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# 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.



**Report Title:**

Public Safety; Fire Protection; Novelty Lighters

**Description:**

Prohibits the sale or distribution of novelty lighters within the State. (SB173 HD2)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

