

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, REICHLEY, ROSS, SIPTROTH
AND VULAKOVICH, APRIL 23, 2009

AS REPORTED FROM COMMITTEE ON CONSUMER AFFAIRS, HOUSE OF
REPRESENTATIVES, AS AMENDED, MAY 7, 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:

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

8 * * *

9 Section 9. Sale of existing inventory.

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

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

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

23 †(b) Limitation.--Notwithstanding subsection (a), a ←
24 wholesale dealer or retail dealer may not sell or offer for sale
25 a cigarette in this Commonwealth that does not comply with this
26 act after July 1, ~~2009~~ 2010. † ←

27 Section 2. This act shall take effect in 60 days or June 30,
28 2009, whichever occurs first.