

**53-7-503 Rulemaking authority -- Publicly accessible list of contraband lighters maintained by the state fire marshal -- Authority to seize and destroy novelty lighters.**

- (1) The Utah Fire Prevention Board, created in Section 53-7-203, may adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:
  - (a) identify lighters or classes or types of lighters that are novelty lighters; and
  - (b) provide for an informal adjudicative hearing, as provided in Section 63G-4-203, by the board to hear appeals of decisions of the State Fire Marshal Division under this part.
- (2)
  - (a) The state fire marshal shall establish and maintain a list of lighters, or classes and types of lighters, that the state fire marshal has determined to be novelty lighters under this part.
  - (b) The state fire marshal shall make the list available on the website maintained by the Department of Public Safety.
- (3) A lighter is a contraband item subject to seizure and destruction by the state fire marshal, a representative of the state fire marshal, a local fire enforcement official, or by a law enforcement agency, if the lighter is:
  - (a) listed, or of a class or type listed, by the state fire marshal as a novelty lighter; and
  - (b) offered for sale, sold, or distributed in this state.
- (4)
  - (a) The state fire marshal, a representative of the state fire marshal, a local fire enforcement official, or a law enforcement agency may seize a novelty lighter that is not described in Subsection (3).
  - (b) Upon finding that the person from whom the novelty lighter was seized is subject to a civil penalty under Section 53-7-504 for being an importer, wholesaler, seller, or distributor of the novelty lighter, the state fire marshal or a representative may order that the novelty lighter be forfeited and destroyed.

Enacted by Chapter 376, 2010 General Session