

2009 DRAFTING REQUEST

Bill

Received: **06/19/2009**

Received By: **csundber**

Wanted: **As time permits**

Identical to LRB:

For: **Amy Sue Vruwink (608) 266-8366**

By/Representing: **Don Dyke**

This file may be shown to any legislator: **NO**

Drafter: **csundber**

May Contact:

Addl. Drafters:

Subject: **Trade Regulation - other**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Vruwink@legis.wisconsin.gov**

Carbon copy (CC:) to: **christopher.sundberg@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Prohibit sale of novelty lighters to minors

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	csundber 06/19/2009	bkraft 06/23/2009		_____			State
/P1	csundber 02/19/2010	bkraft 02/19/2010	rschluet 06/23/2009	_____	mbarman 06/23/2009		State
/1			mduchek 02/19/2010	_____	mbarman 02/19/2010	cduerst 02/19/2010	

FE Sent For:

at
intro

<END>

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1 bjk 2/19

MD
2/19

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/?	csundber	/PIbjk ^{6/23}		_____	_____		
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FE Sent For:

<END>

Wawink - Eric Maloney

VIRGINIA ACTS OF ASSEMBLY -- 2009 SESSION

CHAPTER 668

An Act to amend the Code of Virginia by adding in Article 4 of Chapter 8 of Title 18.2 a section numbered 18.2-371.4, relating to the sale of novelty lighters to those under 18 years of age; penalty.

[H 2578]

Approved March 30, 2009

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 4 of Chapter 8 of Title 18.2 a section numbered 18.2-371.4 as follows:

§ 18.2-371.4. Prohibiting the sale of novelty lighters to juveniles.

A. "Novelty lighter" means a mechanical or electrical device containing a combustible fuel typically used for lighting cigarettes, cigars, or pipes that is (i) designed to resemble a cartoon character, toy, gun, watch, musical instrument, vehicle, animal, food, or beverage, or (ii) a fanciful article that plays musical notes, has flashing lights, or has other entertaining features that are appealing to or intended for use by juveniles. A novelty lighter may operate on any fuel, including butane, isobutene, or liquid fuel.

B. "Novelty lighter" does not include (i) a lighter without fuel and that is incapable of being fueled, (ii) a lighter lacking a device necessary to produce combustion or a flame, (iii) a mechanical or electrical device primarily used to ignite fuel for fireplaces or for charcoal or gas grills, (iv) a lighter manufactured prior to 1980, or (v) a standard disposable lighter that is printed or decorated with logos, labels, decals, or artwork, or heat shrinkable sleeves.

C. Novelty lighters that are available for purchase at a retail establishment shall be located in a place that is not open to the general public.

D. Any individual who sells a novelty lighter to a person he knows or has reason to know is a juvenile is subject to a civil penalty of no more than \$100.

E. This section may be enforced by the State Fire Marshal's Office, local fire marshals appointed pursuant to § 27-34.2 or 27-34.2:1, or law-enforcement officers.



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

(D-N)
SA
x-ref

1 AN ACT ^{gen.}...; **relating to:** the display and sale of novelty lighters and providing a
2 penalty.

the

Analysis by the Legislative Reference Bureau

> This bill prohibits retail sale of novelty lighters to minors and prohibits the display for retail sale of novelty lighters in an area of a retail establishment that is accessible to the general public of novelty lighters. Under the bill, "novelty lighter" means a device containing a combustible fuel intended for use in igniting cigarettes, cigars, or pipes, if any of the following apply: 1) the device is designed to resemble a cartoon character, toy, gun, watch, musical instrument, vehicle, animal, food, or beverage, unless the resemblance is solely the result of printing or decoration with a logo, label, decal, artwork, or a heat shrinkable sleeve; or 2) the device plays musical notes, has flashing lights, or has other features that are appealing to or intended for use by juveniles, except that "novelty lighter" does not include a device manufactured before 1980 or a device intended for use in igniting a fire in a fireplace or wood stove or in a charcoal or gas grill. A person who violates the prohibitions in the bill is subject to a forfeiture up to \$100.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

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

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3018/P1dn

CTS:.....

ljk

Date

Representative Vruwink:

Please review this draft carefully to ensure it is consistent with your intent, and note the following:

1. Proposed s. 100.415 (1) (a) 2. is somewhat vague. Arguably, any device that is capable of producing a flame has a feature that appeals to minors.
2. This draft gives the Department of Agriculture, Trade and Consumer Protection responsibility for enforcing and administering the prohibitions in the bill. Alternatively, the prohibitions could be placed in ch. 134 for enforcement by district attorneys.

