

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 HOUSE BILL 3075

By: Dorman

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5
6 AS INTRODUCED

7 An Act relating to public health and safety; creating
8 the Oklahoma Fire Safety Standard and Firefighter
9 Protection Act; defining terms; prohibiting the sale
10 of cigarettes without certain test; specifying
11 testing standards; providing for certain testing
12 requirements; requiring certain certification;
13 providing for alternative testing upon certain
14 circumstance; providing for report to the
15 Legislature; specifying date and frequency of report;
16 specifying exceptions for testing requirements;
17 directing implementation in accordance with certain
18 standards; specifying certification content for
19 manufacturers; providing for availability of
20 certification to certain persons; providing for
21 recertification; specifying requirements for certain
22 fee; establishing the Fire Safety Standard and
23 Firefighter Protection Act Enforcement Fund;
24 providing for revenues; providing for use of fund;
providing for expenditures; providing for the
retesting of certain cigarettes; providing for
specific mark to signal compliance; directing
notification to Director of mark; providing for
approval of mark; directing distribution of
certification; allowing inspection by certain
persons; establishing penalties for violations;
limiting penalties; making noncompliant cigarettes
subject to forfeiture; providing for the filing of
injunctive relief by certain persons; allowing for
seizure of unmarked cigarettes; providing for
destruction of unmarked cigarettes; providing for
inspection by certain person before destruction;
providing for the promulgation of rules; providing
for inspection of certain materials by certain
persons; providing for effect of federal legislation;

1 providing for codification; and providing an
2 effective date.

3
4 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

5 SECTION 1. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 1-1351.1 of Title 63, unless
7 there is created a duplication in numbering, reads as follows:

8 This act shall be known and may be cited as the "Oklahoma Fire
9 Safety Standard and Firefighter Protection Act".

10 SECTION 2. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 1-1351.2 of Title 63, unless
12 there is created a duplication in numbering, reads as follows:

13 As used in the Oklahoma Fire Safety Standard and Firefighter
14 Protection Act:

15 1. "Agent" means any person authorized by the Oklahoma Tax
16 Commission to pay the excise tax on packages of cigarettes;

17 2. "Cigarette" means any roll for smoking, whether made wholly
18 or in part of tobacco or any other substance, irrespective of size
19 or shape, and whether or not the tobacco or substance is flavored,
20 adulterated, or mixed with any other ingredient, the wrapper or
21 cover of which is made of paper or any other substance or material,
22 other than leaf tobacco;

23 3. "Consumer testing" means an assessment of cigarettes that is
24 conducted by a manufacturer, or under the control and direction of a

1 manufacturer, for the purpose of evaluating consumer acceptance of
2 the cigarettes;

3 4. "Director" means the Director of the Alcoholic Beverage Laws
4 Enforcement (ABLE) Commission;

5 5. "Manufacturer" means:

6 a. any entity which manufactures or otherwise produces
7 cigarettes or causes cigarettes to be manufactured or
8 produced anywhere that the manufacturer intends to be
9 sold in this state, including cigarettes intended to
10 be sold in the United States through an importer,

11 b. the first purchaser anywhere that intends to resell in
12 the United States cigarettes manufactured anywhere
13 that the original manufacturer or maker does not
14 intend to be sold in the United States, or

15 c. any entity that becomes a successor of an entity
16 described in subparagraph a or b of this paragraph;

17 6. "Quality control and quality assurance program" means the
18 laboratory procedures implemented to ensure that operator bias,
19 systematic and nonsystematic methodological errors, and equipment-
20 related problems do not affect the results of the testing. Such a
21 program ensures that the testing repeatability remains within the
22 required repeatability values stated in paragraph 7 of this section
23 for all test trials used to certify cigarettes in accordance with
24 the Oklahoma Fire Safety Standard and Firefighter Protection Act;

1 7. "Repeatability" means the range of values within which the
2 repeat results of cigarette test trials from a single laboratory
3 will fall ninety-five percent (95%) of the time;

4 8. "Retail dealer" means any person, other than a manufacturer
5 or distributor, engaged in selling cigarettes or tobacco products;

6 9. "Sale" means any transfer of title or possession or both,
7 exchange or barter, conditional or otherwise, in any manner or by
8 any means whatever or any agreement therefor. In addition to cash
9 and credit sales, the giving of cigarettes as samples, prizes, or
10 gifts, and the exchanging of cigarettes for any consideration other
11 than money, are considered sales;

12 10. "Sell" means an offer or agreement to perform a sale; and

13 11. "Wholesaler" means any person other than a manufacturer who
14 sells cigarettes or tobacco products to retail dealers or other
15 persons for purposes of resale, any person who owns, operates, or
16 maintains one or more cigarette or tobacco product vending machines
17 upon premises owned or occupied by any other person.

