

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Pete Brungardt at 10:30 a.m. on February 10, 2009, in Room 136-N of the Capitol.

All members were present except:  
Senator Steve Morris- excused

Committee staff present:  
Jason Long, Office of the Revisor of Statutes  
Julian Efird, Kansas Legislative Research Department  
Dennis Hodgins, Kansas Legislative Research Department  
Connie Burns, Committee Assistant

Conferees appearing before the committee:  
Andy Moffitt, Chanute Fire Department  
Kevin Flory, Kansas State Fire Fighters Association  
Chief Ed Bricknell, Wichita Fire Marshal  
Lt. Mark Chairs, City of Wichita  
Dan McLaughlin, Kansas State Fire Marshal  
Tom Palace, Petroleum Marketers & Convenience Store Association of Kansas

Others attending:  
See attached list.

**Introduction of Bills:**

Senator Francisco requested introduction of two bills that 1) concerns wildlife relating to the destruction of prairie dogs; and 2) relating to prairie dog management.

Senator Owens moved that the two requests should be introduced as committee bills. Senator Abrams seconded the motion. The motion carried.

**SB 115 - Fire departments, temporarily closing highways.**

Chairman Brungardt opened the hearing on **SB 115**.

Staff provided an overview of the bill.

Andy Moffitt, Battalion Chief, Chanute Fire Department, spoke in favor of the bill. (Attachment 1) The bill changes the word "fireman" to "firefighter"; the bill asks for the ability to stop the traffic flow temporarily, to take care of the emergency at hand safely and efficiently.

Kevin Flory, Kansas State Fire Fighters Association, appeared in favor of the bill. (Attachment 2) The bill allows the legal right to protect firefighters while at non fire incidents.

Chairman Brungardt closed the hearing on **SB 115**.

**SB 106 - Cigarette lighters; unlawful to sell to minors; displays must be secure.**

Chairman Brungardt opened the hearing on **SB 106**.

Staff provided an overview of the bill.

Senator Oletha Faust-Goudeau spoke in favor of the bill. (Attachment 3) The bill would keep cigarette lighters out of the hands of children by displaying them only where they can't be reached by children.

Staff provided a balloon (Attachment 4) The balloon moves enforcement to the Department of Revenue and is removed from the Kansas State Fire Marshal; adds the definition of "cigarette lighter" and that the crime

## CONTINUATION SHEET

Minutes of the Senate Federal And State Affairs Committee at 10:30 a.m. on February 10, 2009, in Room 136-N of the Capitol.

is a felony.

Chief Ed Bricknell, Wichita Fire Marshal, appeared in support of the bill. (Attachment 5) The bill would place lighters behind the counter, out of reach of children.

Lt. Mark Chairs, City of Wichita, spoke in support of the bill. (Attachment 6) The bill would have the ability to prevent many injuries and property loss due to not having access to cigarette lighters or open flame device.

Safe Kids Kansas provided written testimony in support of the bill. (Attachment 7)

Dan McLaughlin, Kansas State Fire Marshal, spoke in opposition of the bill. (Attachment 8) This bill will require the agency to provide enforcement of said cigarette lighters and that the employees are trained to identify those individuals by age who may purchase said cigarette lighters. The agency may also need to train the staff of local fire departments or other municipal agencies to implement this legislation. The Kansas State Fire Marshal's Office not be given the responsibility of implementing this bill due to the lack of personnel and revenue.

Tom Palace, Petroleum Marketers & Convenience Store Association of Kansas, appeared in opposition of the bill. (Attachment 9) The bill does not provide a fix to the problem but adds another layer of regulation on retailers that sell "lighters."

Secretary Roderick Bremby, Kansas Department of Health and Environment, provided written testimony in support of the bill. (Attachment 10)

Chairman Brungardt closed the hearing on **SB 106**.

