

By Andrew Seaman

States push fire-safe cigarettes by passing their own legislation

Proposed federal laws have failed

By Andrew Seaman
Special to USA TODAY

States are circumventing more than 30 years of tobacco industry opposition to federal safe cigarette legislation by passing their own laws that require the sale of self-extinguishing cigarettes.

The list of states with such laws on the books will expand to 32 in 2009, nearly tripling the number that had such laws at the start of 2007.

After federal legislation — first proposed in 1974, and last failed in 2006 with opposition from the tobacco industry — the decision was made to change strategy and promote state requirements, said U.S. Fire Administrator Gregory Cade.

By the end of 2009, 14 states will join the 18 that already require vendors to purchase and sell only the fire-safe cigarettes, which are designed to go out if they are dropped or set aside, said Lorraine Carli, vice president of communications at the National Fire Protection Association and the Coalition for Fire-Safe Cigarettes.

Fire-safe cigarettes will be mandatory in Delaware, Iowa,



Oklahoma, Pennsylvania and Texas beginning Jan. 1, she said. Laws go into effect during the year in Arizona, Colorado, Hawaii, Idaho, Indiana, Kansas, Louisiana, Washington and Wisconsin. Six more states are set to enact laws in 2010 and seven others have proposals in the works, Carli said.

Sen. Dick Durbin, D-Ill., introduced federal fire-safe cigarette legislation in 2005 and Rep. Ed Markey, D-Mass., did so in 2006, according to Jessica Schafer, Markey's director of communications. She said the legislation was met with strong opposition from lobbying firms, and given the success at the state level, there is no plan to reintroduce it.

“Government fundamentally doesn't like . . . to pass laws restricting commerce,” Cade said.

David Howard, spokesman for

R.J. Reynolds, the USA's second-largest tobacco company, says R.J. Reynolds opposed federal legislation not because of the cost, but because it didn't include “pre-emptive language,” preventing states and localities from passing their own, differing regulations.

John Banzhaf, professor of product liability at George Washington University and founder of Action on Smoking and Health, a national anti-smoking organization, has been critical of how the tobacco industry “has very openly fought virtually everything.”

According to the U.S. Fire Administration, almost 1,000 smokers and non-smokers die annually in home fires caused by cigarettes and other smoking products.

New York's 2004 fire-safe cigarettes law was the first. Lauren Rivera, with the New York Department of State, said in 2004 there were 31 smoking-related fire deaths. By 2006, the most recent data available, that number had dropped to 22.

Howard said R.J. Reynolds will start making all of its cigarettes fire-safe by the end of 2009.

Philip Morris USA, the largest tobacco company, will not make all of its cigarettes fire-safe, but will “continue to work with the states,” spokesman David Sutton said.

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