18 SECTION 3. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 1-1351.3 of Title 63, unless
20 there is created a duplication in numbering, reads as follows:

21 A. Except as provided in subsection O of this section, no
22 cigarettes shall be sold or offered for sale in this state or
23 offered for sale or sold to persons located in this state unless the
24 cigarettes have been tested in accordance with the test method and

1 meet the performance standard specified in this section, a written
2 certification has been filed by the manufacturer with the Director
3 of the Alcoholic Beverage Laws Enforcement Commission in accordance
4 with Section 4 of this act and the cigarettes have been marked in
5 accordance with Section 5 of this act.

6 B. Testing of cigarettes shall be conducted in accordance with
7 the American Society of Testing and Materials (ASTM) standard E2187-
8 04, "Standard Test Method for Measuring the Ignition Strength of
9 Cigarettes".

10 C. Testing shall be conducted on ten layers of filter paper.

11 D. No more than twenty-five percent (25%) of the cigarettes
12 tested in a test trial in accordance with this section shall exhibit
13 full-length burns. Forty (40) replicate tests shall comprise a
14 complete test trial for each cigarette tested.

15 E. The performance standard required by this section shall only
16 be applied to a complete test trial.

17 F. Written certifications shall be based upon testing conducted
18 by a laboratory that has been accredited pursuant to standard
19 ISO/IEC 17025 of the International Organization for Standardization
20 (ISO) or other comparable accreditation standard required by the
21 Director.

22 G. Laboratories conducting testing in accordance with this
23 section shall implement a quality control and quality assurance
24 program that includes a procedure that will determine the

1 repeatability of the testing results. The repeatability value shall
2 be no greater than 0.19.

3 H. This section does not require additional testing if
4 cigarettes are tested consistent with the Oklahoma Fire Safety
5 Standard and Firefighter Protection Act for any other purpose.

6 I. Testing performed or sponsored by the Director to determine
7 a cigarette's conformity with the performance standard required
8 shall be conducted in accordance with this section.

9 J. Each cigarette listed in a certification submitted pursuant
10 to Section 4 of this act that uses lowered permeability bands in the
11 cigarette paper to achieve compliance with the performance standard
12 set forth in this section shall have at least two (2) nominally
13 identical bands on the paper surrounding the tobacco column. At
14 least one complete band shall be located at least fifteen (15)
15 millimeters from the lighting end of the cigarette. For cigarettes
16 on which the bands are positioned by design, there shall be at least
17 two (2) bands fully located at least fifteen (15) millimeters from
18 the lighting end and ten (10) millimeters from the filter end of the
19 tobacco column, or ten (10) millimeters from the labeled end of the
20 tobacco column for nonfiltered cigarettes.

21 K. A manufacturer of a cigarette that the Director determines
22 cannot be tested in accordance with the test method prescribed in
23 subsection B of this section shall propose a test method and
24 performance standard for the cigarette to the Director. Upon

1 approval of the proposed test method and a determination by the
2 Director that the performance standard proposed by the manufacturer
3 is equivalent to the performance standard prescribed in subsection D
4 of this section, the manufacturer may employ the test method and
5 performance standard to certify the cigarette pursuant to Section 4
6 of this act. If the Director determines that another state has
7 enacted reduced cigarette ignition propensity standards that include
8 a test method and performance standard that are the same as those
9 contained in the Oklahoma Fire Safety Standard and Firefighter
10 Protection Act, and the Director finds that the officials
11 responsible for implementing those requirements have approved the
12 proposed alternative test method and performance standard for a
13 particular cigarette proposed by a manufacturer as meeting the fire-
14 safety standards of that state's law or regulation under a legal
15 provision comparable to this section, then the Director shall
16 authorize that manufacturer to employ the alternative test method
17 and performance standard to certify that cigarette for sale in this
18 state, unless the Director demonstrates a reasonable basis why the
19 alternative test should not be accepted under the Oklahoma Fire
20 Safety Standard and Firefighter Protection Act. All other
21 applicable requirements of this section shall apply to the
22 manufacturer.

