



# SCOTT KRUG

STATE REPRESENTATIVE • 72<sup>nd</sup> ASSEMBLY DISTRICT

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

TO: Members, Assembly Committee on Consumer Protection  
FROM: Rep. Scott Krug  
RE: 2019 ASSEMBLY BILL 202  
DATE: September 12, 2019

I write today to thank the committee and Rep. Pronschinske for holding a hearing on AB 202, a proposal pertaining to the sale of novelty lighters in Wisconsin. I also thank Sen. Patrick Testin for his support as lead Senator on this proposal, which has included Sen. Testin introducing SB 195 (the companion bill to AB 202) in the State Senate.

AB 202 would ban 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.

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 applies: 1) the device is designed to resemble a cartoon character, toy, gun, watch, musical instrument, vehicle, animal, food, or beverage; or 2) the device plays musical notes, has flashing lights, or has other features that are appealing to or intended for use by juveniles. However, the bill provides that "novelty lighter" does not include any of the following: 1) a device manufactured before 1980; 2) a device intended for use in igniting a fire in a fireplace or wood stove or in a charcoal or gas grill; or 3) a standard disposable or refillable lighter that is printed or decorated with logos, labels, decals, artwork, or heat-shrinkable sleeves. A person who violates the prohibitions in the bill is subject to a forfeiture of up to \$100.

Today you will hear from Pittsville Fire Chief Jerry Minor. Chief Minor has been at the forefront of raising awareness of the public safety concern that goes along with children and lighters. While AB 202 and SB 195 are not "cure-alls" they will make significant headway in making sure that "lighters" that have a toy like appearance do not fall into the hands of children.

**MORE**

The work we have done on this bill for the last few sessions has allowed us to meet an amazing group of people and the stories of those working behind the scenes on this issue are *truly* inspiring. We have met and heard from burn victims, firefighting professionals who describe some of the horrific scenes they have responded to, and even an amazing group of young adults from Pittsville Wisconsin who have remained dedicated to this cause session after session (from grade school to high school).

We have worked with the National Lighter Association in writing this bill, which as we worked through the process with them we became aware that Wisconsin is certainly not alone in this effort. 17 other states have passed legislation in regards to novelty lighters. (Several other states have legislation pending or studies ongoing.) Many of those bills/laws ban novelty lighter sales, distribution and manufacturing entirely.

I should add that when last we tried this bill, in the 2015 session, only 15 states had passed similar laws. Two more states have join in since. Wisconsin should as well.

Through the committee hearing process over previous sessions when we did this bill, we have yet to hear from anyone opposed to the bill, offering a reason for opposition. Many traditional retailers have stopped selling these devices, some have already moved the display of those items to areas with better monitoring some have not.

Our goal is to simply educate those who sell these devices to the potential dangers that exist and as such there is a small penalty for violation of the statute.

Working together to raise awareness, provide for increased public safety, while maintaining a free market are all goals that we look to achieve with this legislation.

Thank you again for holding a hearing on SB195/AB202, I am always available to answer questions and have further discussions if needed.

Scott Krug  
State Representative 72<sup>nd</sup> Assembly District



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# PATRICK TESTIN

## STATE SENATOR

**DATE:** September 12, 2019

**RE:** **Testimony on 2019 Assembly Bill 202**

**TO:** The Assembly Committee on Consumer Protection

**FROM:** Senator Patrick Testin

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Thank you members of the Assembly Committee on Consumer Protection for accepting my testimony on Assembly Bill 202.

We all have heard the phrase “playing with fire.” It denotes a risky action or plan, and it’s not a positive expression. And yet, there are a number of novelty lighters out there, with their colorful or playful appearance that seem to encourage the users to play with fire.

The National Fire Protection Association (NFPA) found that in 2014, U.S. fire departments estimated 5,100 home structure fires were caused by someone, usually a child, playing with fire. Those fires caused \$115 million in direct property damage, 430 civilian injuries and 60 civilian deaths. Additionally, NFPA found that lighters were the heat source in more than half (52%) of home structure fires.

Due to their toy-like appearance, children have mistaken novelty lighters for toys which has tragically led to property damage, injuries and even fatalities. This common sense legislation doesn’t ban the sale of novelty lighters, it instead attempts to limit minors’ access to them. Assembly Bill 202 simply prohibits the sale of novelty lighters to minors and prohibits them from being displayed in areas of retail establishments that can be accessed by the general public.

