



JULIE LASSA

STATE SENATOR

Senate Committee on Energy, Consumer Protection, and Government Reform
Senate Bill 303
Tuesday, February 25, 2014
10:00 AM
300 Southeast

Chairman Cowles and members of the Committee on Energy, Consumer Protection and Government Reform, thank you for holding a hearing on Senate Bill 303 and allowing me to testify before you today.

SB 303 prohibits the retail sale of novelty lighters to minors and prohibits the display for retail sale of these lighters in an area of a retail establishment that is accessible to the general public.

This bill was introduced at the request of a group of elementary school students in Pittsville, WI after one of their classmates was killed in a house fire where the cause was possibly due to a novelty lighter. We have also been working with Pittsville Fire Chief Jerry Minor.

These lighters look like toys and are highly attractive to children who believe they are toys. Some of these lighters play music, have flashing lights or resemble a cartoon character, toy, gun, watch, musical instrument, vehicle, animal, food, or beverage. Unfortunately, due to their clever design, parents are also fooled into believing these lighters are toys and allow their children to play with them. I have attached a copy of what these lighters look like so you can see how they would be attractive to a child.

Representative Krug and I have worked with the Lighter Association Inc. on this proposal. The Lighter Association Inc. is the trade association of the U.S. lighter industry. In their communication with us and in testimony regarding similar legislation recently enacted in New York, the Association said, "Lighters are adult products - not toys. Children should never be encouraged to use lighters. And toy-like novelty lighters should be banned." We have drafted an amendment to ensure that Senate Bill 303 is similar to model legislation being forwarded by the National Association of State Fire Marshals which is also supported by the Lighter Association, Inc.

In recognition of the danger that fire poses to public safety, the legislature has passed laws meant to prevent and reduce the number of injuries and deaths it can cause including mandating that homes have working smoke detectors. Fire fighters visit daycares and schools to tell children about the dangers of playing with matches and lighters and how to create and practice a family fire escape plan. It is therefore difficult to understand why the legislature allows these dangerous novelty lighters, which look like toys, to be sold to children and that stores are not required to keep them behind the counter where cigarettes are located.

This common sense legislation is supported by the Wisconsin EMS Association and the Wisconsin Fire Protection Coalition. The Assembly companion bill, Assembly Bill 391, was passed unanimously by the Assembly Consumer Protection Committee on February 11th and is available to be scheduled on the Assembly floor.

Thank you again for hearing this legislation today and I ask for your support for SB 303. I would be happy to answer any questions you may have.



DEAL
1
NO DEAL



SCOTT KRUG

STATE REPRESENTATIVE • 72nd ASSEMBLY DISTRICT

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Madison, WI 53708-8952
Rep.Krug@legis.wi.gov

February 25, 2014

Good morning Chairman Cowles,

Chairman Cowles and members of the Senate Committee on Energy, Consumer Protection and Government Reform, I apologize that I could not testify in person, please accept this written testimony on my behalf for Senate Bill 303 (SB 303)/Assembly Bill 391 (AB 391) relating to the sale of "novelty lighters."

SB 303/AB 391 is common sense legislation that will keep what appear to be toys that are in fact lighters, out of the hands of unsuspecting infants and children decreasing the chances of catastrophic and/or deadly accidents.

This bill prohibits the 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. No one registered against SB 303/AB391 with the Government Accountability Board.

Assembly Amendment 1 (AA1) to AB 391—provides that: "Novelty lighter" does not include any of the following: A device manufactured before 1980. A device intended for use in igniting a fire in a fireplace or wood stove or in a charcoal or gas grill. A standard disposable or refillable lighter that is printed or decorated with logos, labels, decals, artwork, or heat-shrinkable sleeves."

AA1 brings AB 391 in line with national standards. This amendment language was incorporated into SB 303.

On February 11th, 2013, the Assembly Committee on Consumer Protection recommended passage of AB391, as amended [7-0], on a vote of: [9-0]

Again, thank you for allowing me to submit written testimony on behalf of this legislation and please give this common-sense legislation all due consideration.

Sincerely,

A handwritten signature in black ink that reads "Scott Krug". The signature is written in a cursive style with a large, sweeping "K".

Scott Krug
State Representative
72nd Assembly District

Oct 2008

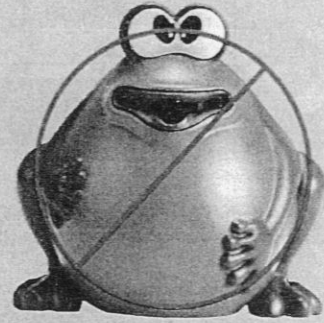
efighter

Firefighters wear special clothing.

