

HOUSE No. 2188

The Commonwealth of Massachusetts

PRESENTED BY:

Geraldo Alicea

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act to Prohibit Novelty Lighters.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Geraldo Alicea	6th Worcester
Stephen L. DiNatale	3rd Worcester
Christine E. Canavan	10th Plymouth
Cory Atkins	14th Middlesex
Elizabeth Poirier	14th Bristol
Jennifer M. Callahan	18th Worcester

The Commonwealth of Massachusetts

—————
In the Year Two Thousand and Nine
—————

AN ACT TO PROHIBIT NOVELTY LIGHTERS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 52A of Chapter 146 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by adding the following new section:-

Section 52B. No person shall manufacture, store, keep for sale, sell, give away, or transport any novelty lighter. For the purposes of this section, a novelty lighter is defined as a mechanical or electrical device typically used for lighting cigarettes, cigars, or pipes that has audio or visual effects, or that resembles in physical form or function articles commonly recognized as appealing to or intended for use by children 10 years of age or younger. This includes, but is not limited to, lighter that resemble cartoon character, toys, guns, watches, musical instruments, vehicles, toy animal, food or beverages, or that play musical notes or have flashing lights or other entertaining features. A novelty lighter may operate on any fuel, including butane or liquid fuel. This section shall not apply to novelty lighters that were manufactured before January 1, 1980 or that are considered to be collectable items.

Whoever manufactures, stores, keeps for sale, sells, gives away, or transports any novelty lighters shall be punished by a fine of not more than \$100 dollars.

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In the Year Two Thousand and Nine

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Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

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4 lighter. For the purposes of this section, a novelty lighter is defined as a mechanical or electrical device
5 typically used for lighting cigarettes, cigars, or pipes that has audio or visual effects, or that resembles in
6 physical form or function articles commonly recognized as appealing to or intended for use by children 10
7 years of age or younger. This includes, but is not limited to, lighter that resemble cartoon character, toys,
8 guns, watches, musical instruments, vehicles, toy animal, food or beverages, or that play musical notes or
9 have flashing lights or other entertaining features. A novelty lighter may operate on any fuel, including
10 butane or liquid fuel. This section shall not apply to novelty lighters that were manufactured before
11 January 1, 1980 or that are considered to be collectable items.

12 Whoever manufactures, stores, keeps for sale, sells, gives away, or transports any novelty lighters
13 shall be punished by a fine of not more than \$100 dollars.

COMMITTEE ON PUBLIC SAFETY AND HOMELAND SECURITY

Bill Summary

Bill Number: H 2188

Name: An Act to Prohibit Novelty Lighters

Sponsor(s): Representative Geraldo Alicea

Hearing Date: June 25, 2009

Similar Bills:

Prior History:

Current Law:

Summary of Proposed Law: H 2188 would insert after MGL Chapter 146 Section 52A a new Section 52B that prohibits the manufacture, storage, sale, or transportation of novelty lighters. Novelty lighters are defined as a mechanical or electrical device typically used for lighting cigarettes, cigars, etc that has audio or visual effects, resembles in physical form or function objects that appeal to or are intended for use by children 10 and under such as cartoon characters, toys, watches, musical instruments, vehicles, animals, food or beverages, flashing lights or other entertaining features. The definition of novelty lighters includes use of any type of fuel. Lighters manufactured before January 1, 1980 or that are considered to be collectable items are excluded. Violation shall result in a fine of not more than \$100.

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BILLS UNDERWAY

for legislation relative to the sale of lighters

Sponsors: James E. Timilty

Bill Number: S180

Secondary Sponsors

City/Town

Town Approved

No

Current Status

Upcoming Hearings

Bill History

- 1.20.2009 | --- | S | Referred to the committee on Joint Committee on Consumer Protection and Professional Licensure
- 1.20.2009 | --- | H | House concurred
Public Hearing date 9/23 at 10:00 AM in Room 437
- 5.14.2010 | --- | S | Accompanied a study order, see S2434

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Session Laws

Acts

2010

Chapter 276 AN ACT PROHIBITING THE USE OF NOVELTY LIGHTERS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows: Chapter 148 of the General Laws is hereby amended by adding the following section:- Section 60.(a) For the purposes of this section, novelty lighter shall mean a mechanical or electrical device manufactured for the purpose of producing a flame to light cigarettes, cigars or pipes and which, due to the physical or audio features of the device, excluding its capability of producing a flame, would reasonably be expected to cause the lighter to be appealing or attractive to a child under the age of 10 including, but not limited to, lighters that resemble a cartoon character, toy, gun, watch, musical instrument, vehicle, animal, beverage, sporting equipment or that is capable of playing musical notes or displaying flashing lights. (b) Whoever manufactures, offers for sale, sells, exchanges, gives away, stores or transports any novelty lighter shall be punished by a fine of not less than \$500 and not more than \$1,000 or by imprisonment for not more than 1 year, or both. (c) This section shall not apply: (i) to a novelty lighter manufactured before January 1, 1980 and which is considered a collectible item within the collectible trade; (ii) to a disposable or refillable lighter with a logo, label, decal or artwork printed thereon or on heat shrinkable sleeves attached thereto but which does not otherwise resemble a novelty lighter; or (iii) if not intended for sale or use in the commonwealth, to the interstate transportation of a novelty lighter or to the temporary storage of a novelty lighter while in interstate commerce.

