

State of Wisconsin



2023 Assembly Bill 917

Date of enactment:
Date of publication*:

2023 WISCONSIN ACT

AN ACT *to create* 100.435 of the statutes; **relating to:** the sale of counterfeit lighters and unsafe lighters.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 100.435 of the statutes is created to read:

100.435 Counterfeit and unsafe lighters. (1) DEFINITIONS. In this section:

(a) "Counterfeit lighter" means a lighter that infringes on an intellectual property right of a citizen of the United States or a person that is protected by federal or state intellectual property law.

(b) "Lighter" means any electrical or mechanical device that operates using any type of fuel and that is intended for use in igniting cigarettes, cigars, pipes, charcoal or gas grills, or fireplaces.

(c) "Unsafe lighter" means any of the following:

1. A disposable or refillable cigarette, cigar, or pipe lighter that does not comply with ASTM International standard F400–20.

2. A utility, grill, or fireplace lighter, or a lighting rod or gas match, that does not comply with ASTM International standard F2201–20.

(2) **PROHIBITION.** (a) No person may offer for sale or sell, or offer a free sample of, a counterfeit lighter or unsafe lighter in this state.

(b) The prohibition in par. (a) does not apply to any of the following:

1. The interstate transportation of counterfeit lighters or unsafe lighters that passes through this state.

2. The storage of counterfeit lighters or unsafe lighters in a warehouse or distribution center in this state, if the warehouse or distribution center is not open to the public for the purposes of retail sale or distribution.

SECTION 2. Effective date.

(1) This act takes effect on the first day of the 3rd month beginning after publication.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."