I hope that you will join me and the coalition of Firefighters, Fire Chiefs, local governments and health organizations in supporting Assembly Bill 202. It’s time we stop playing with fire.



10 West Mifflin Street, Suite 205 • Madison, Wisconsin 53703 • 608.244.7150 • FAX 608.244.9030  
**WisconsinGrocers.com**

## MEMORANDUM

TO: Members of the Assembly Committee on Consumer Protection

FROM: Wisconsin Grocers Association

DATE: September 12, 2019

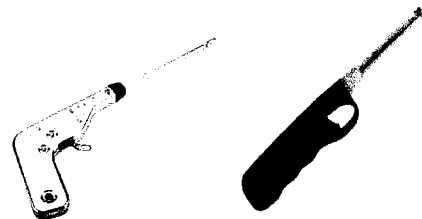
RE: AB 202 relating to: display and sale of novelty lighters

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On behalf of the Wisconsin Grocers Association, we would like to express concern for Assembly Bill 202 which regulates the display and sale of novelty lighters. While we support the good intentions of this legislation, we are concerned with the regulatory impact it may have on retailers.

As you are aware, AB 202 prohibits the sale of novelty lighters to minors and prohibits displaying the lighters in an area accessible to the public. This poses numerous problems on retailers to comply: age verification and training as well as space considerations to remove these items from the shelves and place them behind the counter.

Wisconsin retailers sell lighters for multi-purpose use by our customers. While the bill specifically defines a novelty lighter and specifies that does not include lighters intended for igniting a fire in a fireplace, stove or grill; it will still be difficult and burdensome for a retailer to determine what is and is not included. A lighter with a character displayed would be illegal, but it could be intended for lighting a fireplace, which makes it legal. In fact, the most common fireplace lighting lighter could be considered to resemble a gun, and therefore illegal (please see image). Because of this uncertainty, retailers will need to age verify every lighter purchase and maintain these items behind the counter.



Age verification poses numerous concerns for retailers. It is difficult to train employees to watch for and verify age on these specific items and also becomes a customer issue when customers are asked for identification to purchase a lighter. In addition, the requirement that these items are placed in an area inaccessible to the public poses a space concern for retailers. Not only is "behind the counter" space limited, but it requires another individual, usually other than the cashier, to retrieve the item.

Again, we are sympathetic to the concerns identified by those that support this legislation, but ultimately this legislation will be a regulatory burden on retailers and therefore we are opposed. If you have any questions, please contact Brandon Scholz or Michelle Kussow at 608.244.7150.

Oct 2008

# efighter

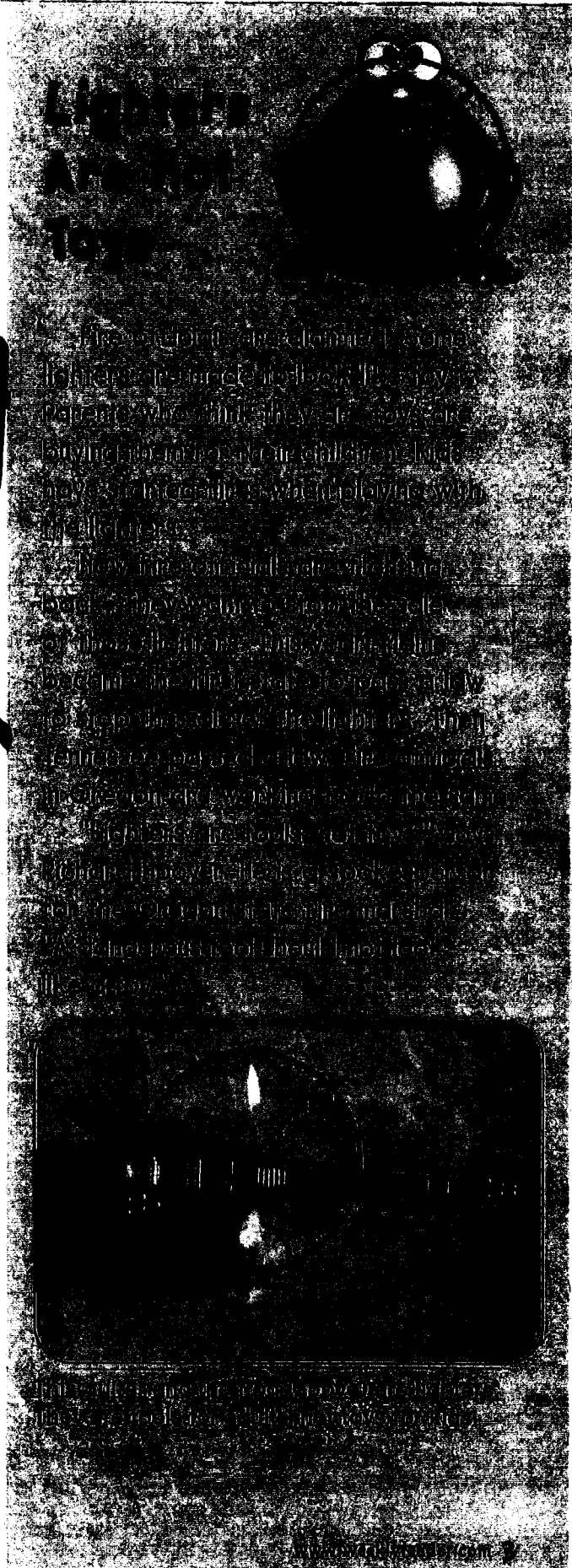
## Firefighters wear special clothing.

