

JAN 21 2011

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 people killed, a
9 third of which are children. Fires started by children have
10 also resulted in almost \$1,000,000,000 in property damage.

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

17 The legislature finds that the function of a lighter can be
18 achieved without creating a dangerous novelty attraction to



1 children. Accordingly, the purpose of this Act is to ban the
2 sale or distribution of novelty lighters within the State.

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

6 "§132- Novelty lighters; prohibited; penalties. (a) No
7 person shall sell, offer for sale, or otherwise distribute any
8 novelty lighter within the State.

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

14 This term includes but is not limited to lighters that:

- 15 (1) Depict or resemble cartoon characters, toys, guns,
16 watches, games, musical instruments, vehicles,
17 animals, food, or beverages;
18 (2) Produce sounds or music;
19 (3) Have flashing lights or illumination; or
20 (4) Any combination of the above.



1 This term shall not include any lighter manufactured prior
2 to 1980 or any lighter that lacks fuel or a component necessary
3 to produce flame or combustion.

4 (c) This section shall not apply to novelty lighters that
5 are manufactured in the State or transported through the State
6 exclusively for sale, offer for sale, or distribution outside
7 the State.

8 (d) Any person who violates any provision of this section
9 shall be guilty of a misdemeanor and shall be imprisoned for not
10 more than one year or fined not more than \$1,000, or both."

11 SECTION 3. New statutory material is underscored.

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

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INTRODUCED BY:

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Report Title:

Public Safety; Fire Protection; Novelty Lighters

Description:

Prohibits the retail sale or distribution of novelty lighters within the State.

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