



MAURA T. HEALEY
GOVERNOR

KIMBERLEY DRISCOLL
LIEUTENANT GOVERNOR

TERRENCE M. REIDY
SECRETARY

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security
Department of Fire Services

P.O. Box 1025 ~ State Road

Stow, Massachusetts 01775

(978) 567~3100 Fax: (978) 567~3121

www.mass.gov/dfs



JON M. DAVINE
STATE FIRE MARSHAL

MEMORANDUM

TO: Heads of Fire Department

FROM: Jon M. Davine
State Fire Marshal

DATE: April 24, 2025

SUBJECT: Novelty Lighters

As you may be aware, on August 9, 2010, the Governor signed into law An Act Prohibiting the Use of Novelty Lighters, which became effective on November 7, 2010. This law, M.G.L. c. 148, s. 60, remains in full force and prohibits the manufacture, sale, exchange, storage, or transportation of any novelty lighter within the Commonwealth of Massachusetts.

A novelty lighter is defined as any mechanical or electrical device that produces a flame and, due to its appearance or audio features, is likely to appeal to children under the age of 10. These features may include designs resembling cartoon characters, toys (e.g., toy guns or musical instruments), watches, or those that play music or display flashing lights. The intent of the law is to eliminate toy-like lighters that attract children and pose a fire hazard.

Despite the implementation of this law nearly fifteen years ago, lighters continue to pose life and fire safety risks. Over the past 10 years, there have been 811 juvenile-set fires reported to the Massachusetts Fire Incident Reporting System. Of these reported fires, 292 fires – or 36% of the fires – were started with lighters.

Nearly half (49%) of these juvenile-set fires were structure fires, posing a significant risk to lives and property. The next highest category was outside vegetation fires, accounting for 27% of the total. These numbers demonstrate the continued need for vigilance in enforcing laws that limit access to hazardous items like novelty lighters.

The statute contains specific exceptions for novelty lighters that are: (i) to a novelty lighter manufactured before January 1, 1980 and which is considered a collectible item within the collectible trade; (ii) to a disposable or refillable lighter with a logo, label, decal or artwork printed thereon or on heat shrinkable sleeves attached thereto but which does not otherwise resemble a novelty lighter; or (iii) if not intended for sale or use in the commonwealth, to the interstate transportation of a novelty lighter or to the temporary storage of a novelty lighter while in interstate commerce. Violations of this statute may be punished by a fine of not less than \$500 and not more than \$1,000 or by imprisonment for not more than 1 year, or both.

As this is a criminal matter, violations should be addressed promptly. Fire department officials are encouraged to issue a cease-and-desist order for the sale, display, or storage of novelty lighters in violation of the statute. If the individual or business does not comply, the Head of the Fire Department (or designee) should seek the filing of a criminal complaint with the court that has jurisdiction (typically, District Court). For an overview of the process of filing a criminal complaint for violations, the Office of General Counsel has put together a reference guide, which can be found here: <https://www.mass.gov/doc/quick-reference-filing-a-criminal-complaint-for-violation-of-the-fire-code-and-mgl-c-148/download>

Further assistance is always available from the Division of Fire Safety on this and similar issues. If you have further questions or seek additional information, please contact the Code Compliance and Enforcement Unit at (978) 567-3375 or by email at DFS-TM-Compliance@mass.gov.