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By: **Delegates Moe, Conroy, Doory, Feldman, Frush, Glassman, Haddaway,  
Hogan, Jameson, Jennings, Kirk, Krysiak, Love, Malone, McHale,  
Minnick, Parrott, Stull, Taylor, Trueschler, Vaughn, Walkup, and Weir**

Introduced and read first time: February 11, 2005

Assigned to: Economic Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety - Fire Safety Standards for Cigarettes**

3 FOR the purpose of requiring the State Fire Prevention Commission to establish by  
4 regulation certain fire safety standards for cigarettes on or before a certain date;  
5 prohibiting the sale or offer for sale of cigarettes on or after a certain date unless  
6 the cigarettes meet the fire safety standards adopted by the Commission;  
7 requiring manufacturers to mark certain cigarette packages in a certain  
8 manner; providing that this Act does not prohibit wholesalers and retailers from  
9 selling certain inventory if they can establish that certain tax stamps were  
10 affixed to the cigarettes; establishing certain civil penalties for selling or  
11 offering for sale cigarettes in violation of the fire safety standards adopted by  
12 the Commission; authorizing the Attorney General to enjoin acts in violation of  
13 this Act and to recover certain civil penalties; establishing the Cigarette Fire  
14 Safety Fund; providing that the Fund is a special, nonlapsing fund; providing for  
15 the purpose, administration, composition, and use of the Fund; defining certain  
16 terms; and generally relating to fire safety standards for cigarettes.

17 BY adding to  
18 Article - Public Safety  
19 Section 6-208  
20 Annotated Code of Maryland  
21 (2003 Volume and 2004 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
23 MARYLAND, That the Laws of Maryland read as follows:

24 **Article - Public Safety**

25 6-208.

26 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
27 INDICATED.

1 (2) "CIGARETTE" HAS THE MEANING STATED IN § 16-101 OF THE  
2 BUSINESS REGULATION ARTICLE.

3 (3) "FUND" MEANS THE CIGARETTE FIRE SAFETY FUND.

4 (4) "MANUFACTURER" HAS THE MEANING STATED IN § 16-201 OF THE  
5 BUSINESS REGULATION ARTICLE.

6 (5) "RETAILER" HAS THE MEANING STATED IN § 16-201 OF THE BUSINESS  
7 REGULATION ARTICLE.

8 (6) "WHOLESALER" HAS THE MEANING STATED IN § 16-201 OF THE  
9 BUSINESS REGULATION ARTICLE.

10 (B) (1) THE COMMISSION SHALL ESTABLISH BY REGULATION FIRE SAFETY  
11 STANDARDS FOR CIGARETTES ON OR BEFORE OCTOBER 1, 2006.

12 (2) THE FIRE SAFETY STANDARDS SHALL BE SUBSTANTIVELY THE SAME  
13 AS THE STANDARDS SET FORTH IN TITLE 18, PART 429 OF THE OFFICIAL  
14 COMPILATION OF NEW YORK CODES, RULES, AND REGULATIONS, ADOPTED ON  
15 DECEMBER 31, 2003.

16 (C) CIGARETTES MAY NOT BE SOLD OR OFFERED FOR SALE IN THE STATE ON  
17 OR AFTER THE DATE THE FIRE SAFETY STANDARDS ADOPTED UNDER SUBSECTION  
18 (B) OF THIS SECTION TAKE EFFECT UNLESS THE CIGARETTES MEET THE FIRE  
19 SAFETY STANDARDS ADOPTED BY THE COMMISSION.

20 (D) (1) SUBJECT TO THIS SUBSECTION, MANUFACTURERS SHALL MARK  
21 UNIFORMLY ALL CIGARETTE PACKAGES THAT CONTAIN CIGARETTES FOR SALE IN  
22 THE STATE THAT MEET THE FIRE SAFETY STANDARDS ADOPTED BY THE  
23 COMMISSION.

24 (2) FOR PURPOSES OF THIS SUBSECTION, CIGARETTE PACKAGES  
25 INCLUDE PACKS, CARTONS, AND CASES OF CIGARETTES.