To stay safe, firefighters wear **turnout gear**. It includes a helmet, a mask, a jacket, pants, boots, and gloves. The gear can weigh up to 60 pounds. That is about the weight of a second grader!



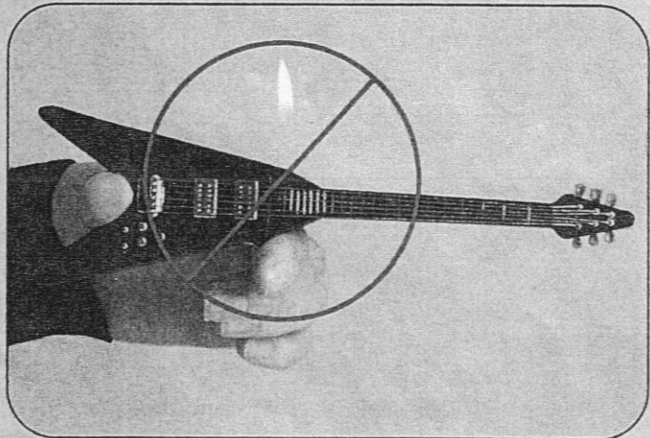
Lighters Are Not Toys



Fire officials are alarmed. Some lighters are made to look like toys. Parents who think they are toys are buying them for their children. Kids have started fires when playing with the lighters.

Now fire officials are fighting back. They want to stop the sale of those lighters. This year, Maine became the first state to pass a law to stop the sale of the lighters. Then Tennessee passed a law. Fire officials in Oregon are working to do the same.

"Lighters are tools, not toys," says Richard Hoover. He is a spokesperson for the Oregon state fire marshal. "A dangerous tool should not look like a toy."



This guitar and the frog (above) are lighters. They are tools for adults, not toys for kids.



Firefighters practice: Eli Sturmon/Corbis; fire station: Joseph Solim/Vision of America/Corbis; firefighter: PhotoDisc/Getty Images; firefighter clothing: Masterfile; frog and guitar lighters: Sarah Cobble/WireImage

Would you want to be a firefighter? Why or why not?

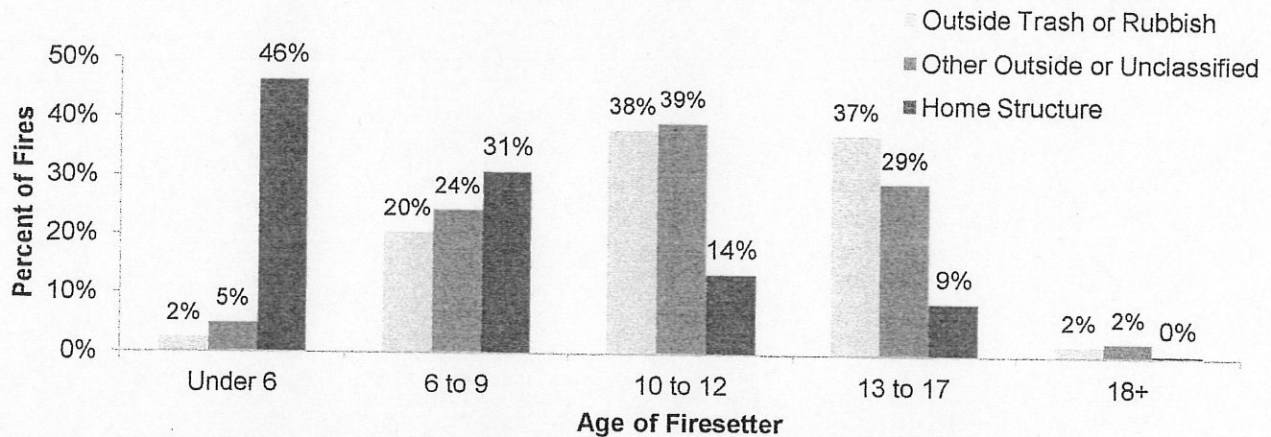


Children Playing With Fire Fact Sheet

Fires started by children playing accounted for an average of 56,300 fires with associated losses of 110 civilian deaths, 880 civilian injuries and \$286 million in direct property damage per year between 2005 -2009. These included:

- 25,100 outside or unclassified fires
- 17,900 outside trash or rubbish fires
- 12,500 structure fires
- 900 vehicle fires

Fires Caused by Children Playing
By Age (when Age Cited as a Human Factor Involved in Ignition) and Incident Type: 2005-2009



Younger children were more likely to set fires in homes, while older children and teenagers are more likely to set fires outside

