



## 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, 123<sup>rd</sup> 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 or has other entertaining features. A novelty lighter may operate on any fuel, including butane, isobutene 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 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.

July 24, 2008