26 (3) THE MARKING SHALL BE IDENTICAL TO THE UNIQUE MARKING  
27 EACH MANUFACTURER PLACES ON CIGARETTE PACKAGES THAT CONTAIN  
28 CIGARETTES FOR SALE IN NEW YORK STATE.

29 (E) THIS SECTION DOES NOT PROHIBIT WHOLESALERS OR RETAILERS FROM  
30 SELLING THEIR INVENTORY OF CIGARETTES EXISTING ON THE DATE THE FIRE  
31 SAFETY STANDARDS ADOPTED BY THE COMMISSION TAKE EFFECT, IF THE  
32 WHOLESALER OR RETAILER CAN ESTABLISH THAT TAX STAMPS WERE AFFIXED TO  
33 THE CIGARETTES AS REQUIRED BY § 12-304 OF THE TAX - GENERAL ARTICLE ON OR  
34 BEFORE THAT DATE.

35 (F) (1) A WHOLESALER OR ANY OTHER PERSON WHO KNOWINGLY SELLS  
36 CIGARETTES WHOLESALE IN VIOLATION OF THE FIRE SAFETY STANDARDS ADOPTED  
37 BY THE COMMISSION IS SUBJECT TO A CIVIL PENALTY NOT EXCEEDING \$10,000 FOR  
38 EACH SALE OF CIGARETTES.

1 (2) A RETAILER WHO KNOWINGLY SELLS OR OFFERS TO SELL  
2 CIGARETTES IN VIOLATION OF THE FIRE SAFETY STANDARDS ADOPTED BY THE  
3 COMMISSION IS SUBJECT TO:

4 (I) A CIVIL PENALTY NOT EXCEEDING \$500 FOR EACH SALE OR  
5 OFFER FOR SALE OF CIGARETTES, IF THE TOTAL NUMBER OF CIGARETTES SOLD OR  
6 OFFERED FOR SALE DOES NOT EXCEED 1,000 CIGARETTES; OR

7 (II) A CIVIL PENALTY NOT EXCEEDING \$1,000 FOR EACH SALE OR  
8 OFFER FOR SALE OF CIGARETTES, IF THE TOTAL NUMBER OF CIGARETTES SOLD OR  
9 OFFERED FOR SALE EXCEEDS 1,000 CIGARETTES.

10 (3) A MANUFACTURER THAT KNOWINGLY PROVIDES CIGARETTES FOR  
11 SALE IN THE STATE IN VIOLATION OF THE FIRE SAFETY STANDARDS ADOPTED BY  
12 THE COMMISSION IS SUBJECT TO A CIVIL PENALTY NOT EXCEEDING \$10,000 FOR  
13 EACH VIOLATION.

14 (G) (1) TO ENFORCE THIS SECTION, THE ATTORNEY GENERAL MAY BRING  
15 AN ACTION TO ENJOIN ANY ACTS IN VIOLATION OF THIS SECTION AND TO RECOVER  
16 CIVIL PENALTIES AUTHORIZED UNDER SUBSECTION (F) OF THIS SECTION.

17 (2) MONEY COLLECTED FROM CIVIL PENALTIES RECOVERED UNDER  
18 THIS SUBSECTION SHALL BE DISTRIBUTED TO THE FUND.

19 (H) (1) THERE IS A CIGARETTE FIRE SAFETY FUND.

20 (2) THE PURPOSE OF THE FUND IS TO SUPPORT FIRE SAFETY AND  
21 PREVENTION PROGRAMS.

22 (3) THE COMMISSION SHALL ADMINISTER THE FUND.

23 (4) (I) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT  
24 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

25 (II) THE TREASURER SHALL HOLD THE FUND SEPARATELY, AND  
26 THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

27 (5) THE FUND CONSISTS OF:

28 (I) REVENUE DISTRIBUTED TO THE FUND UNDER SUBSECTION (G)  
29 OF THIS SECTION; AND

30 (II) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR  
31 THE BENEFIT OF THE FUND.

32 (6) THE FUND MAY BE USED ONLY FOR FIRE SAFETY AND PREVENTION  
33 PROGRAMS.

34 (7) (I) THE TREASURER SHALL INVEST THE MONEY OF THE FUND IN  
35 THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

1 (II) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE  
2 RETAINED TO THE CREDIT OF THE FUND.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 October 1, 2005.