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SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

James E. Timilty

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to the sale of lighters.

PETITION OF:

NAME:

James E. Timilty

DISTRICT/ADDRESS:

Bristol and Norfolk

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO THE SALE OF LIGHTERS

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 148 of the General Laws as so appearing in the 2006 Official Edition, is
2 hereby amended by inserting after Section 52A, the following new section:-
3
4 Section 52B. No person shall sell, offer for sale, or otherwise give away as a prize or promotion
5 any novelty lighter. For purposes of this section, "novelty lighter" shall mean a mechanical or
6 electrical device, which operates on any fuel including butane or liquid fuel and is designed or
7 used for the purpose of lighting cigarettes, cigars, pipes or any other smoking material and which
8 has entertaining audio or visual effects, or a toy like appearance or resembles in any way, in form
9 or in function, an item commonly recognized as appealing to or intended for use by children ten
10 (10) years of age or younger. These devices include, but are not limited to, lighters that resemble
11 cartoon characters, toys, guns, watches, musical instruments, vehicles, toy animals, food,
12 beverages, sports equipment or that play musical notes or have flashing lights or other
13 entertaining features.
14

15 The prohibition on the sale of novelty lighters, as defined herein, shall not apply to the
16 transportation of said lighters through the state or the temporary storage of said lighters, not
17 intended for sale in the state.

18
19 Any person who violates the provisions of this section shall be punished by a fine of not less than
20 \$500 not more than \$1,000 or by imprisonment for not more than one year, or both.

21
22 All novelty lighters, in violation of this section, shall be deemed contraband and may be seized
23 by any officer qualified to serve criminal process without a warrant. The novelty lighters seized,
24 shall upon conviction of such violation, be forfeited to the Commonwealth. Notice of such
25 seizure shall be sent forthwith to the Marshal by the officer making such seizure who shall hold
26 and securely store them until delivered to the Marshal for disposal.

27
28 SECTION 2. No person shall sell, offer for sale or otherwise give away as prize or promotion,
29 any lighter or matches to a person under the age of eighteen (18) without first requesting and
30 examining positive identification from any person suspected of being a person less than eighteen
31 (18) years of age. For purposes of this section, "positive identification" shall mean, a valid
32 Massachusetts driver's license, a valid Massachusetts identification card; or a certified birth
33 certificate with a picture identification card with a date of birth thereon, or two (2) similar forms
34 of identification, one of which should be a picture identification card with a date of birth thereon.

35

36 Any person violating the provisions of this section shall be subject to a fine of not less than
37 \$100.00 or more than \$500.00 for a first or subsequent offense. The head of the fire department
38 and local boards of health shall enforce the provisions of this section.

39

An Act relative to the sale of lighters

SECTION 1. Chapter 148 of the General Laws as so appearing in the 2006 Official Edition, is hereby amended by inserting after Section 52A, the following new section:-

Section 52B. No person shall sell, offer for sale, or otherwise give away as a prize or promotion any novelty lighter. For purposes of this section, "novelty lighter" shall mean a mechanical or electrical device, which operates on any fuel including butane or liquid fuel and is designed or used for the purpose of lighting cigarettes, cigars, pipes or any other smoking material and which has entertaining audio or visual effects, or a toy like appearance or resembles in any way, in form or in function, an item commonly recognized as appealing to or intended for use by children ten (10) years of age or younger. These devices include, but are not limited to, lighters that resemble cartoon characters, toys, guns, watches, musical instruments, vehicles, toy animals, food, beverages, sports equipment or that play musical notes or have flashing lights or other entertaining features.

The prohibition on the sale of novelty lighters, as defined herein, shall not apply to the transportation of said lighters through the state or the temporary storage of said lighters, not intended for sale in the state.

Any person who violates the provisions of this section shall be punished by a fine of not less than \$500 not more than \$1,000 or by imprisonment for not more than one year, or both.

All novelty lighters, in violation of this section, shall be deemed contraband and may be seized by any officer qualified to serve criminal process without a warrant. The novelty lighters seized, shall upon conviction of such violation, be forfeited to the Commonwealth. Notice of such seizure shall be sent forthwith to the Marshal by the officer making such seizure who shall hold and securely store them until delivered to the Marshal for disposal.

