

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

Action:	Do Pass as Amended and Be Printed Engrossed and Rescind the Subsequent Referral to the Committee on Ways and Means
Vote:	7 - 0 - 0
Yeas:	Berger, Edwards C., Esquivel, Holvey, Rosenbaum, Smith P., Schaufler
Nays:	0
Exc.:	0
Prepared By:	Theresa Van Winkle, Administrator
Meeting Dates:	1/31, 2/14

WHAT THE MEASURE DOES: Prohibits the sale or distribution of cigarettes within Oregon unless they are determined to have “reduced ignition propensity.” Directs the State Fire Marshall to determine whether a cigarette variety meets established reduced ignition propensity guidelines and to maintain certification records and criteria. Allows the immediate seizure and subject to forfeiture any cigarettes distributed or offered for sale which are not certified as having reduced ignition propensity or illegally marked as having reduced ignition propensity. Allows the imposition of civil penalties for violations. Establishes methodology for which a cigarette variety is determined to have a reduced ignition propensity. Requires manufacturers to submit certification that a cigarette variety has met the established fire safety performance standard. Allows a cigarette variety which as been certified prior to the effective date of the measure to be compliant with New York State fire safety standards to be sold or distributed without additional certification. Requires manufacturer to re-test cigarette variety if changes are made that may affect fire safety. Continuously appropriates moneys recovered from imposing civil penalties to be used by the State Fire Marshall for fire safety, enforcement, and fire prevention programs. Declares an emergency, effective on passage.

ISSUES DISCUSSED:

- Other states that have enacted similar legislation
- Usage of an established international fire safety standard to test cigarettes
- Efforts on the national level regarding fire-safe cigarettes
- Statistics on causes of fires in residential structures
- Impact of measure on retailers’ distribution systems

EFFECT OF COMMITTEE AMENDMENT: Modifies definition of “cigarette.” Changes term “fire-safe” to “reduced ignition propensity.” Allows the “true holder of the trademark rights in the cigarette variety” to inspect potentially illegal cigarettes or its packaging prior to being destroyed. Adds guidelines for continuing violations. Defines a cigarette to have “reduced ignition propensity” when no more than 25% of cigarettes tested in a complete test trial exhibit full-length burns. Changes verbiage regarding guidelines for determining whether a cigarette variety has reduced ignition propensity, the certification of a cigarette variety, and the package markings of a certified cigarette variety. Adds provision that a cigarette variety that has been accepted as having reduced ignition propensity in New York State shall go through the recertification process no later than three years after the measure’s effective date. Modifies operative dates of the measure. Establishes that interpretations given to the New York Fire Safety Standards for Cigarettes shall be the persuasive authority in interpreting the measure, and that the measure does not apply to cigarette varieties that the State Fire Marshall determines are subject to federal law whose standards are at least equal to the standards imposed under the measure.

BACKGROUND: According to the State Fire Marshall, cigarettes are a leading cause of structural fires in Oregon, as well as for many forest and brush fires. Oregon was the first state in the country to consider establishing safety standards for cigarettes when the 1979 Legislature passed a memorial asking the United States Congress to create and enforce safety standards. In 2004, New York enacted legislation requiring cigarettes to meet a nationally recognized standard. Since then, five other states and Canada have enacted similar laws.

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This summary has not been adopted or officially endorsed by action of the committee.