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!



Firefighters practice: Bill Sturmon/Corbis; fire station: Joseph Schmitt/Vision of America/Corbis; firefighter: Photodisc/Getty Images; firefighter clothing: Masterfile; fog and gator: iStockphoto; Sarah Cabot/Wesley Head

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



**Chronological List of States with Laws Banning  
the Sale and/or Distribution of  
Novelty and Toylike Lighters**

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Updated July 2015

**Maine**

Governor John E. Baldacci signed Legislative Document 2081, which prohibits the retail sale and distribution of novelty lighters, into law on March 24, 2008. Maine is the first state to enact legislation banning novelty lighters.

**Tennessee**

Governor Phil Bredesen signed House Bill 3107, which limits the sale and distribution of novelty lighters, into law on April 23, 2008.

**Oregon**

Governor Ted Kulongoski signed House Bill 2365, a bill banning the manufacture, sale and distribution of toylite (novelty) lighters, into law on March 4, 2009.

**Arkansas**

Governor Mike Beebe signed Senate Bill 154, which bans the sale and distribution of novelty lighters, into law on March 10, 2009.

**Virginia**

Governor Tim Kaine signed House Bill 2578, which prohibits the sale of novelty lighters to juveniles, into law on March 30, 2009.

**Washington**

Governor Christine Gregoire signed Senate Bill 5011, which prohibits the sale or distribution of certain novelty lighters, into law on April 29, 2009.

**Nevada**

Assembly Bill 266, which prohibits the sale or distribution as a promotion of novelty lighters and was sponsored by John Ocegüera, became law on May 29, 2009. This means that the bill was passed by the Nevada Legislature without Governor Jim Gibbons approving or vetoing it within the allowed period.

**Louisiana**

Governor Bobby Jindal signed House Bill 199, which prohibits the sale and distribution of certain novelty lighters, into law on June 19, 2009.

**North Carolina**

Governor Beverly Perdue signed Senate Bill 652, which prohibits the retail sale and distribution of novelty lighters, into law on June 30, 2009.

**New Jersey**

Governor Jon Corzine signed Assembly Bill 3207, which prohibits the sale of novelty lighters, into law on Nov. 20, 2009.

**Mississippi**

Governor Haley Barbour signed House Bill 232, which bans the sale and distribution of novelty lighters, into law on March 15, 2010.

**Utah**

Governor Gary R. Herbert signed House Bill 201, which prohibits the sale, manufacture, distribution or possession of novelty lighters, into law on March 30, 2010.

**Illinois**

Governor Pat Quinn signed House Bill 5139, which bans the sale and distribution of novelty and toy lighters, into law on July 28, 2010.

**Massachusetts**

Governor Deval Quinn signed House Bill 4369, which bans the manufacture, sale, giving away, storing or transport of novelty lighters, into law on Aug. 9, 2010.

**Hawaii**

Senate Bill 173, which calls for a ban on the sale of novelty lighters, became law without the signature of Governor Neil Abercrombie on July 12, 2011.