23 L. Each manufacturer shall maintain copies of the reports of
24 all tests conducted on all cigarettes offered for sale for a period

1 of three (3) years and shall make copies of these reports available
2 to the Director and the Attorney General upon written request. Any
3 manufacturer who fails to make copies of these reports available
4 within sixty (60) days of receiving a written request shall be
5 subject to a civil penalty not to exceed Ten Thousand Dollars
6 (\$10,000.00) for each day after the sixtieth day that the
7 manufacturer does not make the copies available.

8 M. The Director may adopt a subsequent ASTM Standard Test
9 Method for Measuring the Ignition Strength of Cigarettes upon a
10 finding that the subsequent method does not result in a change in
11 the percentage of full-length burns exhibited by any tested
12 cigarette when compared to the percentage of full-length burns the
13 same cigarette would exhibit when tested in accordance with ASTM
14 Standard E2187-04 and the performance standard in subsection D of
15 this section.

16 N. The Director shall review the effectiveness of this section
17 and report every three (3) years to the Legislature the Director's
18 findings, and if appropriate, recommendations for legislation to
19 improve the effectiveness of the Oklahoma Fire Safety Standard and
20 Firefighter Protection Act. The report and legislative
21 recommendations shall be submitted no later than June 30 following
22 the conclusion of each three-year period.

23 O. The requirements of subsections A through I of this section
24 shall not prohibit:

1 1. Distributors or retail dealers from selling their existing
2 inventory of cigarettes on or after January 1, 2010, if the
3 distributor or retail dealer can establish that all taxes owed on
4 the cigarettes pursuant to the Oklahoma Tax Code have been paid
5 prior to January 1, 2010, and the distributor or retail dealer can
6 establish that the inventory was purchased prior to the effective
7 date in comparable quantity to the inventory purchased during the
8 same period of the prior year; or

9 2. The sale of cigarettes solely for the purpose of consumer
10 testing.

11 P. The Director shall implement the Oklahoma Fire Safety
12 Standard and Firefighter Protection Act in accordance with the
13 implementation and substance of the New York Fire Safety Standards
14 for Cigarettes.

15 SECTION 4. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 1-1351.4 of Title 63, unless
17 there is created a duplication in numbering, reads as follows:

18 A. Each manufacturer shall submit to the Director of the
19 Alcoholic Beverage Laws Enforcement Commission a written
20 certification attesting both of the following:

21 1. Each cigarette listed in the certification has been tested
22 in accordance with Section 3 of this act; and

23 2. Each cigarette listed in the certification meets the
24 performance standard set forth in Section 3 of this act.

1 B. Each cigarette listed in the certification shall be
2 described with the following information:
3 1. Brand or trade name on the package;
4 2. Style, such as light or ultralight;
5 3. Length in millimeters;
6 4. Circumference in millimeters;
7 5. Flavor, such as menthol or chocolate, if applicable;
8 6. Filter or nonfilter;
9 7. Package description, such as soft pack or box;
10 8. Marking pursuant to Section 5 of this act;
11 9. The name, address, and telephone number of the laboratory,
12 if different than the manufacturer that conducted the test; and
13 10. The date that the testing occurred.

14 C. Certifications shall be made available to the Attorney
15 General for purposes consistent with the Oklahoma Fire Safety
16 Standard and Firefighter Protection Act and the Oklahoma Tax
17 Commission for the purposes of ensuring compliance with this
18 section.

19 D. Each cigarette certified under this section shall be
20 recertified every three (3) years.

21 E. For each certification form, a manufacturer shall pay to the
22 Director a fee of Two Hundred Fifty Dollars (\$250.00). The Director
23 may annually adjust this fee to ensure it defrays the actual costs
24 of the processing, testing, enforcement, and oversight activities

1 required by the Oklahoma Fire Safety Standard and Firefighter
2 Protection Act.