The next meeting is scheduled for February 11, 2009. The meeting was adjourned at 11:15 am



Senate Federal and State Affairs Committee

SB 115

Battalion Chief Andy Moffitt

Chanute, KS Fire Department

2/10/09

Good Morning, my name is Andy Moffitt, and I am a Battalion Chief for the City of Chanute Fire Department. I also serve the Kansas State Firefighters Association as the SE Kansas Trustee. I stand before you this morning to testify in agreement of SB115 and the changes it proposes to KSA 31-145.

To start off with the changes, I see the easiest one is changing the word "fireman" to "firefighter". This is to be current with the changing times as many women have joined the ranks of the fire service.

Now to the meat of the issue, temporarily closing/blockading the roadway in the performance of firefighter's duties. Currently the fire service has the ability by KSA 31-145 to blockade the roadway temporarily for the reasoning of firefighting. This has been all well and good until the fire service metamorphosed and has taken on different tasks to assist our communities; Hazardous Materials Incidents, Emergency Medical Services, Car Accidents and other types of response, place a need on the fire service to be on our roadways more and more.

We need to take care of our responders and give them the ability to return home to their loved ones, this bill would give the opportunity for our men and women who are responding to roadway incidents that opportunity to make their work area safer so they can do just that, return home.

We are not asking to have the ability to re-route traffic a different way, we are simply asking for the ability to stop the traffic flow temporarily, to take care of the emergency at hand safely and efficiently.

In closing, I thank you for the ability to stand here and give you an opinion on the safety of our responders. It means a lot to the state fire service for this bill to pass into law, as it will allow our responders to have another avenue to keep safe.

Thank you for your time, and I will stand for questions.

Senate Federal and State Affairs Committee  
SB 115  
Kevin Flory  
NE Trustee KS State Firefighters Association  
2/10/09

Good Morning Mister Chairman and members of the committee. My name is Kevin Flory. I am the NE Trustee for the Kansas State Firefighters Association. We are the group in Kansas who represent *all* 16,000 firefighters in Kansas both paid and volunteer. I am here to ask that you pass SB 115 in a favorable manor to help ensure the safety of our Kansas Firefighters and EMS workers. The changes we seek with this bill merely reflect the change in the duties that have been placed on the fire service. Car wrecks, hazardous materials, and first responder service were not part of the fire service norm at the time this statute was originally adopted. The fact is that a majority of our calls today don't deal with fire. The language of this bill merely seeks to allow us the *legal* right to protect ourselves while at non fire incidents. Apparatus placement at a scene is sometimes the only measure we have to protect ourselves from an errant driver who may become distracted as they approach the scene or have some other impairment. Many parts of Kansas have few firefighters and even fewer law enforcement. This places the entire burden on the fire and EMS responders to protect them at a scene on a highway whether it is a car wreck, a fuel spill, or a medical call. No other language change is being sought with this bill other than to allow us as the first responders in the state the right to go home to our families by having the legal means to protect ourselves while performing our duties. Two small changes with the wording in this bill will allow us to legally but temporarily place an apparatus in such a manner as to make a somewhat safer working environment for us while performing our duties. The Kansas fire services as a whole greatly appreciates your attention to this matter and asks for your approval of this bill. Thank you for your time this morning.



STATE OF KANSAS

OLETHA FAUST-GOUDEAU

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TOPEKA

SENATE CHAMBER

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ETHICS AND ELECTIONS  
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LOCAL GOVERNMENT  
JOINT COMMITTEE ON ARTS AND  
CULTURAL RESOURCES

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February 10, 2009

Senator Pete Brungardt  
Chair, Senate Federal and State Affairs Committee  
Testimony re SB 106

Mr. Chairman, esteemed colleagues,

SB 106 was brought to my attention by the Wichita Fire Department. They told me of fires set by children – fires that have taken lives. Some of these incidents were the result of innocent, exploratory play, but play that is deadly. Some of these fires were started because children had access to cigarette lighters. Too many children have access to cigarette lighters because the lighters are displayed in stores where children can easily see them, reach them, take them, or purchase them. I know this because I have personally gone into shops and seen cigarette lighters displayed next to candy on low shelves close to the checkout counters.

