
SENATE BILL 5424

State of Washington

57th Legislature

2001 Regular Session

By Senators Kohl-Welles, Prentice and Franklin

Read first time 01/22/2001. Referred to Committee on Labor, Commerce & Financial Institutions.

1 AN ACT Relating to safe burning cigarettes; adding a new chapter to
2 Title 70 RCW; creating a new section; and prescribing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** (1) The meaning attributed in chapter 82.24
5 RCW to the words "cigarette," "sale," "wholesaler," and "retailer"
6 apply equally in this chapter.

7 (2) "Director" means the director of fire protection appointed
8 under RCW 43.43.938.

9 NEW SECTION. **Sec. 2.** By January 1, 2003, the director of fire
10 protection shall adopt by rule fire safe standards for cigarettes sold
11 or offered for sale. The standards must ensure that:

12 (1) Cigarettes once ignited will stop burning within a reasonable
13 period of time as determined by the director; or

14 (2) Cigarettes will have a limited risk of igniting upholstered
15 furniture, mattresses, or other household furnishings as determined by
16 the director.

1 NEW SECTION. **Sec. 3.** After June 30, 2003, no cigarettes may be
2 sold or offered for sale unless the manufacturer certifies in writing
3 to the director that the cigarettes meet the fire safe standards
4 adopted by the director.

5 The certifying manufacturer shall provide copies of the written
6 certification to all wholesalers and agents.

7 The director shall adopt by rule procedures for notifying retailers
8 about which cigarettes the director has certified as meeting the
9 standards adopted by the director.

10 NEW SECTION. **Sec. 4.** Nothing in this chapter prohibits a person
11 or entity from selling cigarettes that have not been certified by the
12 manufacturer if the cigarettes are or will be stamped as being for sale
13 only in another state or nation.

14 NEW SECTION. **Sec. 5.** An agent, wholesaler, or other person who
15 knowingly sells cigarettes at wholesale in violation of this chapter is
16 subject to a civil penalty of not to exceed ten thousand dollars for
17 each sale of noncomplying cigarettes.

18 A retailer who knowingly sells or offers to sell cigarettes in
19 violation of this chapter is subject to a civil penalty not to exceed
20 five hundred dollars for each sale of or offer to sell noncomplying
21 cigarettes if the total number of cigarettes sold or offered for sale
22 exceeds one thousand cigarettes.

23 In addition to other penalties provided by law, a manufacturer of
24 cigarettes that knowingly makes a false certification of compliance to
25 the director is subject to a civil penalty not to exceed ten thousand
26 dollars for each false certification.

27 The director shall deposit penalties collected under this section
28 into the fire service trust fund created by RCW 43.43.946, and used for
29 the purposes set forth in that section.

30 NEW SECTION. **Sec. 6.** The director shall adopt rules to enforce
31 this chapter and to recover civil penalties authorized under this
32 chapter.

33 NEW SECTION. **Sec. 7.** (1) The director shall report to the senate
34 and house labor and commerce committees by September 1, 2003, regarding
35 the status of rule making.

1 (2) The director shall consult with the director of health to
2 consider whether cigarettes manufactured in accordance with section 2
3 of this act may result in increased health risks to consumers.

4 (3) By January 1, 2004, the director shall report to the senate and
5 house labor and commerce committees about whether cigarettes
6 manufactured in accordance with section 2 of this act result in
7 increased health risks to consumers.

8 NEW SECTION. **Sec. 8.** Sections 1 through 6 of this act constitute
9 a new chapter in Title 70 RCW.

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