

# COLORADO FIRE SAFER CIGARETTE COALITION

Meeting Notes - June 7, 2007

The initial meeting of the Colorado Fire Safer Cigarette Coalition was held on June 7, 2007 at 1:30 at the offices of the Colorado State Fire Chiefs' Association.

## Attendance:

<u>Name</u>	<u>Representing</u>	<u>Email</u>
Dave Nuss	NFPA	dnuss@nfpa.org
Tracey Taylor	Fire Safety Educators of Colorado	tracey.taylor@parkerfire.org
Einar Jensen	Fire Safety Educators of Colorado	ejensen@evergreenfirerescue.com
Theresa Staples	Colorado Division of Fire Safety	theresa.staples@cdps.state.co.us
Jerry Stricker	Fire Marshals Association of Colo	jstricker@cityofgolden.net
Paul Cooke	Colorado State Fire Chiefs Assn	paul@coloradofirechiefs.org

## History and Background:

Paul Cooke reported that the CSFCA promoted legislation in the 2005 session (HB05-1329 by Rep. Tom Plant). The bill made it through two committees (Judiciary and Finance), and 2<sup>nd</sup> reading, but the bill was lost on 3<sup>rd</sup> reading in the House by one vote. Cooke indicated that the 2005 effort was affected by the fact that there was an anti-smoking bill going through the legislature at the same time and the cigarette manufacturers were well represented. We also had opposition from groups that were opposing it in retaliation to the School Safety Bill. For example, the oil and gas industry weighed in on behalf of convenience store/gas station owners, suggesting they would be impacted by lost revenue due to a decrease in cigarette sales.

Cooke reported that Dave Nuss brought it forward to the CSFCA Board late in 2006 for potential 2007 legislation, but the Board believed it needed to take a low profile in the 2007 session to recover from the 2006 session. Cooke also reported that the CSFCA can only take on one or two legislative issues as its own and will be deciding what those issues are at its August 3<sup>rd</sup> Board Meeting. For this reason, he suggested that if "Fire Safe Cigarette" legislation was to be proposed for 2008, it should be a coalition effort and not fall solely on the CSFCA. Cooke indicated that the CSFCA Board has given approval to his participation in the coalition and that other members may also be involved (Dep. Chief Tom Montoya of Longmont has expressed interest in participating).

Cooke also reported that we do not have current data on the smoking-material caused fire problem in Colorado and that this would be necessary as the legislature will not be interested in national data.

Cooke distributed copies of the 2005 bill and a new report published by the Tobacco Control Legal Consortium "Regulating Cigarettes for Fire Safety."

Dave Nuss reported that 14 states have now passed fire-safe cigarette laws, including Utah and Montana (see attached map). Bills have also been passed in Maine, Texas and Alaska and are awaiting action by their governors. He indicated that, if we go forward with legislation it should be as

close to the model legislation as possible, this to ensure that Colorado does not end up with a different testing standard and run up against opposition that might not be there otherwise.

Nuss indicated that Phillip Morris is now supporting states' efforts to enact legislation consistent with the model legislation and we can count on their lobbying support as well as assistance in identifying legislators to sponsor the bill. According to Nuss, RJ Reynolds still opposes the state-by-state effort and would rather see a federal standard.

Nuss distributed an information packet from the national Coalition for Fire-Safe Cigarettes.

### **Do we pursue legislation?**

Cooke again indicated that the CSFCA will set its legislative agenda on August 3<sup>rd</sup>, but he expects the Board will at minimum, approve participation in a coalition effort. Another question that needs to be addressed is the degree to which the CSFCA lobbyist will be involved if we move forward or if we would need to come up with additional funds for lobbying expenses.

Jerry Stricker indicated that the Fire Marshals Association would support going forward with the bill.

Tracey Taylor indicated that the Fire Safety Educators would support going forward with the bill and she would bring the issue to their membership at their July 13<sup>th</sup> meeting.

Theresa Staples advised that the Division could not commit to supporting the Bill until they receive direction from the Governor's Office. She indicated that she would brief Director Klein on the issue and he would take it forward.

### **Other Stakeholders:**

Dave Nuss reported that a Mr. David Lettkeman had contacted him to be a part of any effort to pursue fire safe cigarette legislation. Cooke indicated that he had added him to the coalition as a citizen advocate, but that he could not attend this meeting as he was attending the NFPA Annual Meeting.

Cooke also reported that he was not sure of the reason for Mr. Lettkeman's interest in the issue, however, it would be important for the coalition to identify at least one victim of a cigarette caused fire to be an advocate for the bill and be willing to testify, as their testimony would pull more support than the testimony of the professional associations.

It was the consensus of the participants that we need to make sure that this is not an anti-smoking effort, but an anti-smoking-related fire death issue. It was concerned that by including anti-smoking advocates in the coalition, this message might get lost. It was agreed that we should let the anti-smoking groups know what we are up to, but not include them in the coalition.

It was suggested that the Safe Kids Coalition, Children's Burn Center, and some group or groups that represent the elderly (like a local chapter of AARP) should be invited to participate in the coalition.

Cooke also indicated that the Department of Revenue also needs to be brought into the discussion. He reported that during the 2005 effort the Department of Revenue wrote a fiscal note that resulted in the bill being amended to put the enforcement activities in the Liquor Licensing Division as they already enforce tax stamps on cigarettes. Cooke will discuss this with Director Klein.

**Legislative approach:** The following approach was recommended:

We should meet with other stakeholders including those will potentially oppose the bill and discuss/address issues.

We need to identify legislators willing to sponsor the bill (hopefully bi-partisan). Nuss and/or Nuss and Cooke will meet with the lobbyist for Phillip Morris to determine if they have legislators identified that will carry the bill. If the bill becomes a Governor's Agenda item, the Governor's office will find its own sponsors.