**New York**

Governor Andrew Cuomo signed Assembly Bill 1011, which bans the manufacture, import, sale and distribution of novelty lighters, on Sept. 27, 2013.

**Nebraska**

Governor Dave Heineman signed Legislative Bill 403, which prohibits the sale of novelty lighters without child-proof safety features on Feb. 13, 2014.



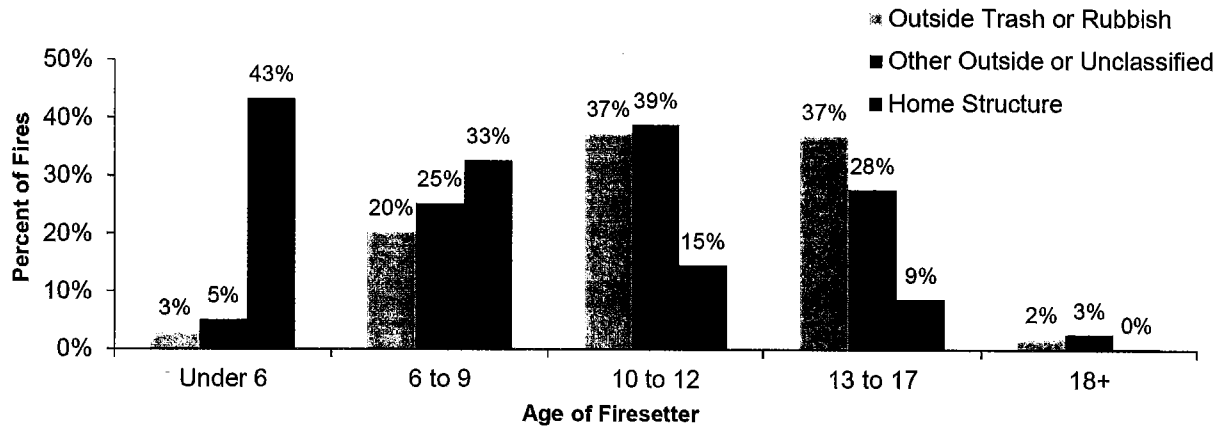


### Playing With Fire Fact Sheet

Fires started by play accounted for an average of 49,300 fires with associated losses of 80 civilian deaths, 860 civilian injuries and \$235 million in direct property damage per year between 2007 and 2011. These included:

- 21,100 outside or unclassified fires
- 16,300 outside trash or rubbish fires
- 11,100 structure fires
- 800 vehicle fires

**Fires Caused by Children Playing**  
By Age (when Age Cited as a Human Factor Involved in Ignition) and Incident Type: 2007-2011



**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 just over half (52%) of fires in homes involving play
- 39% of home fires involving play 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: *Playing with Fire*, Richard Campbell, March 2014



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## NATIONAL FIRE PROTECTION ASSOCIATION

The leading information and knowledge resource on fire, electrical and related hazards

# NEWS & RESEARCH

News & Research / Data, research, and tools / U.S. fire problem / Playing with fire

## Playing with fire

**Report:** NFPA's "[Playing With Fire](#)" (PDF, 1 MB)

**Author:** Richard Campbell

**Issued:** March 2014

*The subject of this report is fires caused by playing with fire. Most of these fires are started by children involved with fireplay. This report addresses the size of the problem (overall and by property class) and examines how, when, and where these fires occurred, the primary heat sources involved in these fires, the items ignited, age characteristics of involved persons, and loss data (deaths, injuries, and property damage).*

### Executive Summary

Between 2007 and 2011, an average of 49,300 fires involving playing with fire were reported to U.S. municipal fire departments per year. These fires caused annual averages of 80 civilian deaths, 860 civilian injuries, and \$235 million in property damage. Structure fires accounted for 23% of fires, but 98% of civilian deaths, 93% of civilian injuries, and 91% of property damage. Outside or unclassified fires accounted for three-quarters (76%) of the fires, and vehicle fires for 2%.

Two-thirds (67%) of structure fires involving play occurred in residential properties, with 64% in homes. Eleven percent began in outside or special properties (these include tunnels, bridges, vacant lots, etc.), and 7% began in educational properties.

Most deaths, injuries, and damage from child playing fires occur in home structure fires. An average of 7,100 home structure fires per year caused by play were reported between 2007 and 2011, causing annual averages of 77 civilian deaths, 860 civilian injuries, and \$235 million in property damage. The information is common during the month of July, and peak between the hours of 2 p.m. and 8 p.m.