Obviously, this problem has a simple solution. Keep the cigarette lighters out of the hands of children by displaying them only where they can't be reached by children. Some retailers in my district tell me that this is a concern not only of safety, but also of theft, and they are willing to place these items in a secured area. But other retailers seem unaware of the problem – or uncaring. SB 106 corrects this situation by requiring that the lighters be displayed out of the reach of children.

This is a fire prevention issue, and I will allow the fire fighters who have come today to speak about the details, but I urge you to listen to them carefully.

Thank you for your time and the opportunity to bring this problem to your attention.

Sincerely,

A handwritten signature in blue ink that reads 'Oletha' in a cursive script.

Oletha Faust-Goudeau  
Senator, 29<sup>th</sup> District

OFG: cmw

Sn Fed & State  
Attachment 3

2-10-09

SENATE BILL No. 106

By Committee on Federal and State Affairs

1-26

9 AN ACT concerning cigarette lighters; amending K.S.A. 21-3105 and  
10 repealing the existing section.

11

12 *Be it enacted by the Legislature of the State of Kansas:*

13 New Section 1. (a) It shall be unlawful for any retailer as defined in  
14 K.S.A. 79-3602, and amendments thereto, to sell any cigarette lighter to  
15 any person under 18 years of age. It shall be unlawful for any person  
16 under 18 years of age to purchase or possess a cigarette lighter.

17 (b) Every retailer shall insure that all cigarette lighters are displayed  
18 in such a manner that no person under 18 years of age may have access  
19 to such lighters without assistance of an authorized person employed by  
20 the retailer.

21 (c) Any person who violates this section shall be guilty of a cigarette  
22 lighter infraction and subject to a fine of \$25 and court costs. Citations  
23 shall be issued in accordance with procedures for the issuance of cigarette  
24 or tobacco infractions as provided in K.S.A. 79-3393, and amendments  
25 thereto.

26 (d) ~~The state fire marshal~~ shall issue rules and regulations to imple-  
27 ment this section.

The provisions of this section shall be enforced by the secretary of the department of revenue. The secretary

28 Sec. 2. K.S.A. 21-3105 is hereby amended to read as follows: 21-  
29 3105. A crime is an act or omission defined by law and for which, upon  
30 conviction, a sentence of death, imprisonment or fine, or both impris-  
31 onment and fine, is authorized or, in the case of a traffic infraction or a  
32 cigarette or tobacco infraction, a fine is authorized. Crimes are classified  
33 as felonies, misdemeanors, traffic infractions and cigarette or tobacco  
34 infractions.

(e)(1) As used in this section, "cigarette lighter" means a mechanical or electrical device typically used for lighting cigarettes, cigars or pipes.  
(2) A "cigarette lighter" shall not include matches or any mechanical or electrical device primarily used to ignite fuel for fireplaces or for charcoal or gas grills.

35 (1) A felony is a crime punishable by death or by imprisonment in  
36 any state correctional institution or a crime which is defined as a felony  
37 by law.

, cigarette lighter infractions

38 (2) A traffic infraction is a violation of any of the statutory provisions  
39 listed in subsection (c) of K.S.A. 8-2118 and amendments thereto.

40 (3) A cigarette or tobacco infraction is a violation of subsection (m)  
41 or (n) of K.S.A. 79-3321 and amendments thereto.

42 (4) A cigarette lighter infraction is a violation of section 1, and amend-  
43 ments thereto.

- 1     ~~(4)~~ (5) All other crimes are misdemeanors.
- 2     Sec. 3. K.S.A. 21-3105 is hereby repealed.
- 3     Sec. 4. This act shall take effect and be in force from and after its
- 4     publication in the statute book.





**Fire Department**

Hearing for Senate Bill #106

2/06/09

Honorable Chairman Brungardt and Distinguished Members of the Committee.

Thank you for allowing us the opportunity to address this Senate Committee in order to express our strong support for Senate Bill 106; a bill that will certainly have the potential to positively impact the lives of parents & children alike.

