

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
PROPOSED HOUSE COMMITTEE SUBSTITUTE S652-PCS15303-RL-50

Short Title: Prohibit Sale of Novelty Lighters.

(Public)

Sponsors:

Referred to:

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. A novelty lighter may operate on any
22 fuel, including butane, isobutene, or liquid fuel.

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

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

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

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



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

4 (d). Penalty – A violation of this section is an infraction and shall subject a violator to a
5 penalty of five hundred dollars (\$500.00) for each violation. The clear proceeds of any
6 penalties imposed under this section shall be remitted in accordance with G.S. 115C-452."

7 **SECTION 4.** Notwithstanding the provisions of G.S. 66-16.1, as enacted by
8 Section 3 of this act, during the first year after the effective date of this act, no penalty shall be
9 imposed for a first violation of this act.

10 **SECTION 5.** This act becomes effective October 1, 2009, and applies to
11 infractions committed on or after that date.