

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 652
Commerce Committee Substitute Adopted 4/15/09
House Committee Substitute Favorable 5/28/09

Short Title: Prohibit Sale of Novelty Lighters.

(Public)

Sponsors:

Referred to:

March 19, 2009

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT THE RETAIL SALE AND DISTRIBUTION OF NOVELTY LIGHTERS, AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE.

The General Assembly of North Carolina enacts:

SECTION 1. The title of Article 2 of Chapter 66 of the General Statutes reads as rewritten:

"Article 2.

Manufacture and Sale of ~~Matches~~ Matches and Lighters."

SECTION 2. G.S. 66-16 reads as rewritten:

"§ 66-16. Violation of Article a misdemeanor.

Any person, association, or corporation violating any of the provisions of this ~~Article~~ Article, other than G.S. 66-16.1, shall be guilty of a Class 3 misdemeanor and shall only be fined for the first offense not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00), and for each subsequent violation not less than twenty-five dollars (\$25.00)."

SECTION 3. Article 2 of Chapter 66 of the General Statutes is amended by adding a new section to read:

"§ 66-16.1. Retail sale of novelty lighters prohibited.

(a) Definition. – As used in this section, the term 'novelty lighter' means a mechanical or electrical device typically used for lighting cigarettes, cigars, or pipes, that is designed to resemble a cartoon character, toy, gun, watch, musical instrument, vehicle, animal, food or beverage, or similar articles, or that plays musical notes. A novelty lighter may operate on any fuel, including butane, isobutene, or liquid fuel.

(b) Prohibition. – It shall be unlawful to sell at retail, offer to sell at retail, or give, or distribute for retail sale or promotion, a novelty lighter in this State. This prohibition does not apply to the transportation of novelty lighters through this State or to the storage of novelty lighters in a warehouse or distribution center in this State that is closed to the public for purposes of retail sales.

(c) Exceptions. – The prohibition in this section does not apply to any of the following:

(1) A lighter manufactured prior to January 1, 1980.

(2) Any mechanical or electrical device primarily used to ignite fuel for fireplaces or charcoal or gas grills.

(3) Standard disposable or refillable lighters that are printed or decorated with logos, labels, decals or artwork, or heat shrinkable sleeves, but which do not otherwise resemble a novelty lighter.

(d) Civil Penalty. – Any person who violates the prohibition in subsection (b) of this section shall be subject to a civil penalty of five hundred dollars (\$500.00) for each violation. A



1 civil penalty owed under this section may be imposed in a civil action brought by the Attorney
2 General or the district attorney of the appropriate prosecutorial district as defined in
3 G.S. 7A-60. The clear proceeds of any civil penalties imposed in any action initiated under this
4 section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with
5 G.S. 115C-457.2."

6 **SECTION 4.** During the first year after the effective date of this act, any person
7 who receives a citation for a first violation of G.S. 66-16.1 as enacted by Section 3 of this act
8 shall not be subject to the penalty imposed by that section, provided the person immediately
9 removes the novelty lighter from being offered for sale or distribution and remains otherwise in
10 compliance with the act.

11 **SECTION 5.** This act becomes effective October 1, 2009, and applies to products
12 purchased on or after that date.