

110TH CONGRESS
2D SESSION

S. 3375

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

IN THE SENATE OF THE UNITED STATES

JULY 31, 2008

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

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 2008”.

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 In this Act, the term “novelty lighter” means a device
12 typically used for the igniting or lighting of cigarettes, ci-
13 gars, or pipes that has a toy-like appearance, has enter-
14 taining audio or visual effects, or resembles in any way
15 in form or function an item that is commonly recognized
16 as appealing, attractive, or intended for use by children
17 of 10 years of age or younger, including such a device that
18 takes toy-like physical forms, including toy animals, car-
19 toon characters, cars, boats, airplanes, common household
20 items, weapons, cell phones, batteries, food, beverages,
21 musical instruments, and watches.

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

23 (a) BANNED HAZARDOUS SUBSTANCE.—A novelty
24 lighter shall be treated as a banned hazardous substance
25 as defined in section 2 of the Federal Hazardous Sub-

1 stances Act (15 U.S.C. 1261) and the prohibitions set out
2 in section 4 of such Act (15 U.S.C. 1263) shall apply to
3 novelty lighters.

4 (b) APPLICATION.—Subsection (a) applies to a nov-
5 elty lighter—

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

7 and

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

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