Half of home playing structure fires (52%) had a lighter as their heat source, and matches were the heat source in 18% of fires. Fires started by lighters or matches caused 82% of civilian deaths.

### More information

["Playing With Fire" report](#) (PDF)  
Errata issued April 2016.  
[Download the errata.](#)

**Fact sheet**  
["Children Playing with Fire" fact sheet](#) (PDF)

**Safety tips**  
[What you can do to help keep children away from fire.](#)

**Latest estimates on major fire causes**  
[NFPA's latest estimates of home fires started by playing - 2014.](#) (PDF)

**Contact us**  
If you have any questions, e-mail

Thirty-nine percent of these fires began in the bedroom, 8% in the kitchen and 6% in a living room, family room or den. A mattress or bedding was the item first ignited in 23% of these fires, while 10% began with magazines, newspapers, or writing paper and 9% began with rubbish, trash, or waste.

**Nancy Schwartz** or  
call +1 617 984-  
7450.

The majority of structure fires in homes caused by play were started by males (83%). Forty-three percent of the fires were started by a child under age 6. Older children were more likely to start outside fires, with two of five (38%) of all outside or unclassified fires started by a child between the ages of 10 and 12.

Outside or unclassified playing fires (excluding trash or rubbish fires) peak during the afternoon hours, between 3 p.m. and 6 p.m. Nearly one-quarter of these fires (24%) were started during the month of July, likely influenced by fires during the July 4<sup>th</sup> holiday. Fireworks were the heat source in 30% of all non-trash outside or unclassified fires caused by fireplay, with lighters the heat source in 29% of the fires and matches the heat source in 20%.

Males were even more likely to be responsible for these fires than in home playing structure fires, as 94% of outside or unclassified (trash or non-trash combined) fires involving play were started by males (when age was coded as a human factor contributing to ignition).

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Report Parameters:

Report Period: From 01/01/2013 to 07/31/2019

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\*:

29020	20040	28060	33040	14090	37090	52040	59200	01050	22110	20030	16200	29030	22120	33050	28050	37080	52030	67170	
10090	59210	01040	49140	33020	28040	20060	52020	37070	67140	58100	10080	36210	49130	71080	59220	28030	33030	63010	
20050	67150	52010	14080	29010	40110	37060	10070	22100	59230	49120	71090	01060	28020	58120	14230	13100	42110	63020	
33080	41020	09100	49110	47250	39080	10060	14240	28010	13110	42120	33090	63030	49100	39090	36200	15100	40170	09110	
10050	67180	58140	13120	69100	33060	20020	53100	63040	10040	40160	70020	42100	41010	33070	67190	63050	20010	10030	
70010	42150	44290	39040	21070	55020	70040	41060	04210	63060	04010	43010	13140	32010	36030	58160	42160	48090	70030	
55030	32020	41070	63070	59010	47080	13150	58150	36040	14200	48080	70060	32030	11130	21050	56170	44270	25080	63080	
41040	59020	47070	29080	66090	14210	42130	44070	13160	36010	70050	55010	32040	11120	48070	44280	39070	21040	42140	
04200	25090	41050	63090	47060	29090	59030	58170	14220	38190	36020	44080	13170	43050	59240	01010	56150	42190	38180	
47050	70080	44050	62110	66070	36070	29060	59040	13180	39010	43040	56160	70070	68100	59050	44060	62120	38170	47040	
66080	36080	28090	28092	13190	29070	01030	41080	39020	43030	21090	56130	42170	44030	66050	03110	36050	59060	38160	
47030	28080	29040	01020	41090	39030	21080	66060	44040	03100	62100	70090	47020	59070	29050	36060	28070	38130	65050	
44140	31030	59090	66160	05060	51080	68020	25030	08020	48010	38140	65040	67010	51090	44130	59080	05070	68010	08010	
31020	25020	48020	38110	05040	44120	31010	25010	61120	36090	12100	38120	05050	37260	04070	88888	42090	61130	64150	
66120	05020	65010	61100	57070	08060	48050	68060	18050	31060	04050	37240	64160	05030	38100	61110	25060	57060	08050	
48060	18060	66110	64170	37230	31050	04040	65030	48030	35050	08040	68040	18030	25050	66100	57090	37220	22090	31040	
65020	04030	05010	48040	35040	18040	25040	08030	68030	16090	57080	16080	67210	64110	10130	45130	18010	20190	35030	
57030	71030	22080	42200	37210	10140	51010	64120	62200	16070	18020	30100	68090	57020	35020	37010	22070	14010	71020	
37200	16060	64130	51020	57050	35010	68080	71010	22060	10110	16050	51030	57040	68070	22050	64140	09090	71070	51040	
33900	09070	09080	14060	67250	37040	22040	16030	09060	40100	10100	51050	67240	71060	22030	30110	57010	16020	09050	
26100	43190	51060	67230	05080	14040	22020	37020	71050	33100	30120	16010	09040	64100	43180	51070	67220	05090	14030	
22010																			

