 REQUIRED UNDER THIS ACT SHALL BE DEEMED TO BE CONTRABAND AND  
26 SHALL BE SUBJECT TO SEIZURE BY THE COMMONWEALTH, PROVIDED  
27 THAT THE COMMONWEALTH GIVES WRITTEN NOTICE TO THE  
28 MANUFACTURER TEN DAYS PRIOR TO SEIZURE. THE COMMONWEALTH MAY  
29 APPLY FOR A COURT ORDER TO SHORTEN THIS TIME PERIOD. THE  
30 MANUFACTURER MAY APPLY FOR A COURT ORDER TO PREVENT SUCH

1 SEIZURE. IF SEIZED, THE MANUFACTURER SHALL HAVE THE  
2 OPPORTUNITY TO INSPECT AND TEST SUCH SEIZED CIGARETTES AND TO  
3 APPEAR IN A FORFEITURE PROCEEDING WHICH WILL DETERMINE  
4 WHETHER SUCH CIGARETTES MAY BE DESTROYED BY THE COMMONWEALTH.

5 (B) ENFORCEMENT.--THE DEPARTMENT, THE COMMISSIONER AND THE  
6 OFFICE OF ATTORNEY GENERAL ARE AUTHORIZED TO ENFORCE THIS ACT.

7 (C) REGULATIONS.--THE DEPARTMENT AND THE COMMISSIONER MAY  
8 PROMULGATE REGULATIONS AS NECESSARY TO IMPLEMENT AND ADMINISTER  
9 THIS ACT.

10 (D) MEMORANDUM OF UNDERSTANDING.--THE DEPARTMENT MAY ENTER  
11 INTO A MEMORANDUM OF UNDERSTANDING WITH THE COMMISSIONER AND THE  
12 ATTORNEY GENERAL, TO COORDINATE THE random inspections of  
13 wholesale dealers, agents and retail dealers to ensure that only  
14 cigarettes complying with this act AND RELATED ACTS are sold in <—  
15 this Commonwealth.

16 ~~(d)~~ (E) Injunctive relief.--In addition to any other remedy <—  
17 provided by law, the Attorney General may file an action in  
18 State court for a violation of this act, including petitioning  
19 for injunctive relief or to recover any costs or damages  
20 suffered by the Commonwealth because of a violation of this act,  
21 including enforcement costs relating to the specific violation  
22 and attorney fees. In any such action, the Attorney General  
23 shall have the same authority to investigate and to obtain  
24 remedies. Each violation of this section or of rules adopted  
25 under this section constitutes a separate civil violation for  
26 which the Attorney General may obtain relief.

27 Section 8. Establishment of special funds.

28 (a) Cigarette Fire Safety and Firefighter Protection Act  
29 Enforcement Fund.--There is established in the custody of the  
30 State Treasurer a special fund to be known as the Cigarette Fire

1 Safety and Firefighter Protection Act Enforcement Fund. The fund  
2 shall consist of all certification fees submitted by  
3 manufacturers and shall, ~~in addition to any other moneys made~~ <—  
4 ~~available for that purpose, be available to the Treasury~~  
5 ~~Department~~ BE APPROPRIATED BY THE GENERAL ASSEMBLY TO THE <—  
6 DEPARTMENT AND THE OFFICE OF ATTORNEY GENERAL and shall be used  
7 solely to support State processing, testing, enforcement and  
8 oversight activities related to this act. ~~All payments from the~~ <—  
9 ~~Cigarette Fire Safety and Firefighter Protection Act Enforcement~~  
10 ~~Fund shall be made on the audit and warrant of the State~~  
11 ~~Treasurer on vouchers certified and submitted by the~~  
12 ~~commissioner.~~

13 (b) Fire Prevention and Public Safety Fund.--There is  
14 established in the custody of the State Treasurer a special fund  
15 to be known as the Fire Prevention and Public Safety Fund. The  
16 fund shall consist of all moneys recovered as penalties under  
17 this act. The money shall be deposited to the credit of the fund  
18 and shall, ~~in addition to any other money made available for~~ <—  
19 ~~that purpose,~~ BE APPROPRIATED BY THE GENERAL ASSEMBLY TO THE <—  
20 COMMISSIONER AND be available to the commissioner to support  
21 fire safety and prevention programs. ~~All payments from the fund~~ <—  
22 ~~shall be made on the audit and warrant of the State Treasurer on~~  
23 ~~vouchers certified and submitted by the commissioner.~~

24 Section 9. Sale of existing inventory.

25 (A) EXISTING INVENTORY.--The requirement that only <—  
26 cigarettes certified as compliant with the performance standard  
27 in this act may be sold shall not prohibit wholesale dealers or  
28 retail dealers from selling their existing inventory of  
29 cigarettes on or after the effective date of this section, if  
30 the wholesale dealer or retail dealer can establish that State

1 tax stamps were affixed to the cigarettes prior to the effective  
2 date of this section, and if the wholesale dealer or retail  
3 dealer can establish that the inventory was purchased prior to  
4 the effective date of this section, in comparable quantity to  
5 the inventory purchased during the same period of the prior  
6 year.

7 (B) LIMITATION.--NOTWITHSTANDING SUBSECTION (A), A WHOLESALE <—  
8 DEALER OR RETAIL DEALER MAY NOT SELL OR OFFER FOR SALE A  
9 CIGARETTE IN THIS COMMONWEALTH THAT DOES NOT COMPLY WITH THIS  
10 ACT AFTER JULY 1, 2009.

11 Section 10. Manufacturer sale to other states or foreign  
12 countries.

13 Nothing in this act shall be construed to prohibit any person  
14 or entity from manufacturing or selling cigarettes that do not  
15 meet the requirements of section 4(a)(1) 4(A) if the cigarettes <—  
16 are or will be stamped for sale in another state or are packaged  
17 for sale outside the United States and has taken reasonable  
18 steps to ensure that such cigarettes will not be sold or offered  
19 for sale to persons located in this Commonwealth.

20 Section 11. Effect of Federal regulations.

21 This act shall be preempted if a Federal reduced cigarette  
22 ignition propensity standard is adopted and becomes effective.

23 Section 20. Effective date.

24 ~~This act shall take effect January 1, 2009.~~ <—

25 THIS ACT SHALL TAKE EFFECT AS FOLLOWS: <—

26 (1) THE FOLLOWING PROVISIONS OF THIS ACT SHALL TAKE  
27 EFFECT IMMEDIATELY:

28 (I) SECTION 7(B), (C) AND (D).

29 (II) THIS SECTION.

30 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT JANUARY



1 1, 2009.