- Males were more likely to engage in fire-play than females, as 83% of home structure fires and 93% of outside or unclassified fires were set by boys when age was coded as a factor
- Lighters were the heat source in half (50%) of child-playing fires in homes
- 40% of child-playing home fires began in a bedroom

PARENTAL INVOLVEMENT COMBINED WITH POSITIVE MESSAGING WORKS FOR CHILDREN:

NFPA recently contracted with the Johns Hopkins Center for Injury Research and Policy to study the best way to communicate safety messages to children 4-9 years old. The study found that videos featuring positively framed messages are more effective than negatively framed messages and that when parents discuss media content with their children, the children learn more. You can learn more at <http://www.nfpa.org/messaging>

Source: *Children Playing With Fire*, Ben Evarts, December 2011

NFPA 1 Batterymarch Park, Quincy, MA 02169 www.nfpa.org
Fire Analysis and Research Division, osds@nfpa.org



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Amberg fatal house fire started from kids playing with a lighter

Tuesday, December 03, 2013 11:36 a.m. CST by Jeff Flynt



This home on Hwy. 141 in the town of Amberg was destroyed by fire, Nov. 27, 2013. (Photo from: FOX 11).

AMBERG, WI (WTAQ) - Investigators say a fire that killed a two-year-girl started with kids playing with a lighter in the basement.

The blaze happened at a home along Highway 141 in the Town of Amberg Wednesday. Officials say a woman and her three daughters were in the home when the fire started. The mom and two of the girls were able to get out, but 2-year-old Lee-Ann Arendt died.

Autopsy results show the child died of smoke inhalation, according to the Marinette County Sheriff's Office.

Sheriff's officials say there was a delay in finding Le-Ann since it appeared she hid when the fire started.

According to the state fire marshal's office, the fire was an accident and there is no sign of foul play.

A benefit account for the family is set up at Bank North, which has offices in Crivitz, Amberg, Pembine, Wausaukee and at the Piggly Wiggly in Crivitz. Donations can also be mailed to Bank North Crivitz at PO Box 160, Crivitz, WI, 54114.

Tally

Created by: Carl Frisque (WI)

Report Parameters:

Report Period: From 01/01/2009 to 12/31/2009

Selected Coded Field: Fire: Heat Source

State: WI

Version: All

Status: All

Released: All

Report Filters: AND(Fire: Fire Contributing Factors Value in { 19 })
AND(Fire: Estimated Age of Person Range from: 1 to: 18)

NOTE: Report Filter Groups are applied to the report SQL as "AND" conditions (i.e. Group 1 AND Group2 and Group 3 etc...)

Report FDIDs*: All

*Data from deactivated fire depts within the list was included in the report.

Tally

Selected Coded Field: Fire: Heat Source

Report Period: From 01/01/2009 to 12/31/2009

CODE	Description	FREQ	FREQ %	EXPs	CIV DTHS	CIV DTHS %	CIV INJS	CIV INJS %	FF DTHS	FF DTHS %	FF INJS	FF INJS %	PROP LOSS	PROP LOSS %	CONT LOSS	CONT LOSS %	TOTAL LOSS	TOT LOSS %
00	Heat source: other	1	2.38 %	0	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %
40	Hot or smoldering object, other	1	2.38 %	0	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %
43	Hot ember or ash	2	4.76 %	0	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	200	0.11 %	0	0.00 %	200	0.07 %
50	Explosive, fireworks, other	1	2.38 %	0	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %
54	Fireworks	3	7.14 %	0	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %
55	Model and amateur rockets	1	2.38 %	0	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %
56	Incendiary device	1	2.38 %	0	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %
60	Heat from other open flame or smoking materials	3	7.14 %	0	0	0.00 %	0	0.00 %	0	0.00 %	2	100.00 %	67,000	35.98 %	44,000	43.82 %	111,000	38.73 %
63	Heat from undetermined smoking material	1	2.38 %	0	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	1,000	0.54 %	0	0.00 %	1,000	0.35 %
64	Match	6	14.29 %	0	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	1,100	0.59 %	200	0.20 %	1,300	0.45 %
65	Cigarette lighter	15	35.71 %	0	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	39,500	21.21 %	10,200	10.16 %	49,700	17.34 %