Over the past thirty-four years, I have responded to thousands of fires and have witnessed firsthand the ramifications of lighters in the hands of children. The last thing some of these children observed was the flicker of a flame at the end of a lighter. During my tenure I have witnessed all too often the devastating effect fire has played on the lives of the victim and surviving parents.

In Wichita alone, 27 fires were caused by juveniles playing with fire resulting in \$258,750.00 in damage. Fortunately, no children died in any of the 27 conflagrations in 2008. Knowing what I know, it is only a matter of time before a lighter takes another life. Since 2000, 4 juveniles have died in fires in my community, 3 of the juveniles were playing with lighters. The 3 would be here today if they had not had access to lighters.

The simple act of placing lighters behind the counter, out of reach of children, will have an enormous impact. Just as a parent should always place matches & lighters out of a child's reach, why should we, as a society, allow children easy access to a tool that is far more devastating than a gun.

"Out of sight, out of mind", it really works.

Honorable Chairman Brungardt and Distinguished Members of the Committee, thank you for this opportunity. The simple act of moving a box of lighters a few feet will make a lifesaving difference.

Respectfully submitted,

Edward F. Bricknell  
Fire Marshal

City Hall • 11th Floor • 455 North Main • Wichita, Kansas 67202

T 316.268.4451 F 316.268.4409

1st Responder to: Prevention, Protection, Preservation

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Sn Fed & State  
Attachment 5

2-10-09



January 29, 2009

**Fire Department**

Honorable Chairman Pete Brungardt and Distinguished Members of the Committee:

Thank you for the privilege and opportunity to express how this bill, if passed, has the potential to save hundreds of lives and millions of dollars in property loss for our State.

I personally have seen firsthand how fire can affect a family and the damage it can cause to property.

When I was a child, two aunts, a cousin and my brother were burned in a fire at a family gathering at my grandparent's home. My cousin, who at the time was only two years of age, survived burn injuries which covered 80% her of body.

Today her scars are a grim reminder of the calamitous effect fire can have on a child's life.

In my 25 years as a Fire Prevention Officer working with our local Youth Fire Intervention Resource and Education Program (Y-Fire), many injuries and property loss could have been prevented if the youngsters, who by their own admission, would not have had access to cigarette lighters until they stole or purchased one in a retail store.

For some time now, laws have been passed to keep children from having access to or purchasing tobacco products by prohibiting their sale from vending machines and by placing them behind the counter in addition to placing age restrictions on their purchase.

Would it not make sense to also place restrictions on the open flame devices that compliment them?

In our fire prevention efforts, we feel that there is absolutely no reason for any child under the age of 18 to have free access to or possess a cigarette lighter or any open flame device.

This Bill will also serve as a reminder to all adults throughout our State to keep cigarette lighters and matches out of the hands of those who are too inexperienced to know the calamitous consequences of fire play. Out of sight, out of mind. It works.

I respectfully urge all members of the Senate Committee to please give your support to this Bill.

This Bill will direct the citizens of our State on a path that can minimize the chances of senseless fires occurring by simply making cigarette lighters inaccessible to minors in retail and outlet stores.

I thank other supporters of this Bill who are present today and again thank you Mr. Chairman, Senator Faust-Goudeau and the members of the Senate Committee for considering this Bill.

Are there any questions from anyone in attendance or from the Senate Committee?

Lt. Mark Chairs

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1st Responder to: Prevention, Protection, Preservation

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Sn Fed & State  
Attachment 6

2-10-09



Preventing accidental injury.

February 10, 2009

**Written testimony presented to the  
Senate Committee on Federal and State Affairs  
Senate Bill 106**

Safe Kids Kansas, a nonprofit coalition of 67 statewide organizations and businesses is dedicated to preventing accidental injuries to Kansas children ages 0-14. Safe Kids Kansas urges your support of SB106, which makes it unlawful for a retailer to sell cigarette lighters to anyone under 18 years of age and illegal for anyone under the age of 18 to purchase or possess a lighter. In our view, this bill would keep an inherently dangerous product out of the hands of children – just as Kansas does for cigarettes and alcohol. This is not a proposal for a complete ban, but simply regulates who can legally access and possess these items.

