

HOUSE BILL NO. HB0122

Cigarette certification.

Sponsored by: Representative(s) Greear and Semlek and
Senator(s) Emerich

A BILL

for

1 AN ACT relating to public health and safety; providing
2 additional certification and enforcement duties to the
3 department of revenue under the Wyoming Reduced Cigarette
4 Ignition Propensity Act; amending a reporting requirement;
5 and providing for an effective date.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9 **Section 1.** W.S. 35-9-803(a)(intro), (d)(intro), (e)
10 and (f), 35-9-804(a)(intro), (c) and (e), 35-9-806(e) and
11 (g) and 35-9-807 are amended to read:

12

13 **35-9-803. Requirements for sale; test method;**
14 **adoption of other state's testing method, if appropriate;**
15 **performance standards; exceptions.**

16

1 (a) Except as provided in this act, cigarettes may
2 not be offered for sale or sold to persons located in this
3 state unless the cigarettes have been tested and have met
4 the required performance standard specified in this
5 section, the manufacturer has filed a written certification
6 with the ~~state fire marshal~~ department of revenue in
7 accordance with W.S. 35-9-804 and the cigarettes have been
8 marked in accordance with W.S. 35-9-805. The following
9 testing requirements shall apply:

10

11 (d) The ~~state fire marshal~~ department of revenue
12 shall authorize a manufacturer to employ an alternative
13 test method and performance standard to certify ~~that a~~
14 cigarette for sale in this state if the fire marshal
15 determines that:

16

17 (e) Manufacturers shall maintain copies of reports of
18 all tests conducted on all cigarettes offered for sale for
19 three (3) years and shall make copies available upon
20 written request by the ~~state fire marshal~~ department of
21 revenue or attorney general. Any manufacturer failing to
22 make copies of the requested reports available within sixty
23 (60) days of receipt of the request shall be subject to a
24 civil penalty not to exceed ten thousand dollars

1 (\$10,000.00) for each day after the sixtieth day that the
2 manufacturer fails to make copies available.

3

4 (f) The state fire marshal and department of revenue
5 shall review the effectiveness of this section and report
6 the findings and any recommended improvements every three
7 (3) years to the joint labor, health and social services
8 interim committee. The report and legislative
9 recommendations shall be submitted no later than June 30,
10 beginning in 2011.

11

12 **35-9-804. Certification and product change.**

13

14 (a) Each manufacturer shall certify in writing to the
15 ~~state fire marshal~~ department of revenue:

16

17 (c) The ~~state fire marshal~~ department of revenue
18 shall make the certifications available to the attorney
19 general and ~~department of revenue~~ the state fire marshal
20 for purposes consistent with this act.

21

22 (e) For each cigarette listed in a certification, a
23 manufacturer shall pay a fee of two hundred fifty dollars
24 (\$250.00) payable to the ~~state fire marshal for processing,~~

1 ~~testing, enforcement and oversight activities required by~~
2 ~~this act~~ department of revenue to be deposited into the
3 general fund.

4
5 **35-9-806. Penalties.**

6
7 (e) Law enforcement personnel or ~~an authorized~~
8 ~~representative of the state fire marshal~~ authorized
9 employees of the department of revenue may seize cigarettes
10 for which no certification has been filed or that have not
11 been marked in the manner required by this act. Cigarettes
12 seized pursuant to this section shall be destroyed not less
13 than thirty (30) days after the trademark holder in the
14 cigarette brand has been given an opportunity to inspect
15 the cigarettes.

16
17 (g) Each violation of this act or of rules and
18 regulations adopted under this act constitutes a separate
19 civil violation for which the ~~state fire marshal~~ department
20 of revenue or attorney general may obtain relief. Upon
21 obtaining judgment for injunctive relief under this
22 section, the ~~state fire marshal~~ department of revenue or
23 attorney general shall provide a copy of the judgment to

1 all wholesale dealers and agents to which the subject
2 cigarette has been sold.

3

4 **35-9-807. Inspection and enforcement.**

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6 (a) The department of revenue may inspect cigarettes
7 to determine if the cigarettes are marked as required by
8 W.S. 35-9-805. If the cigarettes are not marked as
9 required, the department of revenue shall ~~notify the state~~
10 ~~fire marshal~~ seize the cigarettes as provided in W.S.
11 35-9-806(e) and notify the attorney general.

12

13 (b) To enforce the provisions of this act, the
14 attorney general, the department of revenue ~~and the state~~
15 ~~fire marshal, their agent~~ and other law enforcement
16 personnel are authorized to examine books, papers, invoices
17 and other records of any person or entity possessing,
18 controlling or occupying any premises where cigarettes are
19 placed, held, stored, sold or offered for sale.

20

1 **Section 2.** This act is effective immediately upon
2 completion of all acts necessary for a bill to become law
3 as provided by Article 4, Section 8 of the Wyoming
4 Constitution.

5

6

(END)