3 F. There is established in the State Treasury a revolving fund
4 to be known as the "Fire Safety Standard and Firefighter Protection
5 Act Enforcement Fund." The fund shall be a continuing fund, not
6 subject to fiscal year limitations, and shall consist of all
7 certification fees submitted by manufacturers and shall, in addition
8 to any other monies made available for such purpose, be available to
9 the Director solely to support processing, testing, enforcement, and
10 oversight activities under the Oklahoma Fire Safety Standard and
11 Firefighter Protection Act. Expenditures from the fund shall be
12 made upon warrants issued by the State Treasurer against claims
13 filed as prescribed by law with the Director of State Finance for
14 approval and payment.

15 G. If a manufacturer has certified a cigarette pursuant to this
16 section, and thereafter makes any change to the cigarette that is
17 likely to alter its compliance with the reduced cigarette ignition
18 propensity standards required by the Oklahoma Fire Safety Standard
19 and Firefighter Protection Act, that cigarette shall not be sold or
20 offered for sale in this state until the manufacturer retests the
21 cigarette in accordance with the testing standards set forth in
22 Section 3 of this act and maintains records of that retesting as
23 required by Section 3 of this act. Any altered cigarette which does
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1 not meet the performance standard set forth in Section 3 of this act
2 shall not be sold in this state.

3 SECTION 5. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 1-1351.5 of Title 63, unless
5 there is created a duplication in numbering, reads as follows:

6 A. Cigarettes that are certified by a manufacturer in
7 accordance with Section 4 of this act shall be marked to indicate
8 compliance with the requirements of Section 3 of this act. The
9 marking shall be in eight-point type or larger and consist of one of
10 the following:

11 1. Modification of the Universal Product Code (UPC) of the
12 product code to include a visible mark printed at or around the area
13 of the UPC. The mark may consist of alphanumeric or symbolic
14 characters permanently stamped, engraved, embossed, or printed in
15 conjunction with the UPC;

16 2. Any visible combination of alphanumeric or symbolic
17 characters permanently stamped, engraved, or embossed upon the
18 cigarette package or cellophane wrap; or

19 3. Printed, stamped, engraved, or embossed text that indicates
20 that the cigarettes meet the standards of the Oklahoma Fire Safety
21 Standard and Firefighter Protection Act.

22 B. A manufacturer shall use only one marking and shall apply
23 this marking uniformly for all packages, including but not limited
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1 to packs, cartons, and cases and brands marketed by that
2 manufacturer.

3 C. The Director shall be notified as to the marking that is
4 selected.

5 D. Prior to the certification of any cigarette, a manufacturer
6 shall present its proposed marking to the Director for approval.
7 Upon receipt of the request, the Director shall approve or
8 disapprove the marking offered, except that the Director shall
9 approve:

10 1. Any marking in use and approved for sale in New York
11 pursuant to the New York Fire Safety Standards for Cigarettes; or

12 2. The letters "FSC", which signify Fire Standards Compliant,
13 appearing in eight-point type or larger and permanently printed,
14 stamped, engraved, or embossed on the package at or near the UPC.

15 E. Proposed markings shall be deemed approved if the Director
16 fails to act within ten (10) business days of receiving a request
17 for approval.

18 F. No manufacturer shall modify its approved marking unless the
19 modification has been approved by the Director in accordance with
20 this section.

21 G. Manufacturers certifying cigarettes in accordance with
22 Section 4 of this act shall provide a copy of the certifications to
23 all distributors and agents to which they sell cigarettes and shall
24 also provide sufficient copies of an illustration of the package

1 marking utilized by the manufacturer pursuant to this section for
2 each retail dealer to which the distributors or agents sell
3 cigarettes. Distributors and agents shall provide a copy of these
4 package markings received from manufacturers to all retail dealers
5 to which they sell cigarettes. Distributors, agents, and retail
6 dealers shall permit the Director, the Oklahoma Tax Commission, the
7 Attorney General, and their employees to inspect markings of
8 cigarette packaging marked in accordance with this section.