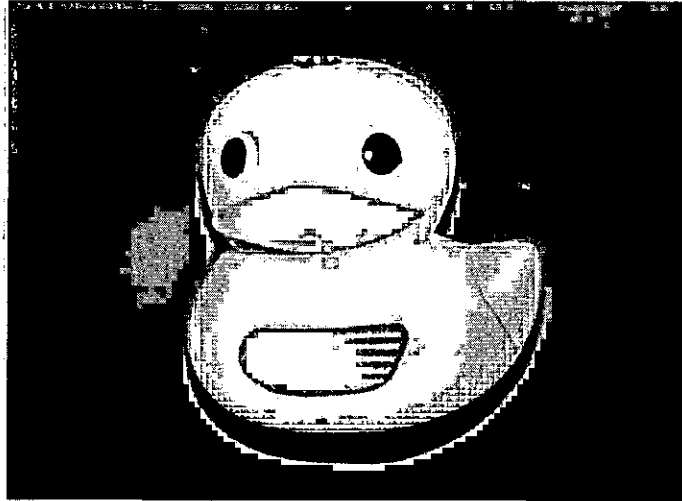
SECTION 2. No person shall sell, offer for sale or otherwise give away as prize or promotion, any lighter or matches to a person under the age of eighteen (18) without first requesting and examining positive identification from any person suspected of being a person less than eighteen (18) years of age. For purposes of this section, "positive identification" shall mean, a valid Massachusetts driver's license, a valid Massachusetts identification card; or a certified birth certificate with a picture identification card with a date of birth thereon, or two (2) similar forms of identification, one of which should be a picture identification card with a date of birth thereon.

Any person violating the provisions of this section shall be subject to a fine of not less than \$100.00 or more than \$500.00 for a first or subsequent offense. The head of the fire department and local boards of health shall enforce the provisions of this section.

Arson Awareness Week

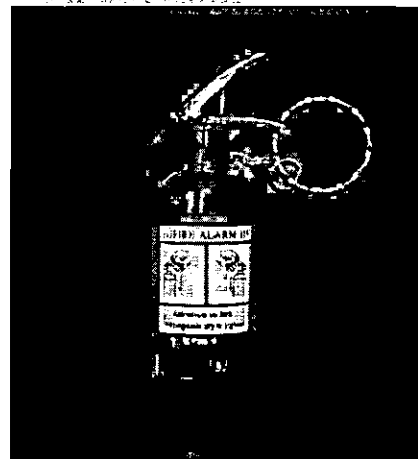
May 4-10, 2008

Toylike Lighters: Playing with Fire



The Office of Fire Prevention and Control is joining with the U.S. Fire Administration (USFA) to promote this year's Arson Awareness Week theme: "Toylike Lighters-Playing with Fire." The goal of this year's Arson Awareness Week is to focus public attention on the dangers of toylike or novelty lighters in the hands of children. These toylike or novelty lighters have been responsible for deaths, injuries, and accidents in the state and across the nation.

Children are attracted to novelty lighters because they look like toys. Many of these lighters are made in the shape of animals, cars, mobile phones, guns, cameras, dolls, and action figures and the like, all attractive items to children. The duck in the picture above looks nearly identical to a rubber ducky bath toy and it even quacks. Other lighters make sounds and some have visual effects such as flashing lights. Ironically, there are even lighters that look like fire engines, fire hydrants and fire extinguishers.



Often these lighters are sold in the checkout line of stores where they are very visible to children. There have been cases where parents have purchased novelty lighters for their children thinking they were toys.

Of the fire reports submitted to OFPC over the last five years, more than 25% of those involving juveniles reported that a cigarette lighter was used by the juvenile to start the fire. Clearly juvenile use of lighters is a concern and the availability of toylike or novelty lighters make them even more attractive to children.

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Price Range Search

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[FREE STANDARD SHIPPING]



Santa Claus Music Lighter

- ⊙ Flame Lighter
- ⊙ metal construction. Will sing Jingle Bells and flashing lights. Makes excellent pocket and table lighter this holiday season.
- ⊙ 2 7/8 in. H



Price: USD\$ 9.95

Usually Ships in 48 Hours.

