

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Require Cigarettes Sold in Maine To Be Fire-safe

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 22 MRSA §1555-E is enacted to read:

§ 1555-E. Fire-safe cigarettes

1. Prohibition. To the extent not preempted by federal law, a person may not sell cigarettes on or after January 1, 2008 unless the cigarettes meet the standards for fire-safe cigarettes established by the State Fire Marshal under Title 25, section 2466.

2. Civil fines. The following minimum civil fines are assessed for the following civil violations in actions brought by the Attorney General:

- A. For a wholesaler who knowingly sells cigarettes that are not fire-safe, \$10,000 for each sale;
- B. For a retailer who sells 5 or fewer cartons of cigarettes that are not fire-safe, \$500;
- C. For a retailer who sells more than 5 cartons of cigarettes that are not fire-safe, \$1,000; and
- D. For a manufacturer who knowingly misrepresents that that manufacturer's cigarettes are fire-safe, \$10,000 for each misrepresentation.

Sec. 2. 25 MRSA §2466 is enacted to read:

§ 2466. Fire-safe cigarette standards

1. Standards. The State Fire Marshal shall adopt standards for the sale of fire-safe cigarettes. The standards must ensure:

- A. That lit cigarettes stop burning within a specified time period if not smoked; or
- B. That cigarettes meet performance standards to limit the risk that lit cigarettes will ignite upholstered furniture.

2. Health risk assessment. In adopting standards under this section, the State Fire Marshal shall cooperate and consult with the Department of Health and Human Services to consider whether fire-safe cigarettes manufactured in accordance with the fire safety standards under subsection 1 may reasonably result in increased health risks to consumers.

3. Cigarette Fire Safety Fund; established. The Cigarette Fire Safety Fund is established in the Department of Public Safety as a nonlapsing dedicated account. All civil fines collected under Title 22, section 1555-E, subsection 2 must be transferred by the Treasurer of State to the Cigarette Fire Safety Fund for use by the department and the State Fire Marshal for fire safety and prevention programs.

4. Rules. The State Fire Marshal may adopt routine technical rules in accordance with Title 5, chapter 375, subchapter 2-A to ensure that the standards under subsection 1 are in place no later than January 1, 2008.

SUMMARY

This bill provides that, beginning January 1, 2008, only cigarettes that meet the standards of fire-safe cigarettes as established by the State Fire Marshal may be offered for sale in this State.