

House Study Bill 299 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON BLOOMINGDALE)

A BILL FOR

1 An Act relating to the distribution of counterfeit and unsafe
2 lighters, and making penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. NEW SECTION. **101B.9 Counterfeit and unsafe**
2 **lighters.**

3 1. For the purposes of this section:

4 a. "*Counterfeit lighter*" means a lighter that infringes on
5 an intellectual property right of a citizen of the United States
6 or a person that is protected by federal or state intellectual
7 property law.

8 b. "*Lighter*" means an electrical or mechanical device that
9 operates using any type of fuel and that is intended for use in
10 igniting cigarettes, cigars, pipes, charcoal or gas grills, or
11 fireplaces.

12 c. "*Unsafe lighter*" means any of the following:

13 (1) A disposable or refillable cigarette, cigar, or pipe
14 lighter that does not comply with ASTM (American society
15 for testing and materials) international standard F400-20, as
16 amended.

17 (2) A utility, candle, grill, or fireplace lighter, or a
18 lighting rod or gas match, that does not comply with ASTM
19 international standard F2201-20, as amended.

20 2. A person shall not sell or offer for sale, or offer a free
21 sample of, a counterfeit lighter or unsafe lighter in this state.

22 3. This section does not apply to the interstate
23 transportation of counterfeit lighters or unsafe lighters that
24 pass through this state or the storage of counterfeit lighters
25 or unsafe lighters in a warehouse or distribution center in this
26 state, if the warehouse or distribution center is not open to the
27 public for the purposes of retail sale or distribution.

28 Sec. 2. Section 101B.10, subsection 1, Code 2025, is amended
29 to read as follows:

30 1. ~~This chapter~~ Sections 101B.1 through 101B.8 shall cease
31 to be applicable if federal fire safety standards for cigarettes
32 that preempt this chapter are enacted and take effect subsequent
33 to January 1, 2009, and the department shall notify the secretary
34 of state and the Code editor if such federal fire safety
35 standards for cigarettes are enacted. However, section 101B.8

1 shall remain applicable for purposes of penalties and enforcement
2 associated with section 101B.9.

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EXPLANATION

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The inclusion of this explanation does not constitute agreement with

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the explanation's substance by the members of the general assembly.

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This bill prohibits a person from selling, offering for sale,

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or offering a free sample of a counterfeit or unsafe lighter,

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defined in the bill, in this state. The bill does not apply

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to counterfeit or unsafe lighters that pass through this state

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as part of interstate commerce or counterfeit or unsafe lighters

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that are stored in a warehouse or distribution center in this

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state, if the warehouse or distribution center is not open to

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the public for the purposes of retail sale or distribution. The

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bill continues to apply if federal fire safety standards for

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cigarettes that preempt Code chapter 101B (cigarette fire safety

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standards) are enacted.

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By operation of law, a violation of the bill is punishable by

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a civil penalty of up to \$1,000 for a first offense and up to

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\$5,000 for a second or subsequent offense, to be deposited in the

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general fund of the state. A violation is subject to a civil

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action by the department of inspections, appeals, and licensing

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or the attorney general for injunctive relief or to recover any

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costs or damages.