
THIS SEARCH	THIS DOCUMENT	GO TO
Next Hit	Forward	New Bills Search
Prev Hit	Back	HomePage
Hit List	Best Sections	Help
	Contents Display	

GPO's PDF Display	Congressional Record References	Bill Summary & Status	Printer Friendly Display - 8,140 bytes. [Help]
-----------------------------------	---	---	--

Fire Safe Cigarette Act of 2002 (Introduced in House)

HR 4981 IH

107th CONGRESS

2d Session

H. R. 4981

To amend the Consumer Product Safety Act to provide for fire safety standards for cigarettes.

IN THE HOUSE OF REPRESENTATIVES

June 20, 2002

Mr. STEARNS (for himself and Mr. TOWNS) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Consumer Product Safety Act to provide for fire safety standards for cigarettes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE.

This Act may be cited as the 'Fire Safe Cigarette Act of 2002'.

SEC. 2. FIRE SAFETY STANDARD.

The Consumer Product Safety Act (15 U.S.C. 2051 et seq.) is amended--

(1) in section 3(a)(1)(B) (15 U.S.C. 2052(a)(1)(B)) by inserting ` , except as provided in section 7A' before the semicolon; and

(2) by adding after section 7 (15 U.S.C. 2056) the following:

‘FIRE SAFETY STANDARD

‘SEC. 7A. (a) CONSUMER PRODUCT SAFETY RULE- Not later than 18 months after the date of enactment of this section, the Commission shall by rule issue a consumer product safety standard for cigarettes to reduce the risk of fire. In establishing the standard, the Commission shall do the following:

‘(1) Use the testing methodology for determining ignition propensity of cigarettes referenced in ‘Relative Ignition Propensity of Test Market Cigarettes--National Institute of Standards and Technology--NIST Technical Note 1436, January, 2001--Appendix D: Cigarette Extinction Method’, with the modifications and specifications described in this subsection. Testing shall be conducted on 3 layers of filter paper, as described in the referenced test method. Forty replicate tests shall be required to comprise a complete test trial for each cigarette tested. Test results and the application of pass/fail criteria shall be derived only for complete test trials comprised of at least 40 replicate individual tests.

‘(2) Establish the following ignition propensity performance requirement for cigarettes using such methodology: A test failure shall consist of more than 50 percent of the cigarettes tested in a test trial failing to self-extinguish prior to burning the full length of the tobacco column.

‘(3) For cigarette designs that cannot be tested using the specified method because of unique or nontraditional characteristics, the Commission shall accept test methods and acceptance criteria that are proposed by manufacturers when the cigarette with unique or nontraditional characteristics is found by the Commission, after review of the application of the test method and acceptance criteria, to have an equivalent or lesser ignition propensity. In establishing the standard for cigarettes, the Commission shall have the authority to regulate the ignition propensity of cigarette paper for roll-your-own tobacco products.

‘(b) REVISION OF RULE- If the sponsor of the referenced test method revises it in any material respect, the sponsor shall notify the Consumer Product Safety Commission of the revision and the revision may be incorporated in the consumer product safety rule under subsection (a) if the Commission determines that such revision is in the public interest. The Commission is also authorized to revise the rule, including the performance requirements specified in subsection (a) (2), in whole or in part, without regard to the referenced test method, if it finds that compliance with such revision is technically feasible and provides a higher degree of protection from fire ignited by cigarettes.

‘(c) MANUFACTURERS- Manufacturers of cigarettes shall identify for the Commission any measures the manufacturers will take to meet the consumer product safety standard for cigarettes promulgated by the Commission. Based on information that shall be submitted by the manufacturers of cigarettes and other appropriate information available to the Commission, the Commission shall determine whether each such measure does or does not increase the toxicity of cigarettes. No cigarette shall be deemed to meet such standard unless the Commission has determined that the measures taken by the manufacturer of such cigarette to meet the standard do not increase the toxicity of the cigarette.

‘(d) PROCEDURES- The Commission shall promulgate the standard under subsections (a) and

(b) in accordance with section 553 of title 5, United States Code, and shall--

(1) consult with the National Institute of Standards and Technology, the American Society of Testing and Materials, and the National Fire Protection Association, and seek the advice and expertise of other Federal and State agencies; and

(2) take into account all findings in the final report to the Congress made by the Commission, in consultation with the Technical Advisory Group established under section 3 of the Fire Safe Cigarette Act of 1990 (15 U.S.C. 2054 note), in which it was found that cigarettes with a low ignition propensity are already on the market.

(e) STOCKPILING- The Commission shall include in the standard a prohibition of stockpiling of cigarettes to which such standard will apply. For purposes of this subsection, the term 'stockpiling' means the manufacturing or importing of a cigarette which would not comply with such standard between the date such standard is promulgated under subsection (a) and the date the standard is to take effect at a rate greater than the rate that cigarettes were manufactured or imported for the 1-year period ending on the date such standard was promulgated.

(f) INAPPLICABLE- The following shall not apply to the promulgation of a standard under subsections (a) and (b):

(1) Sections 7, 8, 9, 11, and 12 of this Act.

(2) Chapter 6 of title 5, United States Code.

(3) The National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(4) The Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104-121) and the amendments made by such Act.

(g) CONSUMER PRODUCT- The standard promulgated under this section shall be a consumer product safety standard promulgated under this Act. A cigarette shall be deemed a 'consumer product' under section 3(a)(1)(B) only for the purpose of enforcing compliance with this section and the standard promulgated under this section and with respect to section 26 of this Act.

(h) LIMIT ON JURISDICTION- Except as expressly provided in this section and in section 3(a)(1)(B), the Commission shall have no jurisdiction over tobacco or tobacco products.

(i) DEFINITIONS- For purposes of this section--

(1) the term 'cigarette' has the meaning prescribed by section 3(1) of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1332(1)); and

(2) the term 'cigarette paper' has the meaning prescribed by section 5702(e) of the Internal Revenue Code of 1986.

(j) MODIFICATION OF LAW- Nothing in this Act nor the application of this Act to tobacco products shall be construed to modify any provision of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1331 et seq.).

(k) EFFECTIVE DATE- The Commission shall prescribe the effective date of the consumer product safety standard promulgated for cigarettes except that such date shall be at least 180 days and no more than 12 months after the date of the promulgation of the standard unless the Commission, for good cause shown, determines that an earlier effective date is in the public interest.'

THIS SEARCH[Next Hit](#)[Prev Hit](#)[Hit List](#)**THIS DOCUMENT**[Forward](#)[Back](#)[Best Sections](#)[Contents Display](#)**GO TO**[New Bills Search](#)[HomePage](#)[Help](#)