Tally

Selected Coded Field: Fire: Heat Source

Report Period: From 01/01/2009 to 12/31/2009

CODE	Description	FREQ	FREQ %	EXPs	CIV DTHS	CIV DTHS %	CIV INJS	CIV INJS %	FF DTHS	FF DTHS %	FF INJS	FF INJS %	PROP LOSS	PROP LOSS %	CONT LOSS	CONT LOSS %	TOTAL LOSS	TOT LOSS %
66	Candle	2	4.76 %	0	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	33,000	17.72 %	4,500	4.48 %	37,500	13.08 %
69	Flame/torch used for lighting	1	2.38 %	0	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	3,400	1.83 %	6,500	6.47 %	9,900	3.45 %
80	Heat spread from another fire, other	1	2.38 %	0	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	1,000	0.54 %	0	0.00 %	1,000	0.35 %
81	Heat from direct flame, convection currents	1	2.38 %	0	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	15,000	8.06 %	25,000	24.90 %	40,000	13.96 %
UU	Undetermined	2	4.76 %	0	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	25,000	13.43 %	10,000	9.96 %	35,000	12.21 %
Totals		42	100 %	0	0	0 %	0	0 %	0	0 %	2	100 %	186,200	100 %	100,400	100 %	286,600	100 %
Mutual Aid Given Incidents		0																

Tally

Created by: Carl Frisque (WI)

Report Parameters:

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Selected Coded Field: Fire: Heat Source

State: WI

Version: All

Status: All

Released: All

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AND(Fire: Estimated Age of Person Range from: 1 to: 18)

NOTE: Report Filter Groups are applied to the report SQL as "AND" conditions (i.e. Group 1 AND Group2 and Group 3 etc...)

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*Data from deactivated fire depts within the list was included in the report.

Tally

Selected Coded Field: Fire: Heat Source

Report Period: From 01/01/2010 to 12/31/2010

CODE	Description	FREQ	FREQ %	EXPs	CIV DTHS	CIV DTHS %	CIV INJS	CIV INJS %	FF DTHS	FF DTHS %	FF INJS	FF INJS %	PROP LOSS	PROP LOSS %	CONT LOSS	CONT LOSS %	TOTAL LOSS	TOT LOSS %
10	Heat from powered equipment, other	1	3.03 %	0	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %
12	Radiated, conducted heat from operating equipment	1	3.03 %	0	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	2,000	3.89 %	2,500	7.05 %	4,500	5.18 %
40	Hot or smoldering object, other	2	6.06 %	0	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	20	0.04 %	20	0.06 %	40	0.05 %
43	Hot ember or ash	2	6.06 %	0	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %
60	Heat from other open flame or smoking materials	2	6.06 %	0	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	965	1.88 %	0	0.00 %	965	1.11 %
61	Cigarette	1	3.03 %	0	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %
64	Match	8	24.24 %	0	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	50	0.10 %	200	0.56 %	250	0.29 %
65	Cigarette lighter	11	33.33 %	0	0	0.00 %	1	100.00 %	0	0.00 %	0	0.00 %	13,400	26.05 %	7,750	21.85 %	21,150	24.34 %
66	Candle	1	3.03 %	0	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	10,000	19.44 %	0	0.00 %	10,000	11.51 %
69	Flame/torch used for lighting	2	6.06 %	0	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	25,000	48.61 %	25,000	70.48 %	50,000	57.53 %
97	Multiple heat sources including multiple ignitions	1	3.03 %	0	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %

Tally

Selected Coded Field: Fire: Heat Source

Report Period: From 01/01/2012 to 12/31/2012

CODE	Description	FREQ	FREQ %	EXPs	CIV DTHS	CIV DTHS %	CIV INJS	CIV INJS %	FF DTHS	FF DTHS %	FF INJS	FF INJS %	PROP LOSS	PROP LOSS %	CONT LOSS	CONT LOSS %	TOTAL LOSS	TOT LOSS %
41	Heat, spark from friction	1	2.70 %	0	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %
43	Hot ember or ash	1	2.70 %	0	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %
50	Explosive, fireworks, other	1	2.70 %	0	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %
54	Fireworks	2	5.41 %	0	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %
60	Heat from other open flame or smoking materials	3	8.11 %	0	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	10,500	3.20 %	1,500	2.00 %	12,000	2.97 %
61	Cigarette	1	2.70 %	0	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	100	0.03 %	0	0.00 %	100	0.02 %
64	Match	4	10.81 %	0	0	0.00 %	1	100.00 %	0	0.00 %	0	0.00 %	40,165	12.23 %	10,000	13.32 %	50,165	12.43 %
65	Cigarette lighter	22	59.46 %	0	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	277,700	84.53 %	63,600	84.69 %	341,300	84.56 %
UU	Undetermined	2	5.41 %	0	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	72	0.02 %	0	0.00 %	72	0.02 %
Totals		37	100 %	0	0	0 %	1	100 %	0	0 %	0	0 %	328,537	100 %	75,100	100 %	403,637	100 %
Mutual Aid Given Incidents		0																



