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

(3) Novelty lighters are easily mistaken by children and adults as children’s toys or as common household items.

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

SEC. 3. NOVELTY LIGHTER DEFINED.

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

SEC. 4. BAN ON NOVELTY LIGHTERS.

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

(b) APPLICATION.—Subsection (a) applies to a novelty lighter—

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

and

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