

**REVENUE:** No revenue impact

**FISCAL:** Minimal fiscal impact, no statement issued

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**Action:** Do Pass

**Vote:** 5 - 0 - 0

**Yeas:** Burdick, George, Girod, Rosenbaum, Bonamici

**Nays:** 0

**Exc.:** 0

**Prepared By:** Lori Brocker, Administrator

**Meeting Dates:** 2/12

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**WHAT THE MEASURE DOES:** Prohibits sale, distribution, import or manufacture for sale of novelty lighters. Creates civil penalties for violations not to exceed \$500 per day for retailer or distributor, \$1,000 per day for wholesaler, and \$10,000 per day for manufacturer or importer. Authorizes State Fire Marshal to define “novelty lighter” by rule and to create and maintain a list of products meeting the definition. Allows State Fire Marshal or designated representative to conduct inspections to ensure compliance and seize and destroy listed products. Authorizes State Fire Marshal to ask Attorney General to seek injunctive relief or to recover civil penalties. Sets operative date for provisions related to the sale or distribution of listed products as on or after 91 days following measure’s effective date. Declares emergency; effective on passage.

**ISSUES DISCUSSED:**

- Types of novelty (toy-like) lighters
- Novelty lighter mechanisms
- Places that sell novelty lighters
- Scope of State Fire Marshal authority in defining novelty lighters
- Applicability of statutory provisions to sale of novelty lighter on internet auction site
- Appeal of novelty lighters to children

**EFFECT OF COMMITTEE AMENDMENT:** No amendment.

**BACKGROUND:** Juvenile firesetter intervention programs focus on teaching children that lighters are not toys. Children can be confused when lighters meant for adult use are made to look like toys. The European Union (EU) recently banned novelty lighters. The EU’s action may increase export of novelty lighters to the United States.

Two Oregon cities, Sandy and Rogue River, have banned novelty lighters. Keizer and Clatskanie have adopted resolutions against novelty lighters. Eighteen states, in addition to Oregon, are considering legislation to ban novelty lighters. Maine and Tennessee, as well as dozens of cities and counties around the United States, already ban novelty lighters.