

FINAL BILL REPORT

ESSB 5011

C 273 L 09
Synopsis as Enacted

Brief Description: Prohibiting the sale or distribution of certain novelty lighters.

Sponsors: Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Kauffman, Kohl-Welles, Kline and Keiser).

Senate Committee on Labor, Commerce & Consumer Protection
House Committee on Commerce & Labor

Background: The Office of the State Fire Marshal, Fire Protection Bureau (Bureau) is within the Washington State Patrol and provides various services to fire districts, government agencies, and the public. Examples of these services include coordination of the state fire service resources for mobilization during disasters, fire incident reporting and data collection, fire code review and adoption, and construction plan reviews for fire sprinkler and alarm systems. The Bureau also regulates the fireworks and sprinkler industries. In addition, the Bureau provides high-risk fire training to fire departments and fire protection districts, hazardous materials training, and fire prevention education.

Summary: The sale and distribution of novelty lighters is prohibited. This prohibition does not apply to novelty lighters in interstate commerce that are not intended for distribution in the state. Wholesalers and retailers may continue to sell existing inventory for 90 days after this prohibition goes into effect.

A novelty lighter has features that are attractive to children including visual effects, flashing lights, musical sounds, and toy-like designs. The term considers the shape of the lighter to be the most important characteristic when determining whether a lighter can be considered a novelty lighter. A novelty lighter is not a disposable lighter that is printed or decorated with logos, decals, artwork, or heat shrinkable sleeves.

The "authority having jurisdiction" is defined as the local organization, office, or individual responsible for enforcing the requirements of the State Fire Code. The authority having jurisdiction has authority to enforce the prohibition.

Several provisions are included for the enforcement of the prohibition. The authority having jurisdiction may impose a civil penalty that may not exceed:

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- for a wholesale dealer, a written warning for the first violation and \$500 for each subsequent violation; and
- for a retail dealer, a written warning for the first violation and \$250 for each subsequent violation.

The authority having jurisdiction may bring an action seeking:

- injunctive relief to prevent or end a violation;
- to recover civil penalties; or
- to recover attorneys' fees and other enforcement costs.

Votes on Final Passage:

Senate	43	3	
Senate	46	2	(Senate reconsidered)
House	85	8	(House amended)
Senate	42	2	(Senate concurred)

Effective: July 26, 2009