



Substitute Senate Bill No. 185

Public Act No. 22-12

AN ACT CONCERNING COUNTERFEIT AND UNSAFE LIGHTERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (*Effective October 1, 2022*) (a) For the purposes of this section:

(1) "Counterfeit lighter" means any lighter that infringes on the intellectual property rights of (A) any citizen of the United States, or (B) any entity that is protected by any federal or state intellectual property law;

(2) "Lighter" means any electrical or mechanical device that (A) operates using any type of fuel, including, but not limited to, butane or another liquid fuel, and (B) is typically used to light a cigarette, cigar or pipe; and

(3) "Unsafe lighter" means (A) any disposable or refillable cigarette or pocket lighter that does not comply with American Society for Testing and Materials Standard F400-20, as amended from time to time, and (B) any grill or utility lighter that does not comply with American Society for Testing and Materials Standard F2201-20, as amended from time to time.

(b) (1) Except as provided in subdivision (2) of this subsection, no

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person shall offer or sell any counterfeit lighter or unsafe lighter in this state, including, but not limited to, by way of providing a free sample to a person in this state, regardless of whether such person is offering or selling such lighter on a retail basis, wholesale basis, online or in person.

(2) The provisions of this section shall not be construed to prohibit (A) the interstate transportation of counterfeit lighters or unsafe lighters through this state, or (B) the storage of counterfeit lighters or unsafe lighters in any distribution center or warehouse located in this state if such distribution center or warehouse is closed to the public and does not distribute or sell, at retail, such lighters to the public.

(c) The State Fire Marshal, any local fire marshal empowered to enforce the State Fire Prevention Code or Fire Safety Code and any person aggrieved by any violation of subsection (b) of this section may bring a civil action in the Superior Court to recover damages from the person who is alleged to have committed such violation.

Approved May 10, 2022