Christopher T. Sundberg
Legislative Attorney
Phone: (608) 266-9739
E-mail:
christopher.sundberg@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3018/P1dn
CTS:bjk:rs

June 23, 2009

Representative Vruwink:

Please review this draft carefully to ensure it is consistent with your intent, and note the following:

1. Proposed s. 100.415 (1) (a) 2. is somewhat vague. Arguably, any device that is capable of producing a flame has a feature that appeals to minors.
2. This draft gives the Department of Agriculture, Trade and Consumer Protection responsibility for enforcing and administering the prohibitions in the bill. Alternatively, the prohibitions could be placed in ch. 134 for enforcement by district attorneys.

Christopher T. Sundberg
Legislative Attorney
Phone: (608) 266-9739
E-mail:
christopher.sundberg@legis.wisconsin.gov

Sundberg, Christopher

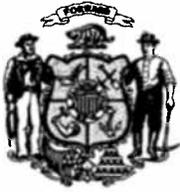
From: Maloney, Eric
Sent: Friday, February 19, 2010 10:26 AM
To: Sundberg, Christopher
Subject: LRB-3018

Christopher,

Rep. Vruwink has finally decided to introduce this bill. I believe you took care of the preliminary draft back in June. Could you prepare this for introduction?

No changes are necessary. I don't expect this legislation to gain much traction this late in the session, so you can keep the draft as-is. Thanks!

Eric Maloney
Intern for Representative Amy Sue Vruwink
Office Phone: (608) 266-8366
emaloney@legis.wi.gov



W: 2/19/10 | SOON |

State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-3018/1
CTS:bjk:rs
①
RMNR
e
Stays

2009 BILL e

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SA

- regen.

1 AN ACT to create 100.415 of the statutes; relating to: the display and sale of
2 novelty lighters and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill prohibits the retail sale of novelty lighters to minors and prohibits the display for retail sale of novelty lighters in an area of a retail establishment that is accessible to the general public. Under the bill, "novelty lighter" means a device containing a combustible fuel intended for use in igniting cigarettes, cigars, or pipes, if any of the following apply: 1) the device is designed to resemble a cartoon character, toy, gun, watch, musical instrument, vehicle, animal, food, or beverage, unless the resemblance is solely the result of printing or decoration with a logo, label, decal, artwork, or a heat shrinkable sleeve; or 2) the device plays musical notes, has flashing lights, or has other features that are appealing to or intended for use by juveniles, except that "novelty lighter" does not include a device manufactured before 1980 or a device intended for use in igniting a fire in a fireplace or wood stove or in a charcoal or gas grill. A person who violates the prohibitions in the bill is subject to a forfeiture up to \$100.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 100.415 of the statutes is created to read:

2 **100.415 Novelty lighters; sale and display restricted.** (1) (a) In this
3 section, subject to par. (b), “novelty lighter” means a device containing a combustible
4 fuel intended for use in igniting cigarettes, cigars, or pipes, if any of the following
5 apply:

6 1. The device is designed to resemble a cartoon character, toy, gun, watch,
7 musical instrument, vehicle, animal, food, or beverage, unless the resemblance is
8 solely the result of printing or decoration with a logo, label, decal, artwork, or a heat
9 shrinkable sleeve.

10 2. The device plays musical notes, has flashing lights, or has other features that
11 appeals to or is intended for use by minors.

12 (b) “Novelty lighter” does not include a device manufactured before 1980 or a
13 device intended for use in igniting a fire in a fireplace or wood stove or in a charcoal
14 or gas grill.

15 (2) (a) No person may display a novelty lighter for retail sale in an area of a
16 retail establishment that is accessible to the general public.

17 (b) No person may sell a novelty lighter to a minor.

18 (3) Any person who violates this section is subject to a forfeiture not to exceed
19 \$100.

20

(END)

Duerst, Christina

From: Plata, Christian
Sent: Friday, February 19, 2010 3:14 PM
To: LRB.Legal
Subject: Draft Review: LRB 09-3018/1 Topic: Prohibit sale of novelty lighters to minors

Please Jacket LRB 09-3018/1 for the ASSEMBLY.