**Senate Energy, Consumer Protection, and Government Reform Committee Hearing
February 25, 2014**

Mr. Chairman and committee members. Good morning and thank you for this opportunity. My name is Daniel Gengler. I am Chairperson for the nonprofit Wisconsin Alliance for Fire Safety (WAFS), a statewide fire safety network. On behalf of our membership, we implore this legislative body to support Assembly Bill 391 banning the sale or display of novelty lighters. The WAFS (www.wafs.org) is a nonprofit twenty-three year organization with a mission "to promote, encourage and foster fire safety, burn prevention and public fire safety education. We support burn survivors of all ages as well as sponsorship of the Summer Camp for Burn Injured Youth." A number of children attending our camp were burn injured by this type of obj mechanism.

Designed to look like toys, novelty lighters are causing serious injuries and possibly death to children and families throughout the United States. Visiting E bay to view the assorted "novelty lighters," you will observe the problem the items present to our precious youngsters. These fire starting instruments are disguised as baseballs, cell phones, key rings, pistols and toy animals among the other many deceptive colorful items that attract children to them as *play* things.

The most recent information by the National Fire Protection Association in 2011 estimated that 6,700 structure fires involving child fire-play were reported to U.S. municipal fire departments. These fires resulted in an estimated:

- 40 civilian fire deaths, 740 civilian injuries and \$165 million in direct property damage annually

According to the NFPA, 42% of child-playing home fires with lighters start in the bedroom by curious 5 year old or younger children. Nearly 63% of all fatal victims of fires by playing with fire are children 5 years and younger. Burn units countrywide deal with the survivors of these mischievous acts leaving a lifetime of pain scarring and emotional stress.

The May 2008 *U.S. Fire Administration* National Arson Awareness Week theme focused on Toylike Lighters. The accompanying helpful *Playing with Fire /Media Kit* included this tidbit,

A fire marshal in Wisconsin was making a purchase at a local home improvement store when his 12-year-old daughter picked up what she believed was a tape measure. When she clicked the button on the tape measure, a flame came out. Fortunately, the child was not hurt, and the store owner voluntarily stopped selling the lighters.

This legislation has been six years in the making and it is time for legislative adoption. Again for Wisconsin's younger population and those affected by their misguided decisions, please support ~~AB 391~~ to protect against this cause of fire that leads to tragic injury and death.

SB 303



Wisconsin State Fire Chiefs Association

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DATE: February 25, 2014
TO: Committee on Energy, Consumer Protection and Government Reform
FROM: WI State Fire Chiefs Association
RE: Support Senate Bill 303

The Wisconsin State Fire Chiefs Association asks that you support Senate Bill 303 banning the sale of novelty lighters to minors and the display of the novelty lighters in retail establishments.

Toylite or novelty lighters have been responsible for injuries, deaths, and accidents across the Nation. Children are attracted to novelty lighters because they look like toys. Many of these lighters look like animals, miniature cars, mobile phones, cameras, fishing lures, stacks of coins, markers, and doll accessories. One lighter is nearly identical to the popular rubber ducky bath toy and it even quacks! There are also toylite novelty lighters that look like tools such as tape measures, drills, hammers, and paint brushes. Ironically, there are even lighters that mimic a Dalmatian donning a fire helmet, a red fire truck, or fire extinguishers.

A fire marshal in Wisconsin was making a purchase at a local home improvement store when his 12-year-old daughter picked up what she believed was a tape measure. When she clicked the button on the tape measure, a flame came out. Fortunately, the child was not hurt, and the store owner voluntarily stopped selling the lighters.

The National Fire Incident Reporting System (NIFRS) data indicates that lighters play a role nearly equal to matches in residential child-play fires, and some studies show that lighters tend to be the preferred ignition source. When children set fires in the home, the most common area of fire origin is the bedroom, and the material ignited is often bedding, mattresses, or clothing.

Intentionally set fires are the major cause of dollar losses from fires and a leading cause of fire deaths in the United States. In 2005, the National Fire Protection Association (NFPA) estimated 9,423 lighter child-playing structure fires were reported in the U.S., with associated losses of 153 civilian deaths, 855 civilian injuries, and \$231 million in direct damage. Most child-playing home fires are started with lighters or matches. The median age of children who start reported fires by playing is 5 years old, compared to a median age of 4 years old for fatal victims, and a median age in the late teens for nonfatal injuries.

Please help make Wisconsin a fire safe state by supporting Senate Bill 303 prohibiting the sale of novelty lighters to minors. If you have any questions please contact David Bloom, Legislative Liaison, WI State Fire Chiefs Association at 608-444-3324.

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