

No. 2009-9

AN ACT

HB 1342

Amending the act of July 4, 2008 (P.L.518, No.42), entitled "An act providing for testing standards for cigarette fire safety, for certification of compliance by manufacturers, for package markings and for enforcement and penalties; establishing special funds; and providing for sale of existing inventory, for manufacturers' sale to other states or foreign countries and for regulations and preemptions," further providing for standards for cigarette fire safety and for sale of existing inventory.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Sections 4(a) and 9 of the act of July 4, 2008 (P.L.518, No.42), known as the Cigarette Fire Safety and Firefighter Protection Act, are amended to read:

Section 4. Standards for cigarette fire safety.

(a) Testing.—Except as provided under subsection (g), no cigarettes may be sold or offered for sale in this Commonwealth or offered for sale or sold to persons located in this Commonwealth unless the cigarettes:

(1) have been tested in accordance with the test method and meet the performance standard specified in this section, a written certification has been filed by the manufacturer with the department in accordance with section 5 and the cigarettes have been marked in accordance with section 6;

or

(2) *are included in existing inventories that satisfy the conditions in section 9(a)(1) and (2).*

* * *

Section 9. Sale of existing inventory.

(a) Existing inventory.—The requirement that only cigarettes certified as compliant with the performance standard in this act may be sold shall not prohibit wholesale dealers or retail dealers from selling their existing inventory of cigarettes on or after the effective date of this section if ***both of the following conditions are satisfied:***

(1) *The* wholesale dealer or retail dealer can establish that State tax stamps were affixed to the cigarettes prior to the effective date of this section **[and if the]**.

(2) *The* wholesale dealer or retail dealer can establish that the inventory was purchased prior to the effective date of this section, in comparable quantity to the inventory purchased during the same period of the prior year.

(b) Limitation.—Notwithstanding subsection (a), a wholesale dealer or retail dealer may not sell or offer for sale a cigarette in this Commonwealth that does not comply with this act after July 1, ~~2009~~²⁰¹⁰.

Section 2. This act shall take effect in 60 days or June 30, 2009, whichever occurs first.

APPROVED—The 29th day of June, A.D. 2009.

EDWARD G. RENDELL