

52:27D-192

LEGISLATIVE HISTORY CHECKLIST
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(Cigarette lighters--
child resistant)

NJSA: 52:27D-192

LAWS OF: 1991 CHAPTER: 487

BILL NO: A3020

SPONSOR(S): Salmon

DATE INTRODUCED: February 26, 1990

COMMITTEE: ASSEMBLY: Consumer Affairs

SENATE: Law, Public Safety

AMENDED DURING PASSAGE: Yes Amendments during passage denoted
by asterisks

DATE OF PASSAGE: ASSEMBLY: June 24, 1991

SENATE: December 12, 1991

DATE OF APPROVAL: January 18, 1992

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBG/pp

[FOURTH REPRINT]
ASSEMBLY, No. 3020

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 26, 1990

By Assemblymen BATTEN, KELLY, Spadaro and Cimino

1 AN ACT concerning fire safety, and supplementing ²[chapter 170
2 of Title 2A of the New Jersey Statutes and]² P.L.1983, c.383
3 (C.52:27D-192 et seq.).
4

5 BE IT ENACTED *by the Senate and General Assembly of the*
6 *State of New Jersey:*

7 ²[1. Any vendor who sells, gives, furnishes, or otherwise makes
8 available to a minor under the age of 18 years, matches or a
9 lighter shall be punished by a fine of \$100.

10 For the purposes of this section:

11 "Lighter" means a mechanical flame producing device, be it of
12 a disposable or refillable nature, designed for the purpose of
13 lighting a fire, cigarette, cigar or pipe.

14 "Matches" means any slender pieces of flammable material
15 tipped with a combustible mixture that ignite into flame when
16 heated through friction.

17 "Vendor" means any person making sales of tangible personal
18 property or services, the receipts of which are subject to taxation
19 under the provisions of the "Sales and Use Tax Act," P.L.1966,
20 c.30 (C.54:32B-1 et seq.).²

21 ²[2.] ^{1,2} On and after ¹[January 1, 1992] ³[January 1, 1993¹]
22 January 1, 1994³, no lighter shall be sold, offered for sale, given,
23 transferred, or otherwise be assigned, furnished or made available
24 in the State of New Jersey unless its design and construction
25 conforms with the child resistant standards adopted pursuant to
26 the provisions of section ³[4] ³3 of ⁴[this act] P.L. _____,
27 c. _____ (C. _____)(now pending before the Legislature as this
28 bill)⁴.

29 "Child resistant lighter" means a lighter that is designed and
30 constructed in a manner so that it is significantly difficult for a
31 child under the age of 5 years to operate the device so as to
32 produce a flame or to ⁴[omit] emit⁴ a flammable liquid, vapor, or
33 gas.

34 "Lighter" means a mechanical flame producing device, be it of
35 a disposable or refillable nature, designed for the purpose of
36 lighting a fire, cigarette, cigar, or pipe⁴, provided, however, that

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in the
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ACO committee amendments adopted February 26, 1990.

² Assembly floor amendments adopted March 7, 1991.

³ Assembly floor amendments adopted June 20, 1991.

⁴ Senate SLP committee amendments adopted December 5, 1991.

1 the term shall not include those mechanical flame producing
2 devices that are refillable and have a gross fueled weight of at
3 least 35 grams⁴.

4 ²[3.] ² Any person violating the provisions of section ²[2] ¹
5 of ²[this act] P.L. ,c. (C.)(now pending before the
6 Legislature as this bill)² by selling, offering for sale, giving,
7 transferring, or otherwise assigning, furnishing or making
8 available a lighter that does not conform to the standards
9 adopted under the provisions of section ²[4] ³ of ²[this act]
10 P.L. ,c. (C.)(now pending before the Legislature as this
11 bill)² shall be fined \$100 for each offense. Each lighter not
12 conforming to those standards that is so sold, offered for sale,
13 given, transferred, or otherwise assigned, furnished or made
14 available shall constitute a separate offense.

15 ²[4.] ³ Within 18 months of the effective date of this act,
16 the Bureau of Fire Safety in the Department of Community
17 Affairs shall, pursuant to the provisions of the "Administrative
18 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), promulgate
19 rules and regulations to effectuate the purposes of this act. The
20 rules and regulations so promulgated shall include, but not be
21 limited to, standards for the design and construction of child
22 resistant lighters.

23 ²[5.] ⁴ This act shall take effect immediately.

