
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1612 Session of
2007

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

AS AMENDED ON SECOND CONSIDERATION, IN SENATE, JUNE 25, 2008

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.~~, EXCEPT THAT WHENEVER A <—
4 MANUFACTURER SUBMITS A CERTIFICATION FORM LISTING A CIGARETTE
5 THAT IS WITHIN A BRAND FAMILY FOR WHICH THE MANUFACTURER ALREADY
6 HAS PAID A FEE OF \$1,000 WITHIN THE THREE-YEAR CERTIFICATION
7 PERIOD, AND THAT HAS NOT ALREADY BEEN LISTED IN A CERTIFICATION
8 FORM SUBMITTED DURING THAT THREE-YEAR PERIOD, THE MANUFACTURER
9 SHALL PAY THE DEPARTMENT AN ADDITIONAL FEE OF \$500. THE FEE MAY
10 BE INCREASED BY REGULATION BY THE DEPARTMENT.

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

22 Section 6. Package markings.

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

28 ~~(1) Modification of the product UPC Code to include a~~
29 ~~visible mark printed at or around the area of the UPC Code.~~
30 ~~The mark may consist of alphanumeric or symbolic characters~~

1 ~~permanently stamped, engraved, embossed or printed in~~
2 ~~conjunction with the UPC Code.~~

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

6 ~~(3) Printed, stamped, engraved or embossed text that~~
7 ~~indicates that the cigarettes meet the standards of this act.~~

8 ~~(b) Uniform markings. A manufacturer must use only one~~
9 ~~marking and must apply this marking uniformly for all packages,~~
10 ~~including packs, cartons, cases and brands marketed by that~~
11 ~~manufacturer.~~

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

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

27 ~~(e) (B) Modification of marking.--No manufacturer shall~~ <—
28 ~~modify its approved marking unless the modification has been~~
29 ~~approved by the commissioner DEPARTMENT in accordance with this~~ <—
30 ~~section.~~

1 ~~(f)~~ (C) Copy of certifications.--Manufacturers certifying ←
2 cigarettes in accordance with section 5 shall provide a copy of
3 such certifications to all wholesale dealers and agents to which
4 they sell cigarettes and shall also provide sufficient copies of
5 an illustration of the package marking utilized by the
6 manufacturer pursuant to this section for each retail dealer to
7 which the wholesale dealers or agents sell cigarettes. Wholesale
8 dealers and agents shall provide a copy of these package
9 markings received from manufacturers to all retail dealers to
10 which they sell cigarettes. Wholesale dealers, agents and retail
11 dealers shall permit the commissioner, the ~~Secretary of Revenue~~ ←
12 DEPARTMENT, the Office of Attorney General or employees thereof ←
13 to inspect markings of cigarette packaging marked in accordance
14 with this section.

15 Section 7. Enforcement and penalties.

16 (a) Penalties.--

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

26 (2) Any retail dealer who knowingly sells or offers to
27 sell cigarettes in violation of section 4 shall for a first
28 offense be subject to a civil penalty not to exceed \$500, and
29 for a subsequent offense be subject to a civil penalty not to
30 exceed \$5,000 for each violation. In no case shall the

1 penalty against any retail dealer exceed \$25,000 for sales or
2 offers to sell during any 30-day period.

3 (3) In addition to any penalty provided by statute, an
4 entity engaged in the manufacture of cigarettes that
5 knowingly makes a false certification under section 5 shall
6 be subject to a civil penalty of not less than \$75,000 and
7 not more than \$250,000 for each false certification.

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

15 ~~(b) Enforcement. The commissioner is authorized to enforce~~
16 ~~this act and to promulgate regulations as necessary to implement~~
17 ~~and administer this act.~~

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

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

29 (5) ANY CIGARETTES THAT HAVE BEEN SOLD OR OFFERED FOR
30 SALE THAT DO NOT COMPLY WITH THE PERFORMANCE STANDARD

1 REQUIRED UNDER THIS ACT SHALL BE DEEMED TO BE CONTRABAND AND
2 SHALL BE SUBJECT TO SEIZURE BY THE COMMONWEALTH, PROVIDED
3 THAT THE COMMONWEALTH GIVES WRITTEN NOTICE TO THE
4 MANUFACTURER TEN DAYS PRIOR TO SEIZURE. THE COMMONWEALTH MAY
5 APPLY FOR A COURT ORDER TO SHORTEN THIS TIME PERIOD. THE
6 MANUFACTURER MAY APPLY FOR A COURT ORDER TO PREVENT SUCH
7 SEIZURE. IF SEIZED, THE MANUFACTURER SHALL HAVE THE
8 OPPORTUNITY TO INSPECT AND TEST SUCH SEIZED CIGARETTES AND TO
9 APPEAR IN A FORFEITURE PROCEEDING WHICH WILL DETERMINE
10 WHETHER SUCH CIGARETTES MAY BE DESTROYED BY THE COMMONWEALTH.

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

13 (C) REGULATIONS.--THE DEPARTMENT AND THE COMMISSIONER MAY
14 PROMULGATE REGULATIONS AS NECESSARY TO IMPLEMENT AND ADMINISTER
15 THIS ACT.

16 (D) MEMORANDUM OF UNDERSTANDING.--THE DEPARTMENT MAY ENTER
17 INTO A MEMORANDUM OF UNDERSTANDING WITH THE COMMISSIONER AND THE
18 ATTORNEY GENERAL, TO COORDINATE THE random inspections of
19 wholesale dealers, agents and retail dealers to ensure that only
20 cigarettes complying with this act AND RELATED ACTS are sold in <—
21 this Commonwealth.

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

1 under this section constitutes a separate civil violation for
2 which the Attorney General may obtain relief.

3 Section 8. Establishment of special funds.

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

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

30 Section 9. Sale of existing inventory.

1 (A) EXISTING INVENTORY.--The requirement that only <—
2 cigarettes certified as compliant with the performance standard
3 in this act may be sold shall not prohibit wholesale dealers or
4 retail dealers from selling their existing inventory of
5 cigarettes on or after the effective date of this section, if
6 the wholesale dealer or retail dealer can establish that State
7 tax stamps were affixed to the cigarettes prior to the effective
8 date of this section, and if the wholesale dealer or retail
9 dealer can establish that the inventory was purchased prior to
10 the effective date of this section, in comparable quantity to
11 the inventory purchased during the same period of the prior
12 year.

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

17 Section 10. Manufacturer sale to other states or foreign
18 countries.

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

26 Section 11. Effect of Federal regulations.

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

29 Section 20. Effective date.

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

1 THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

←

2 (1) THE FOLLOWING PROVISIONS OF THIS ACT SHALL TAKE
3 EFFECT IMMEDIATELY:

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

5 (II) THIS SECTION.

6 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT JANUARY
7 1, 2009.