Qty: 1 Add to Cart

BACK

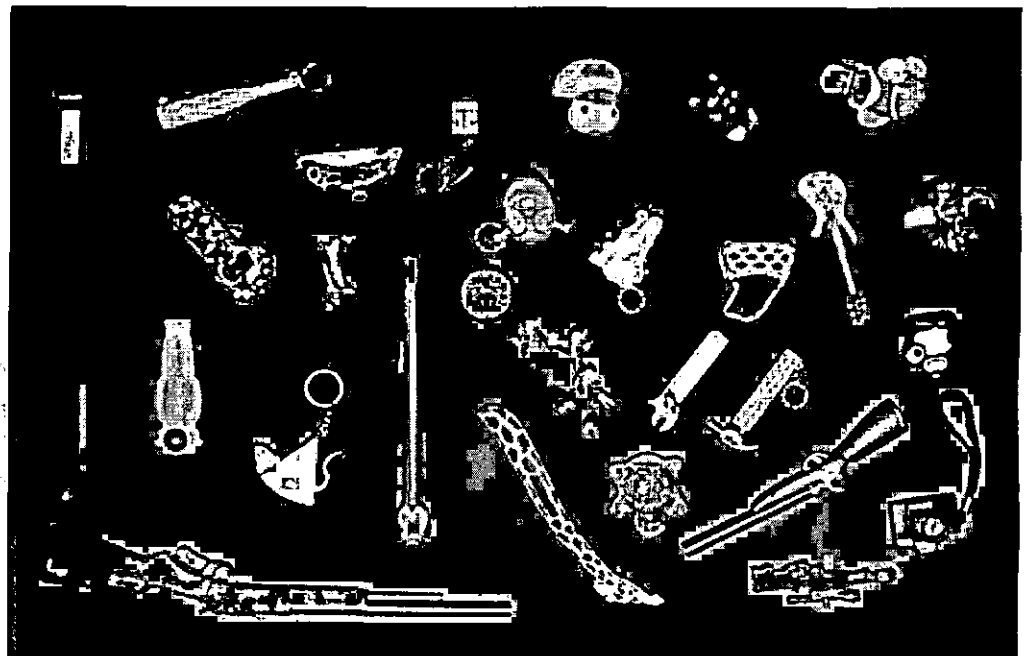
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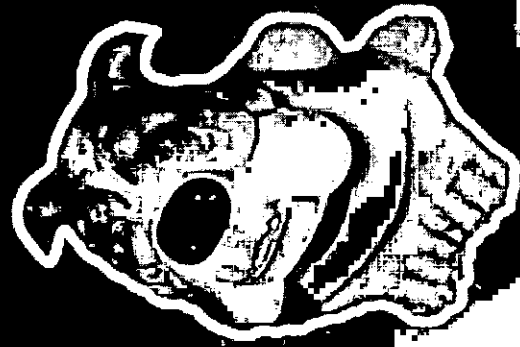
: Monthly Drawing : Novelty Lighter Collection : Sold Out / Discontinued :
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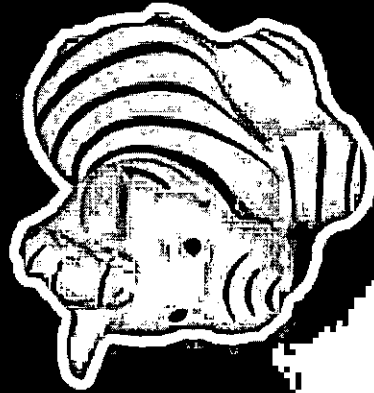
Zodiac Gift



