



Rep. Donald L. Moffitt

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LRB096 16501 RLJ 37541 a

1 AMENDMENT TO HOUSE BILL 5139

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5139 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the  
5 Retail Sale and Distribution of Novelty Lighters Prohibition  
6 Act.

7 Section 5. Findings. The General Assembly finds that  
8 novelty lighters have features that are attractive to children,  
9 including visual effects, flashing lights, musical sounds, and  
10 toy-like designs. Thousands of novelty lighters have been  
11 recalled because of the danger they present to public safety.  
12 The setting of fires by juveniles has been identified as the  
13 fastest growing fire threat in the United States, with more  
14 than 300 people killed annually, 30% of whom are children, and  
15 almost \$1 billion in property has been destroyed.

1           Section 10. Definition. For the purposes of this Act,  
2 "novelty lighter" means a mechanical or electrical device  
3 typically used for lighting cigarettes, cigars, or pipes that  
4 is designed to resemble a cartoon character, toy, gun, watch,  
5 musical instrument, vehicle, animal, food or beverage, or  
6 similar articles, or that plays musical notes, or has flashing  
7 lights, or has other entertaining features. A novelty lighter  
8 may operate on any fuel, including butane, isobutene, or liquid  
9 fuel. "Novelty lighter" does not include any of the following:

10           (1) A lighter manufactured before January 1, 1980.

11           (2) A lighter incapable of being fueled or lacking a  
12 device necessary to produce combustion or a flame.

13           (3) Any mechanical or electrical device primarily used  
14 to ignite fuel for fireplaces or for charcoal or gas  
15 grills.

16           (4) Standard disposable and refillable lighters that  
17 are printed or decorated with logos, labels, decals, or  
18 artwork, or heat-shrinkable sleeves.

19           Section 15. Prohibition against novelty lighters. A person  
20 may not sell at retail or distribute for retail sale in this  
21 State a novelty lighter. The prohibition specified in this  
22 Section does not apply to the transportation of novelty  
23 lighters through this State or the storage of novelty lighters  
24 in a warehouse or distribution center in this State that is  
25 closed to the public for purposes of retail sales.

1           Section 20. Violation. A violation of Section 15 is a  
2 petty offense, for which a fine not to exceed \$500 for each  
3 offense may be imposed. Each day that a person violates Section  
4 15 is a separate offense. A person who is employed as a clerk  
5 by a retail establishment shall not be in violation of this Act  
6 unless he or she sells a novelty lighter with the intent to  
7 violate this Act.

8           Section 25. Enforcement. This Act may be enforced by the  
9 Office of the State Fire Marshal, by a State, county, or  
10 municipal law enforcement officer, or by a municipal code  
11 enforcement officer.

12           Section 99. Effective date. This Act takes effect upon  
13 becoming law."