

HOUSE BILL 3107

By Curtiss

AN ACT to amend Tennessee Code Annotated, Title 47,
Chapter 18 and Title 68, relative to safety devices
on cigarette lighters.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1.

(a) No supplier of disposable cigarette lighters in this state, including a manufacturer, distributor, importer, retailer or anyone giving away lighters as prizes or promotions shall sell or give away an operable disposable cigarette lighter unless such lighter has a safety device that prevents the accidental operation of the lighter.

(b) Such safety device may include a button that must be activated before the lighter can be operated, a release catch that enables the spark wheel to be used, or a metal guard that must be pressed firmly in order to rotate the spark wheel.

(c) For purposes of this section, "disposable cigarette lighter" means a lighter that is designed to be discarded when empty or incorporates a separate container of fuel designed to be discarded when empty, including but not limited to, novelty lighters.

(d) This section shall not apply to cigarette lighters that were made before 1980 or that are considered as collectable items. Collectable lighters do not include novelty lighters. "Novelty lighters" means a lighter that has entertaining audio or visual effects, or that depicts (logos, decals, artwork, etc.) or resembles in physical form or function articles commonly recognized as appealing to or intended for use by children ten (10) years of age or younger. This includes, but is not limited to, lighters that depict or resemble cartoon characters, toys, guns, watches, musical instruments, vehicles, toy animals, food or beverages, or that play musical notes or have flashing lights or other

entertaining features. A novelty lighter may operate on any fuel, including butane or liquid fuel.

(e) Any violation of this section is a prohibited practice under § 47-18-104.

(f) The commissioner of commerce and insurance is authorized to promulgate rules and regulations to effectuate the purposes of this section. All such rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 2. For the purpose of promulgating rules and regulations, this act shall take effect upon becoming law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2008.