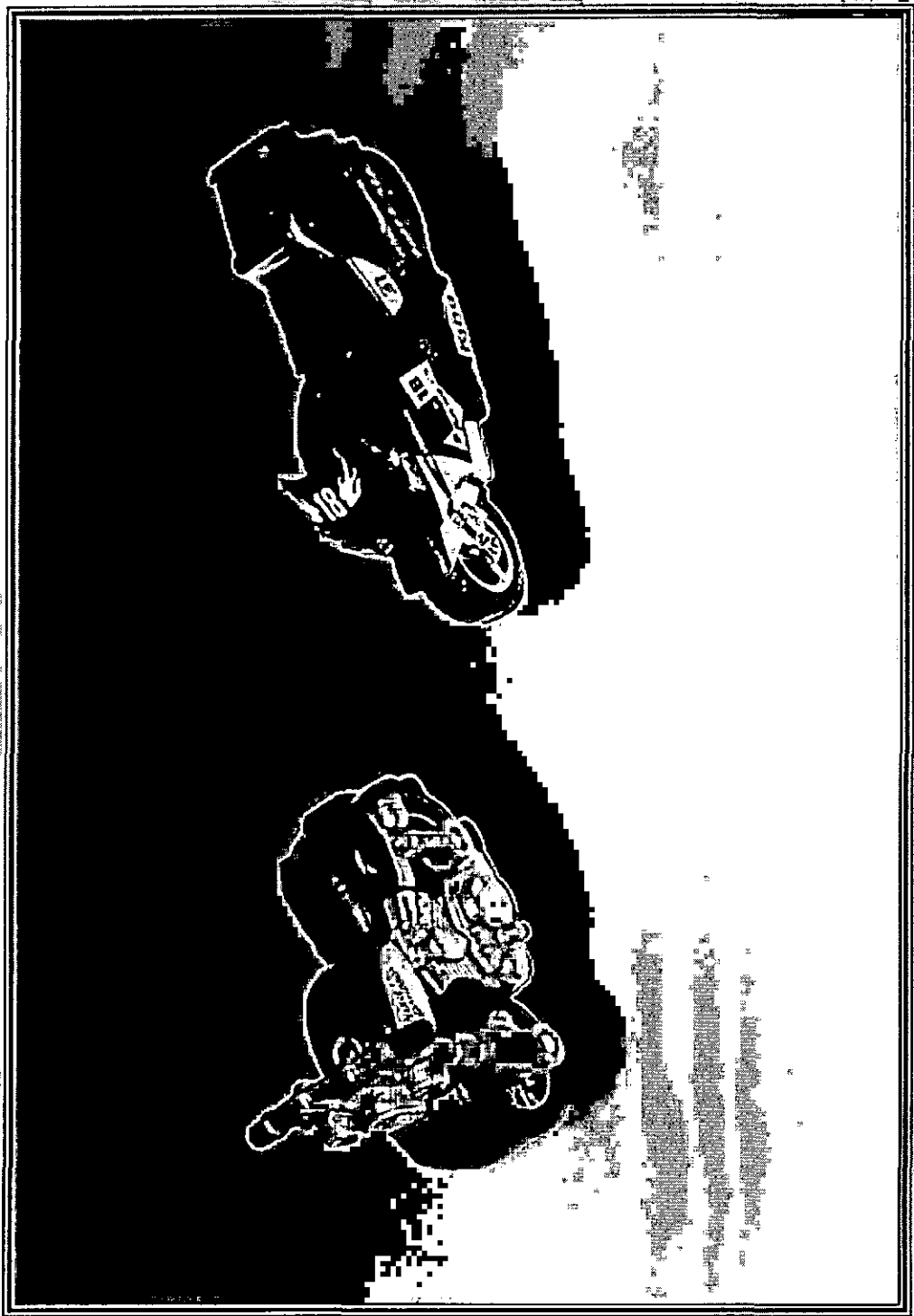




Lighter



Toy





Fighter

Toy

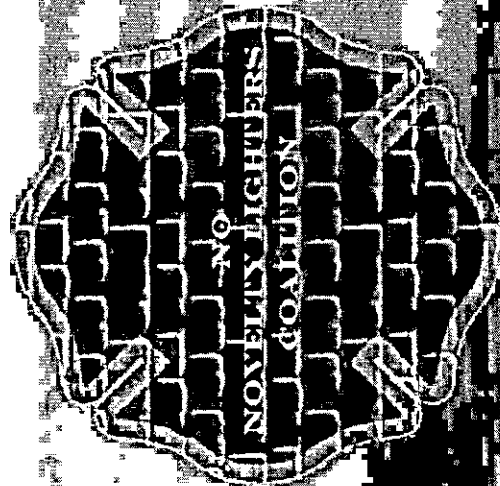
NOVELTY LIGHTERS

- What is a novelty lighter?
- In general, novelty lighters have features that make them attractive to children.
- A novelty lighter is defined as any lighter that has entertaining features or resembles an item commonly used by or found appealing by children 5 years of age or younger.



NOVELTY

NOVELTY



NOVELTY STORE





Toy

Fighter

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LAST BUT NOT LEAST!

- Make sure you have at least one working smoke alarm on every level of your home and outside all sleeping areas.
- If sleeping with bedroom doors closed, smoke alarms should be installed within each room.
- Check the batteries once a month and change the batteries at least once a year or as needed.
- Practice your escape plan and make sure everyone knows what to do and where to go.
- An escape plan is no good unless you practice.

