
HOUSE BILL 1410

State of Washington

57th Legislature

2001 Regular Session

By Representatives Veloria, Cody, Campbell, Romero, Kenney, Tokuda, Cooper, McIntire, Wood, Linville, O'Brien, Edwards, Edmonds, Dickerson, Kagi and Darneille

Read first time 01/25/2001. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to cigarette fire safety; adding a new chapter to
2 Title 70 RCW; prescribing penalties; and providing a contingent
3 effective date.

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

5 NEW SECTION. **Sec. 1.** The definitions in this section apply
6 throughout this chapter unless the context clearly requires otherwise.

7 (1) "Cigarette" means any roll for smoking made wholly or in part
8 of tobacco or of any other substance, regardless of size or shape and
9 whether or not the tobacco or substance is flavored, adulterated, or
10 mixed with any other ingredient, the wrapper or cover of which is made
11 of paper or any other substance or material except tobacco.

12 (2) "Sell" includes a sale, an offer to sell, or an agreement to
13 sell.

14 (3) "Person" includes a corporation, limited liability company,
15 limited liability partnership, partnership, sole proprietor, limited
16 partnership, or association.

17 NEW SECTION. **Sec. 2.** (1) No person may sell cigarettes in this
18 state unless the manufacturer of the cigarettes certifies in writing to

1 the liquor control board that the cigarettes meet fire safety standards
2 adopted by the Washington state patrol under section 3 of this act.
3 Certifying manufacturers must provide copies of the written
4 certification for fire-safe cigarettes to all wholesale dealers
5 licensed under chapter 82.24 RCW.

6 (2) Nothing in subsection (1) of this section shall be construed to
7 prohibit the wholesale sale of cigarettes that have not been certified
8 by the manufacturer if the cigarettes will not be sold or resold within
9 the state.

10 NEW SECTION. **Sec. 3.** (1) The Washington state patrol, in
11 consultation with the department of health, shall adopt fire safety
12 standards for cigarettes sold in this state. Standards must ensure
13 either of the following:

14 (a) That cigarettes, if ignited, will stop burning within a
15 specified time period if the cigarette is not smoked during that time
16 period; or

17 (b) That cigarettes meet performance standards that limit the risk
18 of the cigarette igniting upholstered furniture, mattresses, or other
19 household furnishings.

20 (2) In adopting standards, consideration must be given to any
21 increased health risk to consumers from fire-safe cigarettes.

22 (3) Standards under subsection (1) of this section shall be adopted
23 by July 1, 2003.

24 NEW SECTION. **Sec. 4.** (1) Any wholesaler defined under RCW
25 82.24.010 who knowingly sells cigarettes in violation of section 2 of
26 this act is subject to a civil penalty not to exceed ten thousand
27 dollars per sale.

28 (2) Any retailer defined under RCW 82.24.010 who knowingly sells
29 cigarettes in violation of section 2 of this act is subject to the
30 following:

31 (a) A civil penalty not to exceed five hundred dollars per each
32 sale of cigarettes provided that the total number of cigarettes sold
33 per each sale does not exceed one thousand; or

34 (b) A civil penalty not to exceed one thousand dollars per each
35 sale of cigarettes provided that the total number of cigarettes sold
36 per each sale exceeds one thousand.

1 (3) Any person engaged in the manufacture of cigarettes who
2 knowingly makes a false certification under section 2 of this act shall
3 be subject to a civil penalty not to exceed ten thousand dollars for
4 each false certification.

5 NEW SECTION. **Sec. 5.** The cigarette fire safety act account is
6 created in the state treasury. All moneys recovered as civil penalties
7 assessed under section 4 of this act must be deposited into the
8 account. Moneys in the account may be spent only after appropriation.
9 Expenditures from the account may be used only for fire prevention and
10 safety programs.

11 NEW SECTION. **Sec. 6.** The liquor control board and the department
12 of revenue shall enforce this chapter. The attorney general may bring
13 an action to enjoin acts in violation of this chapter and may recover
14 civil penalties authorized under section 4 of this act.

15 NEW SECTION. **Sec. 7.** Sections 2, 5, and 6 of this act take effect
16 July 1, 2003, unless federal fire safety standards for cigarettes are
17 adopted before July 1, 2003, and the federal standards adopted
18 specifically preempt any standards adopted by individual states
19 including standards adopted under this act.

20 NEW SECTION. **Sec. 8.** This act is null and void if federal fire
21 safety standards for cigarettes that preempt this act are adopted on or
22 after July 1, 2003.

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

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