

March 18, 2009

S 652. PROHIBIT SALE OF NOVELTY LIGHTERS. Filed 3/18/09. *TO PROHIBIT THE RETAIL SALE AND DISTRIBUTION OF NOVELTY LIGHTERS, AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE.*

Enacts new section GS 66-16.1 to prohibit the sale at retail, or the offer or distribution for sale at retail, of a novelty lighter in the state. Defines *novelty lighter* as lighter 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, or has flashing lights for entertainment or has other entertaining features unrelated to its function as a lighting device.” Exempts the following from the prohibition: (1) transportation of novelty lighters through the state; (2) storage of novelty lighters in a warehouse or distribution center in the state that is closed to the public for purposes of retail sales; (3) lighters manufactured prior to January 1, 1980; (4) lighters incapable of being fueled or lacking a device necessary to produce combustion or a flame; (5) devices used primarily to ignite fuel for fireplaces or grills; and (6) standard disposable or refillable lighters printed or decorated with logos, labels, decals or artwork or heat shrinkable sleeves, but which do not otherwise resemble a novelty lighter. Establishes a \$50 civil penalty for violation of the prohibition and requires proceeds of any civil penalties to be remitted to the Civil Penalty and Forfeiture Fund. Makes conforming changes to the title of the article and to GS 66-16. Effective October 1, 2009.

Intro. by Allran.

GS 66

April 15, 2009

S 652. PROHIBIT SALE OF NOVELTY LIGHTERS. Filed 3/18/09. Senate committee substitute makes the following changes to 1st edition. Deletes from the definition of *novelty lighter*, in proposed GS 66-16.1, a mechanical or electrical device typically used for lighting cigarettes, cigars, or pipes that has flashing lights for entertainment or has other entertaining features unrelated to its function as a lighting device. Adds that *giving* a novelty lighter in this state for retail sale or promotion is prohibited. Deletes a lighter incapable of being fueled or lacking a device necessary to produce combustion or a flame from the list of exceptions. Clarifies that the act applies to products purchased on or after October 1, 2009.

May 28, 2009

S 652. PROHIBIT SALE OF NOVELTY LIGHTERS. Filed 3/18/09. House committee substitute makes the following changes to 2nd edition. Prohibits a person receiving a citation for a first violation of GS 66-16.1 (Retail sale of novelty lighters prohibited) during the first year after the effective date of the act from being subject to the penalty imposed by that statute, provided the person immediately removes the novelty lighter from being offered for sale or distribution and remains otherwise in compliance with the statute.

June 17, 2009

S 652. PROHIBIT SALE OF NOVELTY LIGHTERS. Filed 3/18/09. House committee substitute makes the following changes to 3rd edition. Amends proposed GS 66-16.1 to provide that a violation of this section is an infraction and carries a penalty of \$500 for each violation (was, a person who violates the prohibition against the retail sale of novelty lighters is subject to a civil penalty of \$500 for each violation and provided that the penalty could be imposed in a civil action brought by the Attorney General or the district attorney of the appropriate prosecutorial district). Requires that the clear proceeds of any penalties imposed under this section be remitted in accordance with GS 115C-452, which provides that the proceeds from collected fines and penalties in each county are remitted by the clerk of court for the county to the county finance office who apportions the proceeds to the finance officer for local school administrative units based on average daily membership (was, required the clear proceeds of any civil penalties imposed to be remitted to the Civil Penalty and Forfeiture Fund in accordance with GS 115C-457.2).

Deletes language that conditions a person not being subject to the penalty for a first violation that occurs during the first year after the effective date of the act upon the person immediately removing the novelty lighter from being offered for sale or distribution and remaining otherwise in compliance with the act.

Effective October 1, 2009, and applies to infractions committed (was, products purchased) on or after that date.

July 2, 2009

SL 2009-230 (S 652). PROHIBIT SALE OF NOVELTY LIGHTERS. AN ACT TO PROHIBIT THE RETAIL SALE AND DISTRIBUTION OF NOVELTY LIGHTERS, AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE. Summarized in *Daily Bulletin* 3/18/09, 4/15/09, 5/28/09, and 6/17/09. Enacted June 30, 2009. Effective October 1, 2009.