\*Data from deactivated fire depts within the list was not included in the report.

Selected Coded Field: Fire: Heat Source

Report Period: From 01/01/2013 to 07/31/2019

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	4	2.41 %	0	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	5,000	0.31 %	0	0.00 %	5,000	0.22 %
10	Heat from powered equipment, other	1	0.60 %	0	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	35	0.01 %	35	0.00 %
12	Radiated, conducted heat from operating equipment	4	2.41 %	0	0	0.00 %	2	18.18 %	0	0.00 %	0	0.00 %	41,000	2.53 %	7,300	1.05 %	48,300	2.09 %
40	Hot or smoldering object, other	1	0.60 %	0	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	10,312	0.64 %	3,865	0.56 %	14,177	0.61 %
42	Molten, hot material	1	0.60 %	0	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	1,500	0.09 %	0	0.00 %	1,500	0.06 %
43	Hot ember or ash	1	0.60 %	0	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	5,000	0.31 %	3,000	0.43 %	8,000	0.35 %
54	Fireworks	12	7.23 %	0	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	4,700	0.29 %	50	0.01 %	4,750	0.21 %
60	Heat from other open flame or smoking materials	6	3.61 %	0	0	0.00 %	0	0.00 %	0	0.00 %	1	25.00 %	614,000	37.86 %	225,200	32.42 %	839,200	36.23 %
61	Cigarette	1	0.60 %	0	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	100	0.01 %	0	0.00 %	100	0.00 %
63	Heat from undetermined smoking material	2	1.20 %	0	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	2,539	0.16 %	500	0.07 %	3,039	0.13 %
64	Match	21	12.65 %	0	1	100.00 %	0	0.00 %	0	0.00 %	1	25.00 %	230,492	14.21 %	123,520	17.78 %	354,012	15.28 %

# Tally

Selected Coded Field: Fire: Heat Source

Report Period: From 01/01/2013 to 07/31/2019

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 %	
655	Cigarette lighter	90	54.22 %	0	0	0.00 %	7	63.64 %	0	0.00 %	2	50.00 %	631,407	38.94 %	307,537	44.28 %	938,944	40.54 %	
69	Flame/forch used for lighting	7	4.22 %	0	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	30,750	1.90 %	5,200	0.75 %	35,950	1.55 %	
81	Heat from direct flame, convection currents	3	1.81 %	0	0	0.00 %	2	18.18 %	0	0.00 %	0	0.00 %	20,000	1.23 %	10,000	1.44 %	30,000	1.30 %	
83	Flying brand, ember, spark	1	0.60 %	0	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	
UU	Undetermined	11	6.63 %	0	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	24,812	1.53 %	8,353	1.20 %	33,165	1.43 %	
<b>Totals</b>		166	100 %	0	1	100 %	11	100 %	0	0 %	4	100 %	1,621,612	100 %	694,560	100 %	2,316,172	100 %	
<b>Mutual Aid Given Incidents</b>		1																	



**WISCONSIN STATE**  
**FIRE CHIEFS ASSOCIATION**  
*Together We Make A Difference*

26422 OAKRIDGE DRIVE  
WIND LAKE, WI 53185  
(414) 501-2603  
CONTACT@WSFCA.COM

DATE: September 12, 2019  
TO: Assembly Committee on Consumer Protection  
FROM: WI State Fire Chiefs Association  
RE: Please Support Assembly Bill 202

The Wisconsin State Fire Chiefs Association asks that you support Assembly Bill 202 banning the sale of novelty lighters to minors and the display of the novelty lighters in retail establishments.