**Playing with fire:** Many more fires are started by children playing with lighters than children playing with matches. In 2006, 4,100 structure fires resulted from children playing with lighters according to the National Fire Protection Association. These fires resulted in 60 civilian deaths and 440 injuries. In the same year, 1,800 structure fires resulted from children playing with matches.

**Intentionally set fires:** According to the Federal Bureau of Investigation, 26% of all arson arrests in 2005 were children age 10-14, and another 23 percent were ages 15-28. According to the Kansas Juvenile Fire setter Prevention Program, Kansas children intentionally set 1,285 fires in the last 5 years. The majority of these fires were started by children using matches and lighters.

Thank you for your support of this bill. The end result will be fewer Kansas children injured and killed in fires. Should you need any additional information, please contact our office.

Attachment:  
Safe Kids Kansas Member Organizations

Safe Kids Kansas, Inc. is a nonprofit Coalition of 67 statewide organizations and businesses dedicated to preventing accidental injuries to Kansas children ages 0-14. Local coalitions and chapters are located in Allen, Anderson, Atchison, Clay, Coffey, Dickinson, Doniphan, Douglas, Elk, Ellis, Finney, Ford, Franklin, Geary, Jackson, Jefferson, Johnson, Labette, Leavenworth, Marion, Marshall, McPherson, Meade, Mitchell, Montgomery, Osage, Pottawatomie, Rice, Riley, Saline, Smith, Shawnee, Wilson and Woodson Counties, as well as the cities of Chanute, Emporia, Leavenworth, Pittsburg, the Wichita Area and the Metro Kansas City Area. Safe Kids Kansas a member of Safe Kids Worldwide, a global network of organizations whose mission is to prevent accidental childhood injury.





**Safe Kids**<sup>®</sup>

Kansas

## Safe Kids Kansas Member Organizations

AAA Kansas  
American Academy of Pediatrics – KS  
Board of Emergency Medical Services  
Brain Injury Association of Kansas  
Children's Mercy Hospital  
Cusick Jost Consulting, LLC  
Dillon Stores  
Fire and Burn Safety Alliance of S Central Kansas  
Fire Education Association of Kansas  
Fire Marshal's Association of Kansas  
Head Start State Collaboration Office/SRS  
Huggable Images  
HCC Fire Service Training Program  
Kansas Academy of Family Practice Physicians  
Kansas Action for Children  
Kansas Association for Counties  
Kansas Association of Local Health Departments  
Kansas Association of Osteopathic Medicine  
Kansas Association of School Boards  
Kansas Chapter International Association  
of Arson Investigators  
Kansas Children's Cabinet & Trust Fund  
Kansas Chiropractic Association  
Kansas Cooperative Extension 4-H  
Kansas Dental Association  
Kansas Department Health & Environment  
Kansas Department of Human Resources  
Kansas Department of Transportation  
Kansas Department of Wildlife and Parks  
Kansas District of Kiwanis International  
Kansas EMS Association  
Kansas Emergency Nurses Association  
Kansas Farm Bureau  
Kansas Healthy Start Home Visitors  
Kansas Highway Patrol  
Kansas Hospital Association  
Kansas Insurance Department  
Kansas MADD  
Kansas Medical Society  
Kansas Motor Carriers Association  
Kansas Operation Lifesaver  
Kansas Parent Teachers Association  
Kansas Poison Control Center  
Kansas Public Health Association  
Kansas Recreation & Park Association  
Kansas Safe Routes to School Program  
Kansas SADD  
Kansas Safety Belt Education Office  
Kansas School Nurses Organization  
Kansas State Association of Fire Chiefs  
Kansas State Board of Education  
Kansas State Child Death Review Board  
Kansas State Fire Marshal's Office  
Kansas State Firefighters Association  
Kansas State Nurses Association  
Kansas Trial Lawyers Association  
Kansas Trauma Program  
KIDS AND CARS  
KNEA  
KUMC Burn Center  
KUMC Emergency Services  
KUMC Trauma Program  
NHTSA Regional Office  
Office of the Governor  
Safety & Health Council Western MO & KS  
State Capitol Area Fire Fighters Association  
State Farm Insurance Companies  
Stormont-Vail Regional Medical Center  
United School Administrators of Kansas  
Via Christi – St. Francis Burn Center  
Via Christi – Trauma Center  
Wesley Medical Center

