

111TH CONGRESS  
1ST SESSION

# S. 723

To prohibit the introduction or delivery for introduction into interstate commerce of novelty lighters, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MARCH 26, 2009

Mr. WYDEN (for himself, Ms. COLLINS, Mr. DODD, and Mr. CARPER) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To prohibit the introduction or delivery for introduction into interstate commerce of novelty lighters, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protect Children from  
5 Dangerous Lighters Act of 2009”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) Lighters are inherently dangerous products  
9 containing flammable fuel.

1           (2) If lighters are used incorrectly or used by  
2 children, dangerous and damaging consequences may  
3 result.

4           (3) Novelty lighters are easily mistaken by chil-  
5 dren and adults as children’s toys or as common  
6 household items.

7           (4) Novelty lighters have been the cause of  
8 many personal injuries to children and adults and  
9 property damage throughout the United States.

10 **SEC. 3. NOVELTY LIGHTER DEFINED.**

11       (a) IN GENERAL.—In this Act, the term “novelty  
12 lighter” means a device typically used for the igniting or  
13 lighting of cigarettes, cigars, or pipes that has a toy-like  
14 appearance, has entertaining audio or visual effects, or re-  
15 sembles in any way in form or function an item that is  
16 commonly recognized as appealing, attractive, or intended  
17 for use by children of 10 years of age or younger, includ-  
18 ing such a device that takes toy-like physical forms, in-  
19 cluding toy animals, cartoon characters, cars, boats, air-  
20 planes, common household items, weapons, cell phones,  
21 batteries, food, beverages, musical instruments, and  
22 watches.

23       (b) EXCLUSION.—Such term does not include stand-  
24 ard disposable and refillable lighters that are printed or

1 decorated with logos, labels, decals, artwork, or heat  
2 shrinkable sleeves.

3 **SEC. 4. BAN ON NOVELTY LIGHTERS.**

4 (a) BANNED HAZARDOUS SUBSTANCE.—A novelty  
5 lighter shall be treated as a banned hazardous substance  
6 as defined in section 2 of the Federal Hazardous Sub-  
7 stances Act (15 U.S.C. 1261) and the prohibitions set out  
8 in section 4 of such Act (15 U.S.C. 1263) shall apply to  
9 novelty lighters.

10 (b) APPLICATION.—Subsection (a) applies to a nov-  
11 elty lighter—

12 (1) manufactured on or after January 1, 1980;

13 and

14 (2) that is not considered by the Consumer  
15 Product Safety Commission to be an antique or an  
16 item with significant artistic value.

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