Identify a victim/advocate for the bill and engage them in the coalition.

Meet with potential sponsors. It will also be important for members of the individual associations to talk with their legislators about their support for the bill. This should be done while they are out of session as well as when the bill is going through the process.

**Roles and Responsibilities/Action Plan:** Following is the division of work that was agreed upon:

Division of Fire Safety – The Division will be key to providing data on the smoking-material caused fire problem in Colorado (Cooke said that he would help with this, if so desired). Also, Theresa was asked to take back to Director Klein the request that he submit this topic as a potential agenda item for the Governor's Legislative Agenda and that he seek approval to be part of the coalition.

Cooke will prepare and distribute minutes from this meeting and will meet with the CSFCA lobbyist for additional guidance and recommendations. Cooke also indicated that he would put up a resource page on the CSFCA website and will participate in the meeting with Phillip Morris.

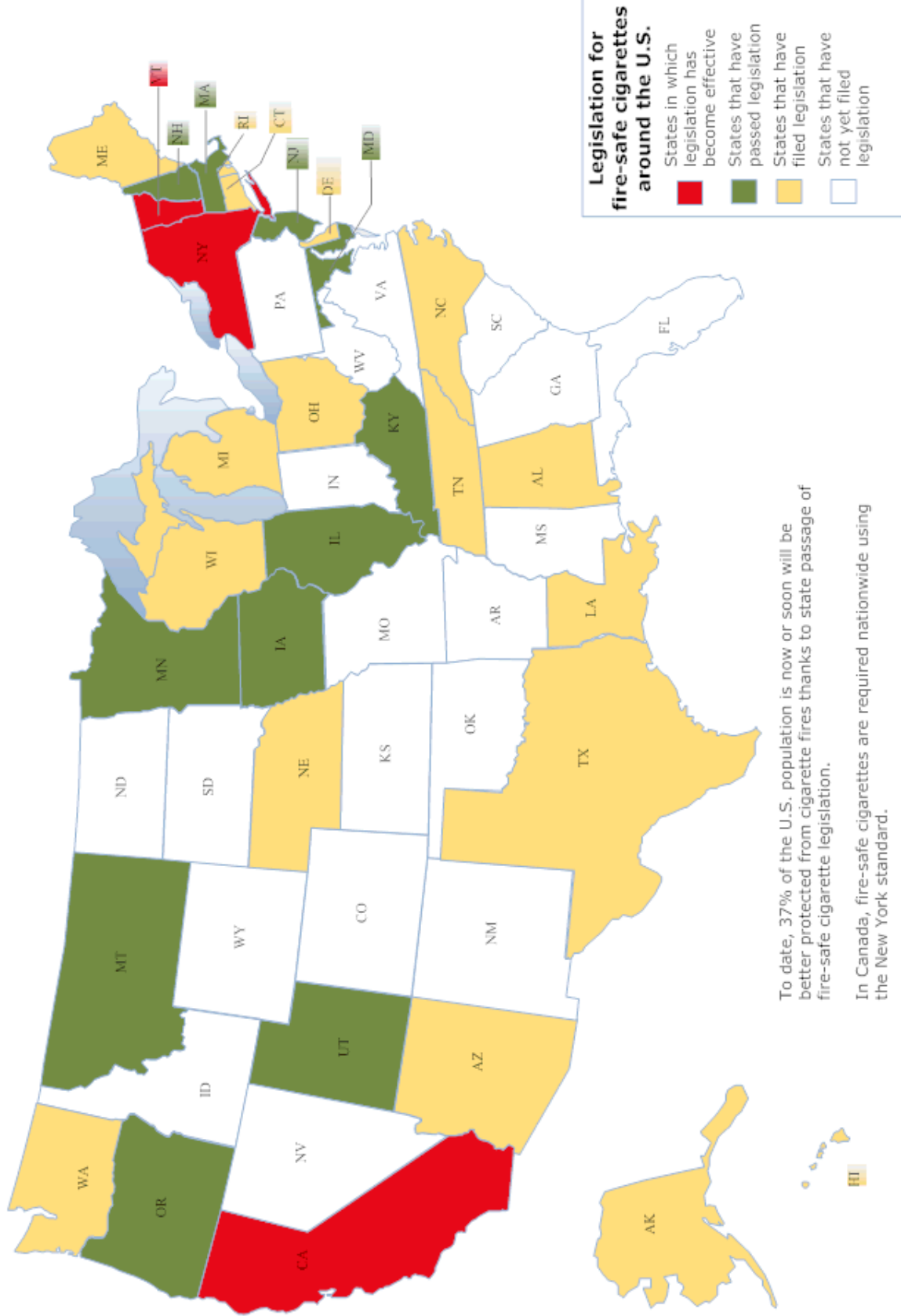
Dave Nuss will prepare the legislative issue summary for the CSFCA Board Meeting and will set up a meeting with the lobbyist for Phillip Morris.

Tracey Taylor will contact the Safe Kids Coalition and Children's Burn Center to involve them in the coalition.

FMAC and FSEC will work with their members to garner support for the bill and to identify a victim/advocate.

**Other issues:** Cooke suggested there should be a chair of this coalition and indicated that he would check with Chief Montoya and other CSFCA Board members to see if anyone is interested before asking another member of the coalition to serve in this role.

**Next meeting:** The next meeting was set for July 26, 2007 at 1:30 PM at the Colorado State Fire Chiefs' Association office.



To date, 37% of the U.S. population is now or soon will be better protected from cigarette fires thanks to state passage of fire-safe cigarette legislation.

In Canada, fire-safe cigarettes are required nationwide using the New York standard.

**Click on any state to learn more.**