Membership also includes Local Coalitions and Chapters located in Allen, Anderson, Atchison, Clay, Dickinson, Doniphan, Douglas, Elk, Ellis, Ford, Franklin, Geary, Jackson, Jefferson, Johnson, Leavenworth, Marion, Meade, Mitchell, Montgomery, Osage, Pottawatomie, Rice, Riley, Saline, Shawnee, Smith, Wabaunsee, Wilson and Woodson Counties, as well as the cities of Chanute, Emporia, Leavenworth, Pittsburg, Wichita Area and Metro Kansas City.

Safe Kids is a member of Safe Kids Worldwide.

1-09



# K A N S A S

DAN McLAUGHLIN  
FIRE MARSHAL

OFFICE OF THE KANSAS STATE FIRE MARSHAL

KATHLEEN SEBELIUS  
GOVERNOR

## Testimony before the Federal and State Affairs Committee

By Dan McLaughlin, Kansas State Fire Marshal

February 10, 2009

The Kansas State Fire Marshal's Office opposes SB 106 as it is written regarding the sales and supervision of cigarette lighters to any one under 18 years of age.

According to line 26 section (d) the bill states that the State Fire Marshal shall issue rules and regulations to implement this bill.

### Impact on Agency's Responsibilities

This bill will require this agency to provide enforcement of said cigarette lighters and that the employees are trained to identify those individuals by age who may purchase said cigarette lighters. The agency may also need to train the staff of local fire departments or other municipal agencies to implement this legislation.

In order to accommodate the requirement of this bill it would take three FTE's to conduct the on-site inspections of each facility, coordinate with local officials, and provide any enforcement notices. As you can see from the chart on the second page the projected start up cost for FY2010 would be roughly 248,000.00.



### Long-range Fiscal Effect

Impact	FY2010	FY2011	FY2012
3 Fire Prevention Inspectors	119,558.40	119,558.40	119,558.40
Fringe & Health Insurance	46,288.26	48,746.40	48,746.40
Travel & Subsistence	13,000	13,000	13,000
One time equipment purchases – vehicles and computers	48,300.00		
Operating Expenses	20,844.00	20,844.00	20,844.00
Total	247,990.66	202,148.80	202,148.80

While our office feels the bill has merit by keeping cigarette lighters out of the hands of children. And according to 2007 Kansas statistics we had 21 residential fires that were started with matches and 13 residential fires ignited with lighters. Of these fires it is not known the age of the person.

At the present time the Department of Revenue inspects retail stores regarding the sales of cigarettes and we feel they would be a better fit in regulating the cigarette lighters sales as well.

We respectfully request that the Kansas State Fire Marshal's Office not be given the responsibility of implementing this bill due to the lack of personnel and revenue.



Memo To: Senate Federal and State Affairs Committee  
From: Thomas M. Palace  
Date: February 10, 2009  
Re: Testimony Opposing SB 106

Mr. Chairman and Members of the Senate Federal and State Affairs Committee:

My name is Tom Palace. I am the Executive Director of the Petroleum Marketers and Convenience Store Association of Kansas (PMCA of Kansas), a statewide trade association representing over 300 independent Kansas petroleum distribution companies and convenience store owners throughout Kansas.

We stand before you as an opponent of SB 106.

Mr. Chairman, from what I understand, the impetus of this bill stems from incidents that have occurred in Wichita where homes were burned due to kids playing with cigarette lighters that were stolen from a retail store.

Obviously, the intent of this bill is to provide safety for unintentional acts, and as such we applaud the efforts to do so, however, this bill does not provide a fix to the problem and adds another layer of regulation on retailers that sell "lighters."