USEFUL LINKS

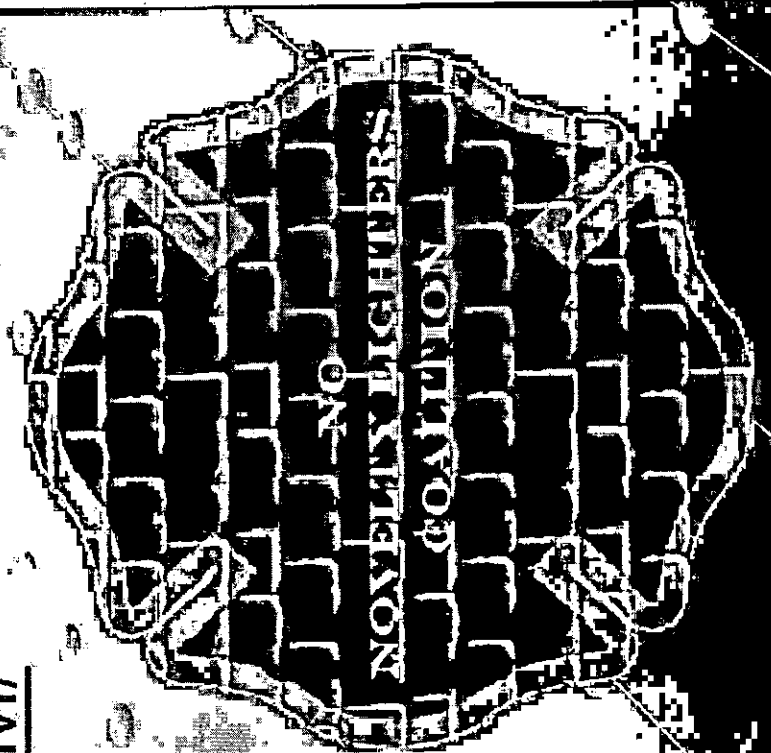
● www.nonoveltylighters.com

● www.theideabank.com

● www.oregon.gov/OSP/SFM/

● www.cpsc.gov

● www.archildrens.org



Lt. Mark Shoemaker
Deputy Fire Marshal
North Little Rock Fire Department

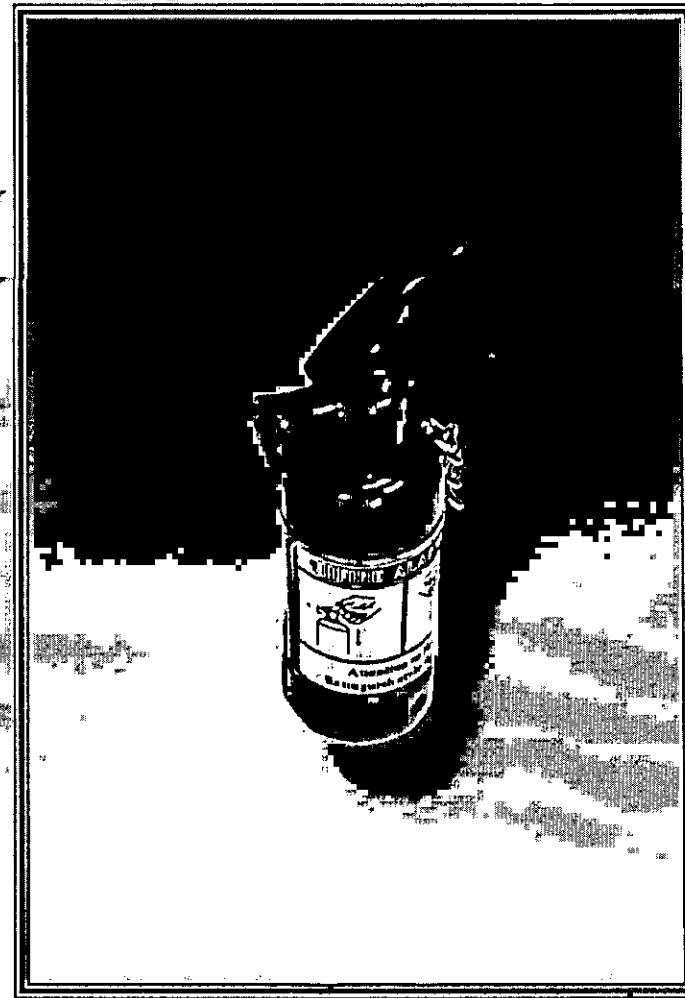
PURSES

- Audio or visual effects.
- Flashing lights, L.E.D.s
- Musical notes, voices, songs
- Logos, decals, artwork
- Cartoon characters, animals, cars, food or beverages, toy guns, watches.

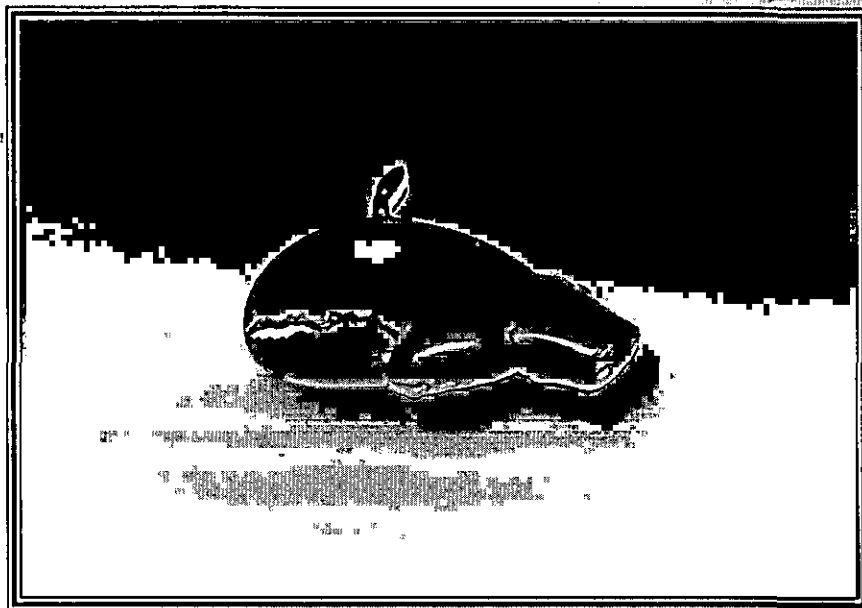


CHILDPROOF?

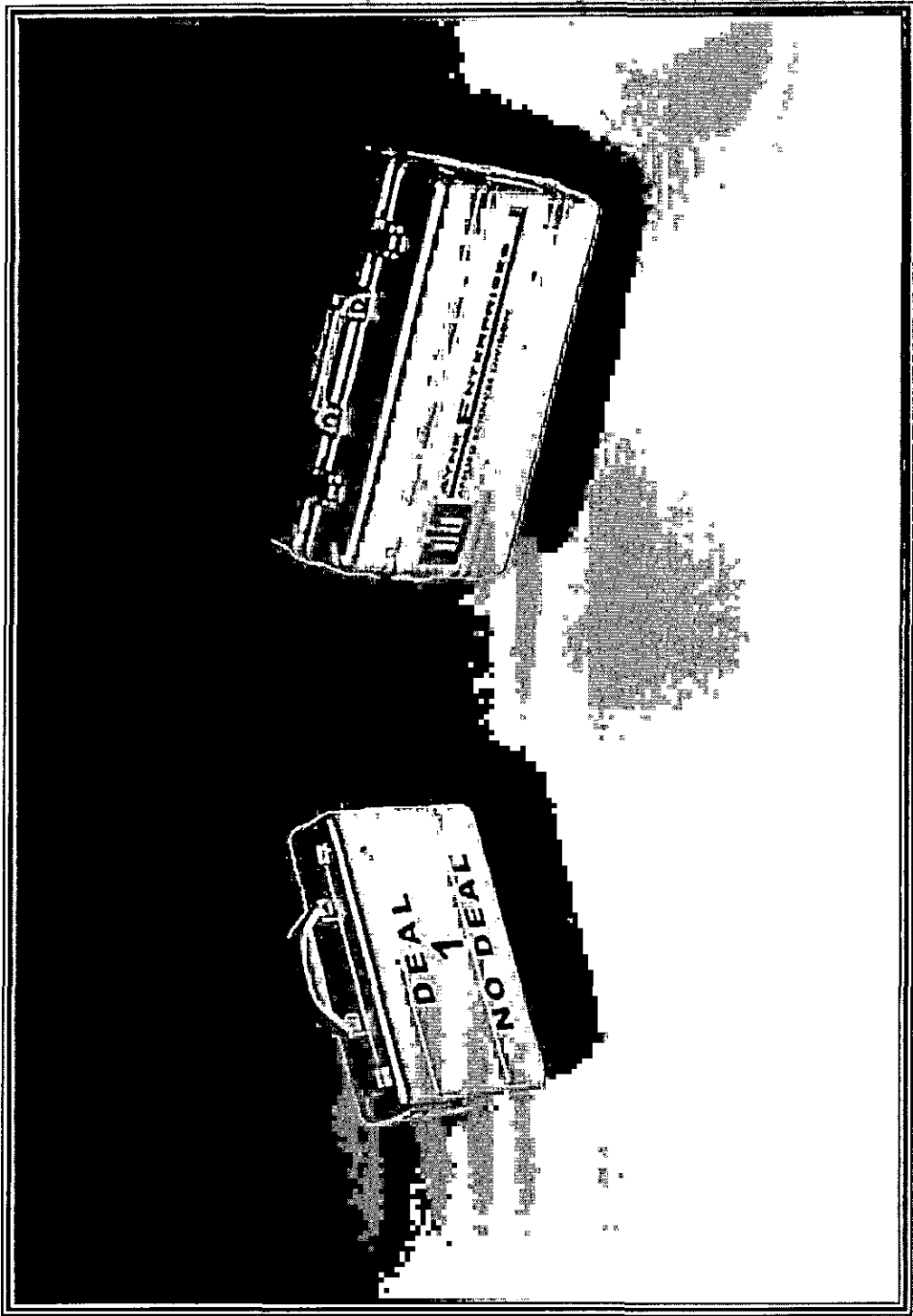
- Make no mistake. We all know nothing is child proof. How about child resistant?
- Lighters manufactured or imported after July 1994 are required to be child resistant.
- This came about as the CPSC estimated that children younger than the age of five playing with cigarette lighters ignited 5,900 residential fires that resulted in 170 deaths and 1,150 injuries for the period 1986-1989.
- There is no quality control.
- Many of these lighters do not meet the requirements set forth the U.S. Consumer Product Safety Commission.



WHERE DO YOU GET THEM?

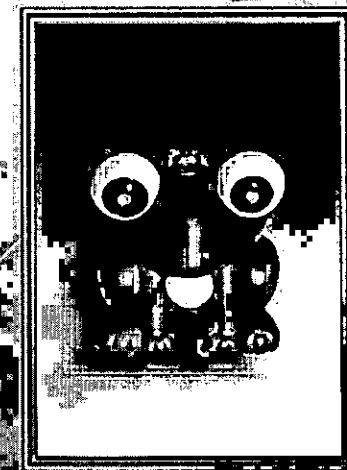


- They are in more places than you might think.
- Convenience stores, dollar stores, tobacco outlets, drug stores, county or state fairs.
- You have probably seen them before and just didn't realize it.
- They are often kept right on the counter, eye level for small children.
- Don't forget the internet.



DON'T PLAY WITH MATCHES

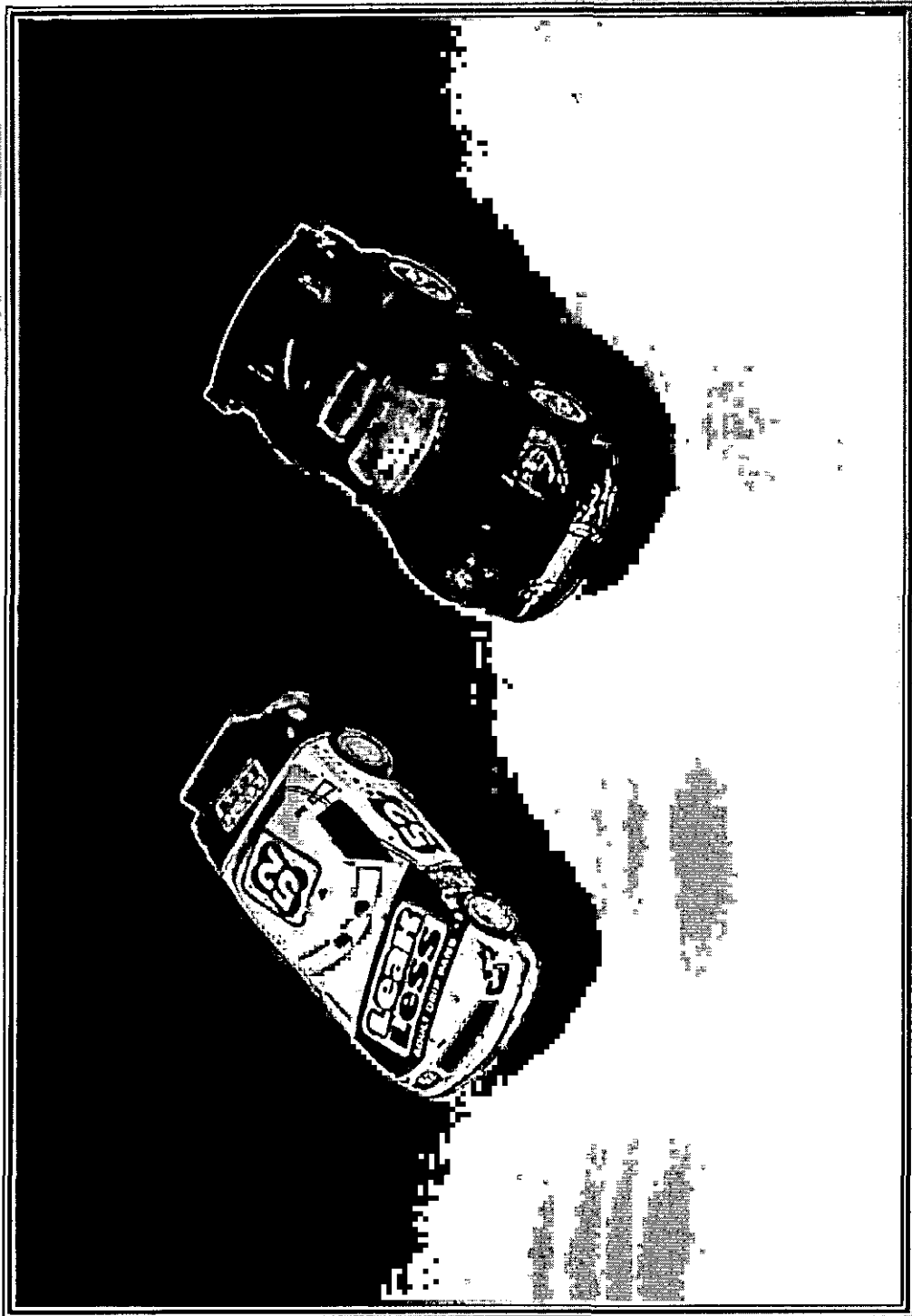
- We have taught children for years; don't play with matches or lighters.
- What happens when a lighter looks like a toy?
- Lighters are inherently dangerous in the first place.
- Parents need to know that there are hundreds of these types of lighters being sold across the country that resemble toys.
- Children cannot discriminate a toy from a fire tool that looks like a toy.





Fighter

Toy

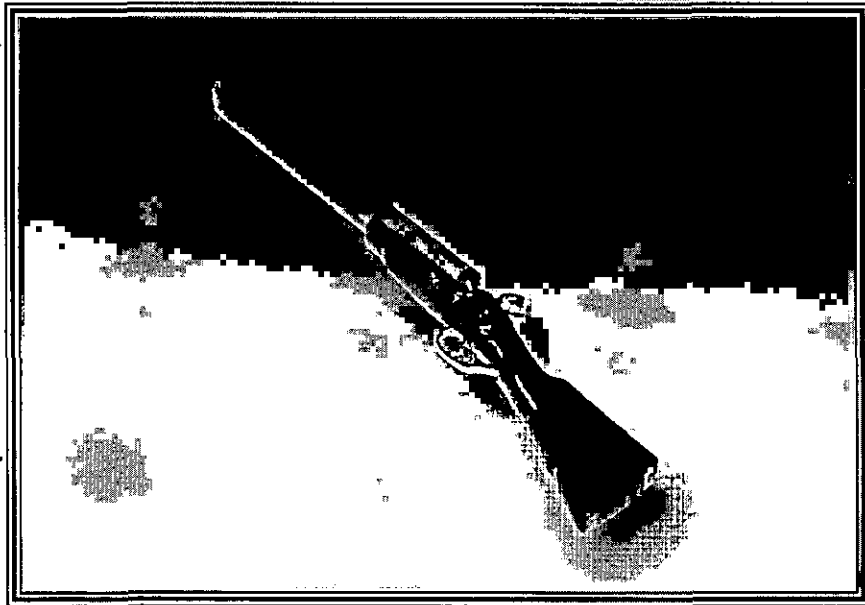


WHERE CAN I GO FOR HELP?



- If your child seems curious or has started a fire, there is help.
- Contact your local Fire Department or the North Little Rock Fire Department. Locally, we can provide assistance and information for parents and/or caregivers.
- Ask about the Youth Fire setters Intervention Program. Remember, all fires start small!

WHAT DO I DO?



- Teach children to tell a grown up when they see matches or a lighter.
- Remind them to never pick them up.
- Praise them when they tell you they see matches or a lighter.
- Tell them to ask an adult to move them to a safe place out of the reach of little hands.
- Fire is a very powerful and all too often easily accessible tool.