3/15 12:35p

Chapter No. 354
10/HR40/R553CS
9P 1 CT

# *HOUSE BILL NO. 232*

Originated in House Don Richardson Clerk

HOUSE BILL NO. 232

AN ACT TO PROHIBIT THE SALE OR DISTRIBUTION OF NOVELTY LIGHTERS IN MISSISSIPPI; TO PROVIDE DEFINITIONS; TO PROVIDE FOR ENFORCEMENT OF THIS ACT; TO PROVIDE CRIMINAL PENALTIES FOR VIOLATIONS OF THIS ACT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1. Definition.** For purposes of this act, "novelty lighter" means a mechanical or electrical device typically used for lighting cigarettes, cigars or pipes, grills, fireplaces, campfires or campfire stoves 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. A novelty lighter may operate on any fuel, including butane, isobutane or liquid fuel. "Novelty lighter" does not include:

(a) A lighter manufactured prior to January 1, 1980;

(b) A lighter incapable of being fueled or lacking a device necessary to produce combustion or a flame;

(c) Standard disposable and refillable lighters that are printed or decorated with logos, labels, decals or artwork, or heat shrinkable sleeves.

**SECTION 2. Prohibition; penalty.** A person may not sell at retail, offer for retail sale or distribute for retail sale or promotion in this state a novelty lighter. A person who violates this section commits a civil violation for which a fine of not more than Five Hundred Dollars ($500.00) may be imposed.

**SECTION 3.** **Exception.** The prohibition specified in Section 2 of this act does not apply to the transportation of novelty lighters through this state or 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.

**SECTION 4.** **Enforcement.** This section may be enforced by the State Fire Marshal's office; a state, county or municipal law enforcement officer; or a municipal code enforcement officer.

**SECTION 5.** This act shall take effect and be in force from and after July 1, 2010.

PASSED BY THE HOUSE OF REPRESENTATIVES
February 10, 2010

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
March 3, 2010

PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR

GOVERNOR

3/15/10 12:25pm