

A-Engrossed
Senate Bill 314

Ordered by the Senate May 9
Including Senate Amendments dated May 9

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Consumer Protection for Fire Safe Cigarette Coalition)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Creates standard for fire-safe cigarettes. Requires State Fire Marshal to determine whether cigarette variety meets standard for fire-safe cigarettes. Requires State Fire Marshal to publish and distribute list of fire-safe cigarette varieties beginning no later than January 1, 2008.]

[Prohibits distribution or offer to sell cigarette unless cigarette is of variety State Fire Marshal has determined to be fire-safe. Makes violation by person distributing or offering to sell cigarettes to wholesaler or retailer subject to civil penalty not to exceed greater of \$10,000 or five times value of cigarettes. Makes civil penalty applicable to distributions or offers to sell occurring on or after March 1, 2008. Makes violations by person distributing or offering to sell cigarettes to public subject to civil penalty not to exceed \$500 for violation involving not more than 1,000 cigarettes and not to exceed greater of \$1,000 or five times value of cigarettes for violation involving more than 1,000 cigarettes. Makes civil penalty applicable to distributions or offers to sell occurring on or after July 1, 2008.]

[Prohibits cigarette packages or cartons that bear device indicating cigarettes are fire-safe if cigarettes are not variety determined by State Fire Marshal to be fire-safe. Makes prohibition operative March 1, 2008.]

Creates Task Force on Cigarette Sales to study issues relating to sales and other means of supplying cigarettes to and by retailers, wholesalers and manufacturers.

Sunsets on convening of next regular biennial legislative session.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to cigarettes; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) There is created the Task Force on Cigarette Sales, consisting of seven**
5 **members appointed as follows:**

6 **(a) The President of the Senate shall appoint:**

7 **(A) One member from among members of the Senate.**

8 **(B) One member of the public with expertise in issues involving the sale or other sup-**
9 **plying of tobacco products.**

10 **(b) The Speaker of the House of Representatives shall appoint:**

11 **(A) One member from among members of the House of Representatives.**

12 **(B) Two members of the public with expertise in issues involving the sale or other sup-**
13 **plying of tobacco products.**

14 **(c) The Director of the Department of Revenue shall appoint one member representing**
15 **the Department of Revenue with expertise in tobacco product revenue issues.**

16 **(d) The Attorney General shall appoint one member representing the Department of**
17 **Justice with expertise in legal issues pertinent to the tobacco industry.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **(2) The task force shall study issues that include, but need not be limited to, sales and**
2 **other means of supplying cigarettes to and by retailers, wholesalers and manufacturers.**

3 **(3) A majority of the members of the task force constitutes a quorum for the transaction**
4 **of business.**

5 **(4) Official action by the task force requires the approval of a majority of the members**
6 **of the task force.**

7 **(5) The task force shall elect one of its members to serve as chairperson.**

8 **(6) If there is a vacancy for any cause, the appointing authority shall make an appoint-**
9 **ment to become immediately effective.**

10 **(7) The task force shall meet at times and places specified by the call of the chairperson**
11 **or of a majority of the members of the task force.**

12 **(8) The task force may adopt rules necessary for the operation of the task force.**

13 **(9) The task force shall submit a report, and may include recommendations for legis-**
14 **lation, to an interim committee related to commerce no later than October 1, 2008.**

15 **(10) The Department of Justice shall provide staff support to the task force.**

16 **(11) Members of the task force who are not members of the Legislative Assembly are not**
17 **entitled to compensation, but may be reimbursed for actual and necessary travel and other**
18 **expenses incurred by them in the performance of their official duties in the manner and**
19 **amounts provided for in ORS 292.495. Claims for expenses incurred in performing functions**
20 **of the task force shall be paid out of funds appropriated to the Department of Justice for**
21 **that purpose.**

22 **(12) All agencies of state government, as defined in ORS 174.111, are directed to assist**
23 **the task force in the performance of its duties and, to the extent permitted by laws relating**
24 **to confidentiality, to furnish such information and advice as the members of the task force**
25 **consider necessary to perform their duties.**

26 **SECTION 2. Section 1 of this 2007 Act is repealed on the date of the convening of the next**
27 **regular biennial legislative session.**

28 **SECTION 3. This 2007 Act being necessary for the immediate preservation of the public**
29 **peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect**
30 **on its passage.**

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