9 SECTION 6. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 1-1351.6 of Title 63, unless
11 there is created a duplication in numbering, reads as follows:

12 A. A manufacturer, distributor, agent, or any other person or
13 entity who knowingly sells or offers to sell cigarettes, other than
14 through retail sale, in violation of Section 3 of this act, shall be
15 subject to a civil penalty not to exceed One Hundred Dollars
16 (\$100.00) for each pack of cigarettes sold or offered for sale
17 provided that in no case shall the penalty against any person or
18 entity exceed One Hundred Thousand Dollars (\$100,000.00) during any
19 thirty-day period.

20 B. A retail dealer who knowingly sells or offers to sell
21 cigarettes in violation of Section 3 of this act shall be subject to
22 a civil penalty not to exceed One Hundred Dollars (\$100.00) for each
23 pack of cigarettes sold or offered for sale, provided that in no
24 case shall the penalty against any retail dealer exceed Twenty-five

1 Thousand Dollars (\$25,000.00) for sales or offers to sell during any
2 thirty-day period.

3 C. In addition to any penalty prescribed by law, any
4 corporation, partnership, sole proprietor, limited partnership, or
5 association engaged in the manufacture of cigarettes that knowingly
6 makes a false certification pursuant to Section 4 of this act shall
7 be subject to a civil penalty of at least Seventy-five Thousand
8 Dollars (\$75,000.00) but not to exceed Two Hundred Fifty Thousand
9 Dollars (\$250,000.00) for each false certification.

10 D. Any person violating any other provision in the Oklahoma
11 Fire Safety Standard and Firefighter Protection Act shall be subject
12 to a civil penalty for a first offense not to exceed One Thousand
13 Dollars (\$1,000.00), and for a subsequent offense subject to a civil
14 penalty not to exceed Five Thousand Dollars (\$5,000.00) for each
15 violation.

16 E. 1. Any cigarettes that have been sold or offered for sale
17 that do not comply with the performance standard required by Section
18 3 of this act shall be subject to forfeiture as contraband and may
19 be seized by any authorized agent of the ABLE Commission, Oklahoma
20 Tax Commission, or any sheriff, deputy sheriff, constable or other
21 peace officer within the state, without process. The same shall be,
22 from the time of the seizure, forfeited to the State of Oklahoma,
23 and a proper proceeding filed in a court of competent jurisdiction
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1 in the county of seizure, to maintain the seizure and prosecute the
2 forfeiture as herein provided.

3 2. All cigarettes seized shall be listed and appraised by the
4 officer making the seizure and turned over to the county sheriff of
5 the county in which the seizure is made and a receipt therefor
6 taken. The person making the seizure shall immediately make and
7 file a written report to the Tax Commission or the Attorney General,
8 showing:

9 a. the name of the person making the seizure,

10 b. the place where, and the person from whom, the
11 property was seized, and

12 c. an inventory and appraisalment thereof, at the usual
13 and ordinary retail price of the articles received.

14 3. The district attorney of the county in which the seizures
15 are made shall, at the request of the Tax Commission or Attorney
16 General, file in the district court forfeiture proceedings in the
17 name of the State of Oklahoma, as plaintiff, and in the name of the
18 owner or person in possession, as defendant, if known, and if
19 unknown in the name of the property seized. The clerk of the court
20 shall issue summons to the owner or person in whose possession the
21 property was found, directing the owner or person to answer within
22 ten (10) days of the date of issuance of the summons.

23 4. Cigarettes forfeited pursuant to this section shall be
24 destroyed; provided, however, that prior to the destruction of any

1 cigarette forfeited pursuant to these provisions, the true holder of
2 the trademark rights in the cigarette brand shall be permitted to
3 inspect the cigarette.

4 F. In addition to any other remedy provided by law, the
5 Director or Attorney General may file an action in the district
6 court for a violation of the Oklahoma Fire Safety Standard and
7 Firefighter Protection Act, including petitioning for injunctive
8 relief or to recover any costs or damages suffered by the state
9 because of a violation of the Oklahoma Fire Safety Standard and
10 Firefighter Protection Act, including enforcement costs relating to
11 the specific violation and attorney fees. Each violation of the
12 Oklahoma Fire Safety Standard and Firefighter Protection Act or of
13 rules promulgated pursuant thereto constitutes a separate civil
14 violation for which the Director or Attorney General may obtain
15 relief.

