



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5139

Introduced 1/29/2010, by Rep. Donald L. Moffitt

SYNOPSIS AS INTRODUCED:

New Act

Creates the Retail Sale and Distribution of Novelty Lighters Prohibition Act. Defines a "novelty lighter" as a mechanical or electrical device typically used for lighting cigarettes, cigars, or pipes that is designed to resemble a cartoon character, toy, or similar articles, or has other entertaining features; sets forth exclusions. Prohibits the sale and distribution of novelty lighters. Sets forth exceptions to the prohibition. Provides that a violation is a petty offense, for which a fine not to exceed \$500 for each violation may be imposed. Provides for enforcement by the Office of the State Fire Marshal, by a State, county, or municipal law enforcement officer, or by a municipal code enforcement officer. Effective immediately.

LRB096 16501 DRJ 34420 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Retail
5 Sale and Distribution of Novelty Lighters Prohibition Act.

6 Section 5. Findings. The General Assembly finds that
7 novelty lighters have features that are attractive to children,
8 including visual effects, flashing lights, musical sounds, and
9 toy-like designs. Thousands of novelty lighters have been
10 recalled because of the danger they present to public safety.
11 The setting of fires by juveniles has been identified as the
12 fastest growing fire threat in the United States, with more
13 than 300 people killed annually, 30% of whom are children, and
14 almost \$1 billion in property has been destroyed.

15 Section 10. Definition. For the purposes of this Act,
16 "novelty lighter" means a mechanical or electrical device
17 typically used for lighting cigarettes, cigars, or pipes that
18 is designed to resemble a cartoon character, toy, gun, watch,
19 musical instrument, vehicle, animal, food or beverage, or
20 similar articles, or that plays musical notes, or has flashing
21 lights, or has other entertaining features. A novelty lighter
22 may operate on any fuel, including butane, isobutene, or liquid

1 fuel. "Novelty lighter" does not include any of the following:

2 (1) A lighter manufactured before January 1, 1980.

3 (2) A lighter incapable of being fueled or lacking a
4 device necessary to produce combustion or a flame.

5 (3) Any mechanical or electrical device primarily used
6 to ignite fuel for fireplaces or for charcoal or gas
7 grills.

8 (4) Standard disposable and refillable lighters that
9 are printed or decorated with logos, labels, decals, or
10 artwork, or heat-shrinkable sleeves.

11 Section 15. Prohibition against novelty lighters. A person
12 may not sell at retail or distribute for retail sale in this
13 State a novelty lighter. The prohibition specified in this
14 Section does not apply to the transportation of novelty
15 lighters through this State or the storage of novelty lighters
16 in a warehouse or distribution center in this State that is
17 closed to the public for purposes of retail sales.

18 Section 20. Violation. A violation of Section 15 is a
19 petty offense, for which a fine not to exceed \$500 for each
20 offense may be imposed. Each day that a person violates Section
21 15 is a separate offense.

22 Section 25. Enforcement. This Act may be enforced by the
23 Office of the State Fire Marshal, by a State, county, or

1 municipal law enforcement officer, or by a municipal code
2 enforcement officer.

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.