



2023 SENATE BILL 925

January 19, 2024 - Introduced by Senators TESTIN, FEYEN, SPREITZER, TAYLOR and WANGGAARD, cosponsored by Representatives NOVAK, BILLINGS, DALLMAN, DITTRICH, GUNDRUM, MURPHY, MURSAU, O'CONNOR, ORTIZ-VELEZ, ROZAR, SCHMIDT, SINICKI and SUBECK. Referred to Committee on Shared Revenue, Elections and Consumer Protection.

1 **AN ACT to create** 100.435 of the statutes; **relating to:** the sale of counterfeit
2 lighters and unsafe lighters.

Analysis by the Legislative Reference Bureau

This bill prohibits the sale of counterfeit lighters and unsafe lighters.

Under the bill, “counterfeit lighter” means a lighter that infringes on an intellectual property right of a citizen of the United States or a person that is protected by federal or state intellectual property law, and “unsafe lighter” means a disposable or refillable cigarette, cigar, or pipe lighter, a utility, grill, or fireplace lighter, a lighting rod, or a gas match that does not comply with certain safety standards.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 100.435 of the statutes is created to read:
4 **100.435 Counterfeit and unsafe lighters. (1) DEFINITIONS.** In this section:
5 (a) “Counterfeit lighter” means a lighter that infringes on an intellectual
6 property right of a citizen of the United States or a person that is protected by federal
7 or state intellectual property law.

SENATE BILL 925**SECTION 1**

1 (b) "Lighter" means any electrical or mechanical device that operates using any
2 type of fuel and that is intended for use in igniting cigarettes, cigars, pipes, charcoal
3 or gas grills, or fireplaces.

4 (c) "Unsafe lighter" means any of the following:

5 1. A disposable or refillable cigarette, cigar, or pipe lighter that does not comply
6 with ASTM International standard F400-20.

7 2. A utility, grill, or fireplace lighter, or a lighting rod or gas match, that does
8 not comply with ASTM International standard F2201-20.

9 **(2) PROHIBITION.** (a) No person may offer for sale or sell, or offer a free sample
10 of, a counterfeit lighter or unsafe lighter in this state.

11 (b) The prohibition in par. (a) does not apply to any of the following:

12 1. The interstate transportation of counterfeit lighters or unsafe lighters that
13 passes through this state.

14 2. The storage of counterfeit lighters or unsafe lighters in a warehouse or
15 distribution center in this state, if the warehouse or distribution center is not open
16 to the public for the purposes of retail sale or distribution.

17 **SECTION 2. Effective date.**

18 (1) This act takes effect on the first day of the 3rd month beginning after
19 publication.

20 (END)