

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

SENATE BILL 927

By: Paxton

AS INTRODUCED

An Act relating to Fire Safe Cigarettes; amending 74 O.S. 2011, Section 326.4, which relates to the certification, directory, fee and Enforcement fund; modifying products for which manufacturer must pay certain fee; updating statutory references; and providing an effective date.

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

SECTION 1. AMENDATORY 74 O.S. 2011, Section 326.4, is amended to read as follows:

Section 326.4. A. Each manufacturer shall submit to the State Fire Marshal a written certification attesting that:

1. Each cigarette listed in the certification has been tested in accordance with Section ~~3~~ 326.3 of this ~~act~~ title; and

2. Each cigarette listed in the certification meets the performance standard set forth in Section ~~3~~ 326.3 of this ~~act~~ title.

B. Each cigarette listed in the certification shall be described with the following information:

1. Brand, or trade name on the package;

2. Style, such as lights, ultralights, or low tar;

1 3. Length in millimeters;

2 4. Circumference in millimeters;

3 5. Flavor, such as menthol or chocolate, if applicable;

4 6. Filter or nonfilter;

5 7. Package description, such as soft pack or box;

6 8. Marking pursuant to Section 5 326.5 of this ~~act~~ title;

7 9. The name, address and telephone number of the laboratory, if
8 different than the manufacturer that conducted the test; and

9 10. The date that the testing occurred.

10 C. The certifications shall be made available to the Attorney
11 General for purposes consistent with ~~this act~~ the Fire Safety
12 Standard and Firefighter Protection Act and the Tax Commission for
13 the purposes of ensuring compliance with this section. No later
14 than January 31, 2009, the Office of the Oklahoma State Fire Marshal
15 shall develop and make available for public inspection, on its web
16 site and in such other forms as the State Fire Marshal deems
17 appropriate, an Oklahoma Fire Safe Cigarette directory of all
18 certified cigarettes under ~~this act~~ the Fire Safety Standard and
19 Firefighter Protection Act. The State Fire Marshal's directory
20 shall be provided to the Attorney General no later than January 31,
21 2009. The State Fire Marshal shall update the directory as
22 necessary to keep the directory current and in conformity with the
23 requirements of ~~this act~~ the Fire Safety Standard and Firefighter
24 Protection Act and shall provide all updates to the Attorney

1 General. The directory shall also include a list of cigarettes
2 exempted pursuant to paragraph 3 of subsection H of Section ~~3~~ 326.3
3 of this ~~act~~ title. A wholesale or retail dealer shall consider any
4 cigarette listed on the State Fire Marshal's web site to be lawful
5 to sell in this state for purposes of the wholesale or retail
6 dealer's compliance with ~~this act~~ the Fire Safety Standard and
7 Firefighter Protection Act, unless the wholesale or retail dealer
8 has actual knowledge that the cigarette does not comply.

9 D. Each cigarette certified under this section shall be
10 recertified every three (3) years. Initial cigarette certifications
11 may be made at any time.

12 E. At the time it submits a written certification under this
13 section, a manufacturer shall pay to the State Fire Marshal a fee of
14 One Thousand Dollars (\$1,000.00) for each brand ~~family~~ of cigarettes
15 listed in the certification. The fee paid shall apply to all
16 cigarettes within the brand ~~family~~ certified, and shall include any
17 new cigarette certified within the brand ~~family~~ during the three-
18 year certification period.

19 F. There is established in the State Treasury a separate,
20 nonlapsing fund to be known as the "Fire Safety Standard and
21 Firefighter Protection Act Enforcement Fund". The fund shall
22 consist of all certification fees submitted by manufacturers, and
23 shall, in addition to any other monies made available for such
24 purpose, be available to the State Fire Marshal solely to support

1 processing, testing, enforcement and oversight activities under ~~this~~
2 ~~act~~ the Fire Safety Standard and Firefighter Protection Act.

3 G. If a manufacturer has certified a cigarette pursuant to this
4 section, and thereafter makes any change to such cigarette that is
5 likely to alter its compliance with the reduced cigarette ignition
6 propensity standards required by ~~this act~~ the Fire Safety Standard
7 and Firefighter Protection Act, that cigarette shall not be sold or
8 offered for sale in this state until the manufacturer retests the
9 cigarette in accordance with the testing standards set forth in
10 Section ~~3~~ 326.3 of this ~~act~~ title and maintains records of that
11 retesting as required by Section ~~3~~ 326.3 of this ~~act~~ title. Any
12 altered cigarette which does not meet the performance standard set
13 forth in Section ~~3~~ 326.3 of this ~~act~~ title may not be sold in this
14 state.

15 SECTION 2. This act shall become effective November 1, 2018.

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