

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 652

Short Title: Prohibit Sale of Novelty Lighters. (Public)

Sponsors: Senators Allran; Bingham and Purcell.

Referred to: Commerce.

March 19, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO PROHIBIT THE RETAIL SALE AND DISTRIBUTION OF NOVELTY
3 LIGHTERS, AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE.

4 The General Assembly of North Carolina enacts:

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

7 "Article 2.

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

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

10 "**§ 66-16. Violation of Article a misdemeanor.**

11 Any person, association, or corporation violating any of the provisions of this ~~Article~~
12 Article, other than G.S. 66-16.1, shall be guilty of a Class 3 misdemeanor and shall only be
13 fined for the first offense not less than five dollars (\$5.00) nor more than twenty-five dollars
14 (\$25.00), and for each subsequent violation not less than twenty-five dollars (\$25.00)."

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

17 "**§ 66-16.1. Retail sale of novelty lighters prohibited.**

18 (a) Definition. – As used in this section, the term 'novelty lighter' means a mechanical
19 or electrical device typically used for lighting cigarettes, cigars, or pipes, that is designed to
20 resemble a cartoon character, toy, gun, watch, musical instrument, vehicle, animal, food or
21 beverage, or similar articles, or that plays musical notes, or has flashing lights for entertainment
22 or has other entertaining features unrelated to its function as a lighting device. A novelty lighter
23 may operate on any fuel, including butane, isobutene, or liquid fuel.

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

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

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

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

33 (3) Any mechanical or electrical device primarily used to ignite fuel for
34 fireplaces, or charcoal or gas grills.

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



1 (d) Civil Penalty. – Any person who violates the prohibition in subsection (b) of this
2 section shall be subject to a civil penalty of five hundred dollars (\$500.00) for each violation. A
3 civil penalty owed under this section may be imposed in a civil action brought by the Attorney
4 General or the district attorney of the appropriate prosecutorial district as defined in
5 G.S. 7A-60. The clear proceeds of any civil penalties imposed in any action initiated under this
6 section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with
7 G.S. 115C-457.2."

8 **SECTION 4.** This act becomes effective October 1, 2009.