

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1342 Session of
2009

INTRODUCED BY STEVENSON, SOLOBAY, P. COSTA, DALLY, ELLIS,
FAIRCHILD, GABLER, GRELL, HARHART, HORNAMAN, HUTCHINSON,
KILLION, MARSHALL, MARSICO, MILLARD, MOUL, MURT, MUSTIO,
O'NEILL, PASHINSKI, PICKETT, REED, REICHLLEY, ROSS, SIPTROTH
AND VULAKOVICH, APRIL 23, 2009

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, APRIL 23, 2009

AN ACT

1 Amending the act of July 4, 2008 (P.L.518, No.42), entitled "An
2 act providing for testing standards for cigarette fire
3 safety, for certification of compliance by manufacturers, for
4 package markings and for enforcement and penalties;
5 establishing special funds; and providing for sale of
6 existing inventory, for manufacturers' sale to other states
7 or foreign countries and for regulations and preemptions,"
8 further providing for standards for cigarette fire safety and
9 for sale of existing inventory.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. Sections 4(a) and 9 of the act of July 4, 2008
13 (P.L.518, No.42), known as the Cigarette Fire Safety and
14 Firefighter Protection Act, are amended to read:

15 Section 4. Standards for cigarette fire safety.

16 (a) Testing.--Except as provided under subsection (g), no
17 cigarettes may be sold or offered for sale in this Commonwealth
18 or offered for sale or sold to persons located in this
19 Commonwealth unless the cigarettes:

20 (1) have been tested in accordance with the test method

1 and meet the performance standard specified in this section,
2 a written certification has been filed by the manufacturer
3 with the department in accordance with section 5 and the
4 cigarettes have been marked in accordance with section 6; or
5 (2) are included in existing inventories that satisfy
6 the conditions in section 9(a)(1) and (2).

7 * * *

8 Section 9. Sale of existing inventory.

9 [(a) Existing inventory.--]The requirement that only
10 cigarettes certified as compliant with the performance standard
11 in this act may be sold shall not prohibit wholesale dealers or
12 retail dealers from selling their existing inventory of
13 cigarettes on or after the effective date of this section if
14 both of the following conditions are satisfied:

15 (1) The wholesale dealer or retail dealer can establish
16 that State tax stamps were affixed to the cigarettes prior to
17 the effective date of this section [and if the].

18 (2) The wholesale dealer or retail dealer can establish
19 that the inventory was purchased prior to the effective date
20 of this section, in comparable quantity to the inventory
21 purchased during the same period of the prior year.

22 [(b) Limitation.--Notwithstanding subsection (a), a
23 wholesale dealer or retail dealer may not sell or offer for sale
24 a cigarette in this Commonwealth that does not comply with this
25 act after July 1, 2009.]

26 Section 2. This act shall take effect in 60 days or June 30,
27 2009, whichever occurs first.