



NASFM Model State Bill – Sale of Novelty Lighters

On March 24, 2008, the Governor of Maine signed into law Bill #LD2081, Public Law, Chapter 510, 123rd Maine State Legislature, An Act To Prohibit the Retail Sale and Distribution of Novelty Lighters. The Model Bill below is adapted from the Maine law.

An Act To Prohibit the Retail Sale and Distribution of Novelty Lighters

Whereas, novelty lighters have features that are attractive to children, including visual effects, flashing lights, musical sounds and toy-like designs; and

Whereas, the federal Consumer Product Safety Commission has recalled thousands of novelty lighters since 1996 due to their danger to public safety; and

Whereas, fire setting by juveniles has been identified as the fastest growing fire threat in the United States, with more than 300 people killed annually, 30% of whom are children, and almost \$1 billion in property destroyed; and

Whereas, in _____ (state) _____ fire setting by juveniles has resulted in several deaths and millions of dollars in property damage and destruction; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of _____ (state) _____ and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of _____ as follows:

Section 1. Definition. For purposes of this Act, “novelty lighter” means a mechanical or electrical device typically used for lighting cigarettes, cigars or pipes that is designed to resemble a cartoon character, toy, gun, watch, musical instrument, vehicle, animal, food or beverage, or similar articles, or that plays musical notes, or has flashing lights for entertainment or has other entertaining features. A novelty lighter may operate on any fuel, including butane, isobutane or liquid fuel. “Novelty lighter” does not include:

- A. A lighter manufactured prior to January 1, 1980;

B. A lighter incapable of being fueled or lacking a device necessary to produce combustion or a flame;

C. Any mechanical or electrical device primarily used to ignite fuel for fireplaces or for charcoal or gas grills; or

D. Standard disposable and refillable lighters that are printed or decorated with logos, labels, decals or artwork, or heat shrinkable sleeves.

Section 2. Prohibition; penalty. A person may not sell at retail, offer for retail sale or distribute for retail sale or promotion in this State a novelty lighter. A person who violates this section commits a civil violation for which a fine of not more than \$500 may be imposed.

Section 3. Exception. The prohibition specified in section 2 does not apply to the transportation of novelty lighters through this State or the storage of novelty lighters in a warehouse or distribution center in this State that is closed to the public for purposes of retail sales.

Section 4. Enforcement. This section may be enforced by the State Fire Marshal's Office; a state, county or municipal law enforcement officer; or a municipal code enforcement officer.

Section 5. Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.