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## **OLR Bill Analysis**

### **sSB 185**

#### ***AN ACT CONCERNING COUNTERFEIT, NOVELTY AND UNSAFE LIGHTERS.***

#### **SUMMARY**

This bill generally prohibits offering or selling a counterfeit, novelty, or unsafe lighter in Connecticut. This includes providing them as a free sample to someone in the state, regardless of whether the person is offering or selling the lighter on a retail or wholesale basis, in person, or online.

The bill specifies that it does not prohibit the (1) interstate transportation of these lighters through the state or (2) storage of these lighters in any Connecticut distribution center or warehouse that is closed to the public and does not distribute or sell at retail to the public.

The bill allows the State Fire Marshal, a local fire marshal that enforces the State Fire Prevention Code or Fire Safety Code, and any other person aggrieved by a violation to bring civil action in Superior Court to recover damages from the person who is alleged to have committed the violation.

EFFECTIVE DATE: October 1, 2022

#### **LIGHTERS**

Under the bill, a “lighter” is any electrical or mechanical device that (1) operates using any type of fuel, including butane or another liquid fuel, and (2) is typically used to light a cigarette, cigar, or pipe.

A “counterfeit lighter,” is a lighter that infringes on the intellectual property rights of a U.S. citizen or entity protected by federal or state intellectual property law.

A “novelty lighter” is a lighter that

1. is designed to appear as a toy;
2. produces entertaining audio or visual effects, including musical notes or flashing lights; or
3. resembles, in physical form and function a (a) battery, beverage, cartoon character, cell phone, gun or other weapon, food, musical instrument, sporting equipment, vehicle, or watch; or (b) item intended for use by those under age 12.

A novelty lighter does not include any standard disposable or refillable cigarette or pocket lighter that includes, or is decorated with, any artwork, decal, heat-shrinkable sleeve, label, or logo.

An “unsafe lighter,” means (1) a disposable or refillable cigarette or pocket lighter that does not comply with American Society for Testing and Materials (ASTM) standards for lighters (F400-20) and (2) a grill or utility lighter that does not comply with ASTM standards for utility lighters (F2201-20).

**COMMITTEE ACTION**

General Law Committee

Joint Favorable Substitute

Yea 18 Nay 0 (03/15/2022)