

H.99

Introduced by Representatives Shand of Weathersfield, Bissonnette of

Winooski, Howrigan of Fairfield, Johnson of S. Hero, Keenan

of St. Albans City, Mitchell of Barnard, Turner of Milton and

Wilson of Manchester

Referred to Committee on

Date:

Subject: Public safety; fire protection; fire prevention; novelty lighters;

prohibition

Statement of purpose: This bill proposes to prohibit the sale of certain novelty
lighters in Vermont.

An act relating to prohibiting certain novelty lighters

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. LEGISLATIVE FINDINGS

The general assembly finds the following:

(1) Lighters, which produce a flame with flammable fuel, are inherently
dangerous items.

(2) Many lighters are now designed to closely resemble toys, guns,
watches, musical instruments, food and beverages, cell phones, and other
common objects that disguise the dangerous function of the lighter.

1 (3) Lighters that appear to be common benign objects pose a serious
2 threat to the safety of Vermonters; especially children who often see the
3 disguised lighter as a fun or whimsical toy.

4 (4) Federal regulation regarding child-resistance lighters does not
5 provide adequate safety protection for Vermonters.

6 (5) Many public safety agencies, including the National Fire Protection
7 Agency, National Volunteer Fire Council, and National Association of State
8 Fire Marshals, support banning the sale of novelty lighters.

9 Sec. 2. 20 V.S.A. § 2806 is added to chapter 173, subchapter 3A to read:

10 § 2806. NOVELTY LIGHTERS; PROHIBITION

11 (a) For the purposes of this section:

12 (1) “Lighter” means a flame-producing product commonly used to ignite
13 cigarettes, cigars, and pipes, or other smoking materials. “Lighter” does not
14 include matches or any other lighting device specifically manufactured for
15 igniting fireplaces or charcoal or gas-fired grills, not smoking materials.

16 (2) “Novelty lighter” means a lighter that has audio or visual effects,
17 uses logos, decals, or artwork, or resembles in form or function an item that
18 does not appear to be a lighter, but does appear to be an item commonly
19 appealing to or intended for use by children under ten years of age, such as
20 lighters that depict or resemble cartoon characters, toys, guns, watches,
21 musical instruments, vehicles, toy animals, food, or beverages.

1 (b) The retail sale, offer of retail sale, gift, or distribution of any novelty
2 lighter in the state of Vermont is prohibited. Novelty lighters may be stored in
3 this state in a warehouse closed to the public for the purpose of distribution or
4 sale outside the state.

5 (c) The commissioner shall enforce this section and may adopt rules
6 necessary to implement and administer this section.

7 (d) Any person that knowingly violates the provisions of this section shall
8 be fined not more than \$1,000.00 for each violation. The sale or gift of each
9 novelty lighter shall be considered a separate violation.

10 Sec. 3. EFFECTIVE DATE

11 This act shall take effect January 1, 2010.