24
25
26 PUBLIC SAFETY

27
28 Requires all lighters sold in New Jersey after January 1, 1994, to
29 be "child resistant."

1 4. Within 18 months of the effective date of this act, the
2 Bureau of Fire Safety in the Department of Community Affairs
3 shall, pursuant to the provisions of the "Administrative Procedure
4 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), promulgate rules and
5 regulations to effectuate the purposes of this act. The rules and
6 regulations so promulgated shall include, but not be limited to,
7 standards for the design and construction of child resistant
8 lighters.

9 5. This act shall take effect immediately.

12 STATEMENT

14 Numerous fire tragedies have been caused by children playing
15 with matches or a lighter. The purpose of this bill to address that
16 problem by restricting the availability of matches and lighters to
17 children and, beginning on January 1, 1992, require that all
18 lighters sold or otherwise made available in the State be
19 "child-resistant."

20 Under the provisions of the bill, vendors would be prohibited
21 from selling, giving, or otherwise making matches available to
22 minors under the age of 18. Violators are subject to a fine of
23 \$100. This section of the bill is patterned upon the current
24 statute prohibiting the sale of tobacco products to minors under
25 the age of 18.

26 The bill also prohibits the sale, transfer or furnishing of any
27 lighter in New Jersey after January 1, 1992 that is not
28 "child-resistant." The bill defines a "child-resistant lighter" as a
29 lighter that is designed and constructed in a manner so that it is
30 significantly difficult for a child under the age of 5 years to
31 operate the device so as to produce a flame or to omit a
32 flammable liquid, vapor, or gas. The Bureau of Fire Safety in the
33 Department of Community Affairs is directed to promulgate the
34 rules and regulations setting forth the State's standards for
35 "child-resistant lighters."

36 Persons violating that proscription are subject to a fine of \$100
37 for each unapproved lighter sold, offered for sale, or furnished.

40 PUBLIC SAFETY

42 Prohibits sale of matches and lighters to children; requires all
43 lighters sold in New Jersey after January 1, 1992 to be
44 "child-resistant."

ASSEMBLY CONSUMER AFFAIRS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3020

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 26, 1990

The Assembly Consumer Affairs Committee favorably reports Assembly Bill No. 3020 with committee amendments.

Assembly Bill No. 3020 supplements chapter 170 of Title 2A of the New Jersey Statutes to prohibit vendors from selling, furnishing or otherwise making available matches or lighters to minors under the age of 18 years. Vendors who violate this prohibition are subject to a fine of \$100. The bill defines a vendor as "any person making sales of tangible personal property or services, the receipts of which are subject to taxation under the provisions of the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.).

The bill also supplements P.L.1983, c.383 (C.52:27D-192 et seq.). As received by the committee, the bill would have prohibited the sale of lighters that were not "child resistant" after January 1, 1992. A "child resistant lighter" is defined in the bill as "a lighter that is designed and constructed in a manner so that it is significantly difficult for a child under the age of 5 years to operate the device so as to produce a flame or to omit a flammable liquid, vapor, or gas."

The committee, at the sponsor's request, amended the bill to change that January 1, 1992 date to January 1, 1993. It is the committee's understanding that the Consumer Product Safety Commission is planning to issue proposed regulations on child resistant lighters in September, 1990 and that those regulations should be formally adopted sometime in late 1991. The change from January 1, 1992 to January 1, 1993 will give manufacturers time to bring their products into compliance with those regulations.

SENATE LAW, PUBLIC SAFETY AND DEFENSE COMMITTEE

STATEMENT TO

[THIRD REPRINT]

ASSEMBLY, No. 3020

with Senate committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 5, 1991

The Senate Law, Public Safety and Defense Committee reports favorably Assembly Bill 3020 (3R) with amendments.

Under this bill as amended, only child resistant lighters could be sold in this State after January 1, 1994. A "child resistant lighter" is defined in the bill as a mechanical flame producing device used to light fires, cigarettes, cigars or pipes and designed and constructed so that a child under the age of five years would find it significantly difficult to operate.

The penalty for a violation of the act after January 1, 1994 would be \$100 for each lighter sold or offered for sale that does not conform to the child resistant standards promulgated by the Bureau of Fire Safety in the Department of Community Affairs pursuant to section 3 of the bill.

The committee amended the bill to exclude from the definition of a "lighter" those refillable lighters which have a gross fueled weight of at least 35 grams.

As released by the committee, this bill is identical to Senate Bill 2422 of 1990 as amended by this committee on December 5, 1991.