

April 18, 2007

**H 1785. FIRE-SAFE CIGARETTE ACT.** Filed 4/18/07. *TO REQUIRE CIGARETTE FIRE-SAFETY BY ADOPTING A CIGARETTE FIRE-SAFETY STANDARD.*

In this bill, North Carolina adopts a cigarette fire safety standard, implemented in New York State in 2004, and subsequently adopted by other states and Canada, as a safety measure to reduce the likelihood that cigarettes will cause fires and result in deaths, injuries, and property damages.

*Testing Standard:* Requires that cigarettes be tested using the *Standard Test Method for Measuring the Ignition Strength of Cigarettes* in accordance with the American Society of Testing and Materials (ASTM) standard E2187-04. Provides that no cigarettes may be sold or offered for sale in NC unless the following conditions are met: (1) the cigarettes have been tested and meet the ASTM standard, (2) a written certification has been filed by the manufacturer with the Commissioner of Agriculture (CA), and the cigarette packaging has been marked to indicate compliance with the act. Provides an exception to allow wholesale or retail dealers to sell their existing inventory of cigarettes if certain conditions are met and to allow the sale of cigarettes solely for the purpose of consumer testing.

*Implementation:* Provides guidelines as to the duties, responsibilities, and authority of the CA under the act and empowers the CA to adopt rules pursuant to GS Chapter 150B (Administrative Procedure Act) to effectuate the purposes of the act. Requires the CA to report by June 30 every third year to the General Assembly on findings as to the effectiveness of the test method and performance standard for cigarette fire safety. Provides specifications regarding marking of cigarette packaging by the manufacturer and requires approval of the CA of the proposed marking.

*Penalties:* Provides for civil penalties (fines) for any nonretail person or entity, retail dealer, or corporate entity that violates the test method and performance standard for cigarette fire safety required under the act. Also allows for forfeiture and seizure of cigarettes for violations of the act. The act does not prohibit the manufacture of or sale of cigarettes not meeting these requirements outside of NC.

*Inspection:* Authorizes the Attorney General, the Department of Revenue, and the CA or their authorized representatives to inspect books, papers, records, invoices and any other records of any person who is in possession, control, or occupancy of any premises where cigarettes are placed, stored, sold, or offered for sale or stocked.

*Preemption:* Provides that if a federal reduced cigarette ignition propensity standard is enacted it preempts the act but does not affect any liability for forfeiture or penalties accrued prior to the effective date of the federal law.

The act becomes effective on the first day of the 13<sup>th</sup> calendar month after its enactment.

**Intro. by Insko.**

UNCODIFIED

June 6, 2007

**H 1785. FIRE-SAFE CIGARETTE ACT.** Filed 4/18/07. House committee substitute makes the following changes to 1st edition. Modifies definitions as follows: (1) redefines *Commissioner* as the Commissioner of Insurance (was, Agriculture), (2) removes specifications regarding methodology from the term *consumer testing*, and (3) replaces the term *wholesale dealer* with *distributor* but retains the same definition and the same position in the alphabetical listing. Requires (was, allows) the Commissioner to implement the proposed act in accordance with the New York Fire Safety Standards for Cigarettes for guidance. Prohibits a local government from passing any ordinance that changes the performance standard set forth in the act. Provides that a violation of the act is a civil offense only and not a crime. Makes the effective date January 1, 2009 (was, becomes effective on the first day of the thirteenth calendar month after enactment).

July 3, 2007

**H 1785. FIRE-SAFE CIGARETTE ACT.** Filed 4/18/07. House committee substitute makes the following changes to 2nd edition. Codifies the proposed act as new Article 92 in GS Chapter 58 and makes the following changes. Modifies proposed new GS 58-92-10 to remove from the definition of *cigarette* any roll for smoking wrapped in any substance containing tobacco which is

likely to be offered to, or purchased by, consumers as a cigarette. Modifies proposed new GS 58-92-15 to require the Commissioner of Insurance (commissioner) to implement the article in accordance with the implementation and substance of the New York Fire Safety Standards for Cigarettes (was, for guidance). Modifies proposed new GS 58-92-20 to provide that for each certification form (was, for each cigarette listed in a certification), the manufacturer must pay a \$250 fee to the commissioner. Modifies proposed new GS 58-92-30 to provide that penalties are payable to the commissioner. Makes technical changes.

August 1, 2007

**H 1785. FIRE-SAFE CIGARETTE ACT.** Filed 4/18/07. Senate committee substitute makes the following changes to 3rd edition. Effective when it becomes law, amends GS 55B-14(c)(4) to clarify the stockholder requirements for a behavioral health professional corporation. Changes the effective date for the proposed new *Fire-Safety Standard and Firefighter Protection Act* (GS Chapter 58, Article 92) from January 1, 2009, to January 1, 2010. Conforms the title.

August 27, 2007

**SL 2007-451 (H 1785). FIRE-SAFE CIGARETTE ACT. AN ACT TO REQUIRE CIGARETTE FIRE SAFETY BY ADOPTING A CIGARETTE FIRE-SAFETY STANDARD AND TO CLARIFY THE STOCKHOLDER REQUIREMENTS FOR A BEHAVIORAL HEALTH PROFESSIONAL CORPORATION.** Summarized in *Daily Bulletin* 4/18/07, 6/6/07, 7/3/07, and 8/1/07. Enacted August 24, 2007. Section 1 is effective January 1, 2010. The remainder is effective August 24, 2007.