

## ACT 224

S.B. NO. 173

A Bill for an Act Relating to Fire Protection.

*Be It Enacted by the Legislature of the State of Hawaii:*

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

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

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

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

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

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

“Novelty lighter” includes but is not limited to lighters that:

- (1) Depict or resemble cartoon characters, toys, guns, watches, games, musical instruments, vehicles, animals, food, or beverages;
  - (2) Produce sounds or music;
  - (3) Have flashing lights or illumination; or
  - (4) Any combination of the above.
- (c) This section shall not apply to the following:
- (1) Novelty lighters that are manufactured in the State or transported through the State, exclusively for sale, offer for sale, or distribution outside the State;
  - (2) Any lighter manufactured prior to 1980 or any lighter that lacks fuel or a component necessary to produce flame or combustion; and
  - (3) Standard disposable and refillable lighters that are printed or decorated with logos, labels, decals, or artwork, or heat shrinkable sleeves.
- (d) Any person who violates this section shall be guilty of a misdemeanor and shall be imprisoned for not more than one year or fined not more than \$1,000, or both.”

SECTION 3. New statutory material is underscored.<sup>1</sup>

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

(Became law on July 12, 2011, without the governor’s signature, pursuant to Art III, §16, State Constitution.)

**Note**

1. Edited pursuant to HRS §23G-16.5.