

Legislative Analysis



NOVELTY LIGHTERS

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House Bill 6130

Sponsor: Rep. Jeff Mayes

Committee: Regulatory Reform

Complete to 6-23-08

A SUMMARY OF HOUSE BILL 6130 AS INTRODUCED 5-20-08

In 1994, the Consumer Product Safety Commission adopted a safety standard requiring that all disposable and novelty lighters be manufactured to child resistant standards, meaning that a lighter be resistant to successful operation by children younger than five years of age.

The Code of Federal Regulations defines "novelty lighter" to mean *a lighter that has entertaining audio or visual effects, or that depicts (logos, decals, art work, etc.) or resembles in physical form or function articles commonly recognized as appealing to or intended for use by children under 5 years of age. This includes, but is not limited to, lighters that depict or resemble cartoon characters, toys, guns, watches, musical instruments, vehicles, toy animals, food or beverages, or that play musical notes or have flashing lights or other entertaining features. A novelty lighter may operate on any fuel, including butane or liquid fuel* (16 CFR, Part 1210). The sale of novelty lighters was not otherwise restricted.

House Bill 6130 would add a new section to the Fire Prevention Code (MCL 29.3f) to allow the State Fire Marshall to disapprove the unrestricted sale of any novelty lighter upon a determination that the device could directly or indirectly cause harm to the public health, safety, or welfare. The Fire Marshall could promulgate rules to set standards for making such a determination, and could appoint an ad hoc committee to make recommendations regarding the content of the rules. The bill would define "novelty lighter" to mean a device capable of igniting cigarettes or cigars that the State Fire Marshall determined to have the appearance of a toy, collectible, or other object not generally used as an ignition device.

(Under Section 22 of the Fire Prevention Code, a person who violates the act or a rule promulgated under the act is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$500, or both.)

FISCAL IMPACT:

The bill would have no budgetary impact on the Department of Labor and Economic Growth. The Bureau of Fire Services could incur additional costs to carry out the bill, although such costs would not be significant.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.