

HOUSE BILL NO. HB0113

Cigarette certification.

Sponsored by: Representative(s) Greear 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.**

1

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

11

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

17

18 (e) Manufacturers shall maintain copies of reports of
19 all tests conducted on all cigarettes offered for sale for
20 three (3) years and shall make copies available upon
21 written request by the ~~state fire marshal~~ department of
22 revenue or attorney general. Any manufacturer failing to
23 make copies of the requested reports available within sixty

1 (60) days of receipt of the request shall be subject to a
2 civil penalty not to exceed ten thousand dollars
3 (\$10,000.00) for each day after the sixtieth day that the
4 manufacturer fails to make copies available.

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

13
14 **35-9-804. Certification and product change.**

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

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

1 (e) For each cigarette listed in a certification, a
2 manufacturer shall pay a fee of two hundred fifty dollars
3 (\$250.00) payable to the ~~state fire marshal for processing,~~
4 ~~testing, enforcement and oversight activities required by~~
5 ~~this act~~ department of revenue to be deposited into the
6 general fund.

7
8 **35-9-806. Penalties.**

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

19
20 (g) Each violation of this act or of rules and
21 regulations adopted under this act constitutes a separate
22 civil violation for which the ~~state fire marshal~~ department
23 of revenue or attorney general may obtain relief. Upon

1 obtaining judgment for injunctive relief under this
2 section, the ~~state fire marshal~~ department of revenue or
3 attorney general shall provide a copy of the judgment to
4 all wholesale dealers and agents to which the subject
5 cigarette has been sold.

6
7 **35-9-807. Inspection and enforcement.**

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9 (a) The department of revenue may inspect cigarettes
10 to determine if the cigarettes are marked as required by
11 W.S. 35-9-805. If the cigarettes are not marked as
12 required, the department of revenue shall ~~notify the state~~
13 ~~fire marshal~~ seize the cigarettes as provided in W.S.
14 35-9-806(e) and notify the attorney general.

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

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 (END)