

AB 2200 State Fire Marshal: cigarette fire safety.

BILL NUMBER: AB 2200 INTRODUCED 02/19/98

INTRODUCED BY Assembly Members Migden, Gallegos, and Torlakson

(Coauthor: Senator Watson)

FEBRUARY 19, 1998

An act to add Section 13130.5 to the Health and Safety Code, relating to fire safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 2200, as introduced, Migden. State Fire Marshal: cigarette fire safety.

Existing law requires the State Fire Marshal to adopt rules and regulations to regulate the manufacture, sale, and application of flame-retardant chemicals and the sale of flame-retardant treated fabrics or materials used or intended for use in places where alcoholic liquors are sold for consumption on the premises and certain places of public assemblage. Violation of the law relating to the State Fire Marshal is a crime.

This bill would require the State Fire Marshal, on or before June 1, 1999, to adopt fire safety standards, for cigarettes sold, offered for sale, or manufactured in the state, that limit the risk that the cigarettes will ignite upholstered furniture or mattresses.

The bill would require, on and after January 1, 2000, an entity engaged in the manufacture of cigarettes to certify in writing to the State Fire Marshal prior to any sale that its products meet the fire safety performance standards adopted by the State Fire Marshal.

The bill would prohibit, on and after January 1, 2000, the manufacture, distribution, or sale of any cigarette that fails to comply with the fire safety performance standards adopted by the State Fire Marshal. The bill would require each violation of this provision to be subject to a civil penalty not to exceed \$10,000.

By creating a new crime, the bill would impose a state-mandated local program.

The bill would authorize the Attorney General to bring an action to restrain violation of these provisions.

The bill would require its provisions to be inoperative on and after the date the State Fire Marshal notifies the Secretary of State that federal fire safety standards for cigarettes have been enacted.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

SECTION 1. (a) The Legislature finds and declares that fires caused by dropped cigarettes are the leading cause of fire death in the state as well as a major cause of fires in homes, nursing homes, hotels, and hospitals.

(b) The Legislature further finds that it is technically feasible to produce cigarettes that have a significantly reduced propensity to ignite upholstered furniture or mattresses.

(c) The Legislature concurs with the findings of the federal Technical Study Group established by Public Law 98-567 on cigarette fire safety, which conducted tests of 41 experimental cigarettes and found that by varying several properties, cigarettes could be produced that reduce the likelihood of ignition. These properties include low tobacco density, small tobacco rod circumference, and cigarette paper wrapper with low porosity.

(d) The Legislature hereby determines that it is within the police powers of the state to protect the health and safety of the people of California by establishing fire safety standards for cigarettes sold in this state.

SEC. 2. Section 13130.5 is added to the Health and Safety Code, to read:

13130.5. (a) This section shall be known and may be cited as the "Fire Safe Cigarette Act."

(b) As used in this section, "cigarette" shall mean any roll for smoking made wholly or in part of tobacco or of any other substance, irrespective of size or shape and whether or not the tobacco or substance is flavored, adulterated, or mixed with any other ingredient, and the wrapper or cover of which is made of paper or any other ingredient except tobacco.

(c) On or before June 1, 1999, the State Fire Marshal shall adopt fire safety performance standards for cigarettes sold, offered for sale, or manufactured in this state, that limit the risk that the cigarettes will ignite upholstered furniture or mattresses. The State Fire Marshal shall employ the "Cigarette Extinction Test Method" as published in Special Publication 851 of the National Institute of Standards and Technology of the United States Department of Commerce.

(d) On and after January 1, 2000, any corporation, partnership, sole proprietor, limited partnership, association, or other entity engaged in the manufacture of cigarettes shall certify in writing prior to any sale that its products meet the fire safety performance standards adopted by the State Fire Marshal. Copies of the written certification shall be provided to the State Fire Marshal.

(e) On and after January 1, 2000, the manufacture, distribution, or sale of any cigarette that fails to comply with the fire safety performance standards adopted by the State Fire Marshal pursuant to this section is prohibited. Each violation of this subdivision shall be subject to a civil penalty not to exceed ten thousand dollars (\$10,000).

(f) The Attorney General may bring an action on behalf of the people of the state to restrain further violation of this section and for any other relief as may be appropriate.

(g) This section shall be inoperative on and after the date the State Fire Marshal notifies the Secretary of State that federal fire safety standards for cigarettes have been enacted.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.



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