Toy like 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 toy like 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 Assembly Bill 202 prohibiting the sale of novelty lighters to minors.

If you have any questions please contact:

David Bloom, Legislative Liaison,  
WI State Fire Chiefs Association  
bloomd@town.madison.wi.us  
608-444-3324.

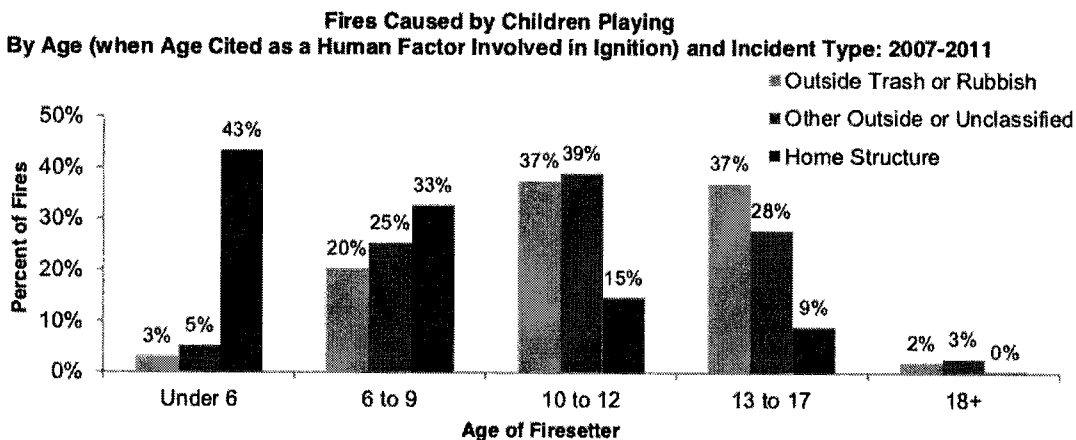
September 12, 2019

Members of the Assembly Consumer Protection Committee,

Today you heard testimony in support of AB 202, relating to the display and sale of novelty lighters to minors. I am writing to provide information in opposition to this bill as I was unable to testify at the public hearing.

There are two primary issues with this bill. First, the bill does *nothing* to ban the sale to the adults who actually purchase lighters, and second, the federal government already imposes mandatory safety measures on the manufacture of novelty lighters.

As you know, AB 202 bans the sale of novelty lighters to minors. According to the 2014 NFPA Report "Playing with Fire," 76 percent of all home structure fires were started by children younger than 9 years of age; 43 percent of all home structure fires were started by a child *younger than 6*. I submit to you that children younger than 10 are not purchasing lighters — particularly not children younger than 6. The children that started these fires did not purchase the lighter themselves; rather, an older sibling, relative or parent purchased the lighter and had it accessible in the home. Because AB 202 does not ban the sale of novelty lighters to adults, this bill will do *nothing* to prevent toy-like novelty lighters from finding their way into the hands of young children.



Source: "Playing with Fire," NFPA 2014

Federal law currently regulates the safety of lighters and novelty lighters manufactured since 1994 (16 C.F.R. Part 1210). According to the law,

- (a) A lighter subject to this part 1210 shall be resistant to successful operation by at least 85 percent of the child-test panel when tested in the manner prescribed by § 1210.4.



- (b) The mechanism or system of a lighter subject to this part 1210 that makes the product resist successful operation by children must:*
- (1) Reset itself automatically after each operation of the ignition mechanism of the lighter,*
  - (2) Not impair safe operation of the lighter when used in a normal and convenient manner,*
  - (3) Be effective for the reasonably expected life of the lighter, and*
  - (4) Not be easily overridden or deactivated.*

In summary, AB 202 is completely ineffective and detrimental to the citizens of Wisconsin for the following reasons:

- **Does not ban purchase by adults**
- **Increased cost to taxpayers (\$19,000/year per DATCP fiscal estimate)**
- Clutters our statutes with useless regulation
- Imposes burdensome and unnecessary rules on retailers
- Increases size and scope of government by allowing DATCP to oversee and enforce retailer prohibitions
- Will not prevent residential fires
- Will not save lives

In the spirit of responsible governance, I ask that you consider the information provided above and oppose any further movement of this bill.

Thank you for your time.

-Jackie Arthur