

ORIGINAL HOUSE
BILL NO. HB0113

ENROLLED ACT NO. 32, HOUSE OF REPRESENTATIVES

SIXTY-THIRD LEGISLATURE OF THE STATE OF WYOMING
2015 GENERAL SESSION

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

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

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

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

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

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

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

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

35-9-804. Certification and product change.

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

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

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

35-9-806. Penalties.

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

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(g) Each violation of this act or of rules and regulations adopted under this act constitutes a separate civil violation for which the ~~state fire marshal~~ department of revenue or attorney general may obtain relief. Upon obtaining judgment for injunctive relief under this section, the ~~state fire marshal~~ department of revenue or attorney general shall provide a copy of the judgment to all wholesale dealers and agents to which the subject cigarette has been sold.

35-9-807. Inspection and enforcement.

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

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

Section 2. W.S. 35-9-803(f) is repealed.

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

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk