



GOV. MSG. NO. 1328

July 12, 2011

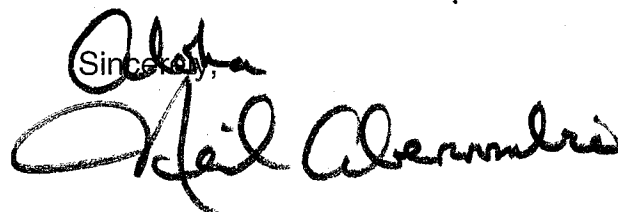
The Honorable Shan Tsutsui, President
and Members of the Senate
Twenty-Sixth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Calvin Say, Speaker
and Members of the House
Twenty-Sixth State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Tsutsui, Speaker Say and Members of the Legislature:

Re: SB173 SD2 HD2

On July 12, 2011, I intend to allow SB173 SD2 HD2, entitled "RELATING TO FIRE PROTECTION" to become law as Act 224 (11) without my signature, pursuant to Section 16 of Article III of the State Constitution.

Sincerely,


NEIL ABERCROMBIE
Governor, State of Hawaii

A BILL FOR AN ACT

RELATING TO FIRE PROTECTION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that novelty cigarette
2 lighters have features that are attractive to children,
3 including visual effects, flashing lights, musical sounds, or
4 toy-like designs. The Consumer Product Safety Commission has
5 recalled thousands of novelty lighters since 1996 due to their
6 danger to public safety. Fires started by juveniles have been
7 identified as the fastest growing fire threat in the United
8 States, resulting in more than three hundred deaths annually, a
9 third of which are deaths of children. Fires started by
10 children have also resulted in almost \$1,000,000,000 in property
11 damage.

12 Many local and national public safety agencies, including
13 the National Fire Protection Association, Western Fire Chiefs
14 Association, and the National Association of State Fire
15 Marshals, support a ban on the sale and distribution of novelty
16 lighters. As of November 2010, fourteen states have banned the
17 retail sale or distribution of novelty lighters.



1 The legislature finds that the function of a lighter can be
2 achieved without creating a dangerous novelty attraction to
3 children. Accordingly, the purpose of this Act is to ban the
4 sale or distribution of novelty lighters within the State.

5 SECTION 2. Chapter 132, Hawaii Revised Statutes, is
6 amended by adding a new section to be appropriately designated
7 and to read as follows:

8 "§132- Novelty lighters; prohibited; penalties. (a) No
9 person shall sell, offer for sale, or otherwise distribute any
10 novelty lighter within the State.

11 (b) As used in this section, "novelty lighter" means a
12 handheld device that is designed to use fuel to produce flame
13 for the ignition of cigarettes, cigars, or pipes, and has a
14 design that would make it particularly attractive to children
15 ten years of age or younger.

16 "Novelty lighter" includes but is not limited to lighters
17 that:

18 (1) Depict or resemble cartoon characters, toys, guns,
19 watches, games, musical instruments, vehicles,
20 animals, food, or beverages;

21 (2) Produce sounds or music;

22 (3) Have flashing lights or illumination; or



- 1 (4) Any combination of the above.
- 2 (c) This section shall not apply to the following:
- 3 (1) Novelty lighters that are manufactured in the State or
4 transported through the State, exclusively for sale,
5 offer for sale, or distribution outside the State;
- 6 (2) Any lighter manufactured prior to 1980 or any lighter
7 that lacks fuel or a component necessary to produce
8 flame or combustion; and
- 9 (3) Standard disposable and refillable lighters that are
10 printed or decorated with logos, labels, decals, or
11 artwork, or heat shrinkable sleeves.
- 12 (d) Any person who violates this section shall be guilty
13 of a misdemeanor and shall be imprisoned for not more than one
14 year or fined not more than \$1,000, or both."

15 SECTION 3. New statutory material is underscored.

16 SECTION 4. This Act shall take effect upon its approval.

APPROVED this day of , 2011

GOVERNOR OF THE STATE OF HAWAII