In section 1, line 17-20, the bill requires all retailers to insure that cigarettes must be displayed in such a manner that no person under 18 years of age may have access to such lighter without assistance of an authorized employee. This means that all lighters must be put behind the counter.

This requirement has a two-fold problem: the person buying a cigarette lighter must be asked for identification and, the retailer must put all cigarette lighters behind the counter. Also, what is the definition of a cigarette lighter? There are many forms of lighters and I am unaware of any lighter defined as cigarette lighter.

Subsection (c) of New Section 1, adds a penalty of \$25 for a cigarette infraction in accordance with procedures for issuance of cigarette infractions provided in section K.S.A. 79-3393. As I read the statute only the clerk will be fined.

Subsection (d) of New Section 1, requires the Fire Marshal to issue rules and regulations to implement this section. Currently the enforcing arm of the government to enforce tobacco regulation is the responsibility of the Department of Revenue, Division of Alcohol Beverage Control (ABC). Will there be coordination between to the two agencies to enforce this legislation? Also, I am unaware that there is a clear way to

Petroleum Marketers and Convenience Store Association of Kansas  
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Sn Fed & State  
Attachment 9

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determine how many retailers sell cigarette lighters? Will the state be required to do compliance visits to all the department stores, book stores, boat docks etc. in Kansas?

Mr. Chairman, as I mentioned earlier in my testimony, the reason we are here today is because there have been incidents where kids have played with cigarette lighters and have caused fires in homes. I have been told that the lighters used by these kids were the result of theft. How do we know that the kids did not steal the lighter from their parents' purse or found a lighter lying around the home?

I made calls to some of our PMCA members and the people I spoke to sell lighters that are located on the cash register table or behind the counter. Not all retailers have the ability to place additional products behind the counter due to space issues. Retailers have been forced to put other products such as cigarettes, smokeless tobacco, cigars and certain drugs behind the counter leaving very little room for additional items.

Retailers are in business to make money, and lighters, being small and easy to steal, must be placed in an area that can be viewed easily to prevent theft. It is my understanding the practice of placing lighters on the register counter is the choice of most store managers to prevent theft. We feel this bill, although well intentioned, adds another layer of regulation on Kansas retailers and for that reason we cannot support the bill as it is currently written.

Thank you.



DEPARTMENT OF HEALTH  
AND ENVIRONMENT

Kathleen Sebelius, Governor  
Roderick L. Bremby, Secretary

[www.kdheks.gov](http://www.kdheks.gov)

## **Testimony on Senate Bill 106**

**Presented to  
Committee on Federal and State Affairs**

**Written testimony from  
Roderick L. Bremby, Secretary  
Kansas Department of Health and Environment**

**February 10, 2009  
Room 136-N**

Chairman Brungardt and members of the Committee on Federal and State Affairs, I am Roderick Bremby, Secretary of the Kansas Department of Health and Environment. I am pleased to provide testimony in support of SB106, which proposes to make it unlawful for a retailer to sell cigarette lighters to anyone under 18 years of age and illegal for anyone under the age of 18 to purchase or possess a lighter.

According to the 2001 FBI statistics, juvenile fire-setting is the fastest growing teen and pre-teen crime in the United States, with an estimated 700 arson fires set daily by youth under 18 years of age that result in 300 deaths and 3,000 injuries each year and \$2 billion dollars in property losses. The majority of these fires were started using matches and lighters.

In 2006, according to the National Fire Protection Association nearly 14,500 structure fires resulted from children playing with matches and lighters with associated losses of 210 deaths and 1,250 injuries and \$328 million in property damage.

During the period 2002-2006, the Kansas Fire Marshall reports that, in Kansas, there were 1,285 child set fires reported resulting in five civilian deaths, 51 civilian injuries and ten firefighter injuries, with over 7.5 million dollars in property losses. The majority of these fires was started by children using matches and lighters.

Thank you for your consideration of this important public health issue. SB106 offers the potential to prevent fire-related deaths in your district.