16 G. Whenever any law enforcement personnel or duly authorized
17 representative of the Director shall discover any cigarettes that
18 have not been marked in the manner required by Section 5 of the
19 Oklahoma Fire Safety Standard and Firefighter Protection Act, such
20 personnel are hereby authorized and empowered to seize and take
21 possession of the cigarettes. The cigarettes shall be turned over
22 to the Oklahoma Tax Commission and shall be forfeited to the state.
23 Cigarettes seized pursuant to this section shall be destroyed;
24 provided, however, that prior to the destruction of any cigarette

1 seized pursuant to these provisions, the true holder of the
2 trademark rights in the cigarette brand shall be permitted to
3 inspect the cigarette.

4 H. Any penalty imposed under the Oklahoma Fire Safety Standard
5 and Firefighter Protection Act shall be payable to the Director.
6 The proceeds of civil penalties and forfeitures provided for in the
7 Oklahoma Fire Safety Standard and Firefighter Protection Act shall
8 be remitted to the Fire Safety Standard and Firefighter Protection
9 Act Enforcement Fund established in Section 4 of this act.

10 I. A violation of the Oklahoma Fire Safety Standard and
11 Firefighter Protection Act constitutes a civil offense only and is
12 not a crime.

13 SECTION 7. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 1-1351.7 of Title 63, unless
15 there is created a duplication in numbering, reads as follows:

16 A. The Director may promulgate rules, pursuant to the
17 Administrative Procedures Act, necessary to effectuate the purposes
18 of the Oklahoma Fire Safety Standard and Firefighter Protection Act.

19 B. The Oklahoma Tax Commission in the regular course of
20 conducting inspections of wholesalers, agents, and retail dealers,
21 as authorized under Section 315 of Title 68 of the Oklahoma
22 Statutes, may inspect the cigarettes to determine if the cigarettes
23 are marked as required by Section 5 of this act. If the cigarettes
24

1 are not marked as required, the Oklahoma Tax Commission shall notify
2 the Director.

3 SECTION 8. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 1-1351.8 of Title 63, unless
5 there is created a duplication in numbering, reads as follows:

6 To enforce the provisions of the Oklahoma Fire Safety Standard
7 and Firefighter Protection Act, the Attorney General, the Oklahoma
8 Tax Commission, and the Director of the Alcoholic Beverage Laws
9 Enforcement Commission, their duly authorized representatives, and
10 other law enforcement personnel may examine the books, papers,
11 invoices, and other records of any person in possession, control, or
12 occupancy of any premises where cigarettes are placed, stored, sold,
13 or offered for sale, as well as the stock of cigarettes on the
14 premises. Every person in the possession, control, or occupancy of
15 any premises where cigarettes are placed, sold, or offered for sale
16 is hereby directed and required to give the Attorney General, the
17 Oklahoma Tax Commission, and the Director of the Alcoholic Beverage
18 Laws Enforcement Commission, their duly authorized representatives,
19 and other law enforcement personnel the means, facilities, and
20 opportunity for the examinations authorized by this section.

21 SECTION 9. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 1-1351.9 of Title 63, unless
23 there is created a duplication in numbering, reads as follows:

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1 Nothing in the Oklahoma Fire Safety Standard and Firefighter
2 Protection Act shall be construed to prohibit any person or entity
3 from manufacturing or selling cigarettes that do not meet the
4 requirements of Section 3 of this act if the cigarettes are or will
5 be stamped for sale in another state or are packaged for sale
6 outside the United States and that person or entity has taken
7 reasonable steps to ensure that the cigarettes will not be sold or
8 offered for sale to persons located in this state.

9 SECTION 10. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 1-1351.10 of Title 63, unless
11 there is created a duplication in numbering, reads as follows:

12 The Oklahoma Fire Safety Standard and Firefighter Protection Act
13 shall not apply if a federal reduced cigarette ignition propensity
14 standard that preempts the Oklahoma Fire Safety Standard and
15 Firefighter Protection Act is enacted and becomes effective, but
16 such inapplicability does not affect any liability for forfeiture or
17 penalties accrued prior to the effective date of the federal law.

18 SECTION 11. This act shall become effective November 1, 2008.

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