

By: Senator(s) Carmichael, Mettetal

To: Judiciary, Division B

SENATE BILL NO. 3165

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

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

6 **SECTION 1.** (1) The retail sale, offer of retail sale, gift
7 or distribution of any novelty lighter within the State of
8 Mississippi is prohibited. This prohibition is inapplicable to
9 (a) novelty lighters which are only being actively transported
10 through the state, or (b) novelty lighters located in a warehouse
11 closed to the public for purposes of retail sales.

12 (2) For purposes of this act:

13 "Novelty lighter" means a lighter that has entertaining audio
14 or visual effects, or that depicts (logos, decals, art work, etc.)
15 or resembles in physical form or function articles commonly
16 recognized as appealing to or intended for use by children ten
17 years of age or younger. This includes, but is not limited to,
18 lighters that depict or resemble cartoon characters, toys, guns,
19 watches, musical instruments, vehicles, toy animals, food or
20 beverages, or that play musical notes or have flashing lights or
21 other entertaining features. A novelty lighter may operate by any
22 fuel, including butane or liquid fuel.

23 The term "novelty lighter" excludes: (a) any lighter
24 manufactured prior to 1980; and (b) any lighter which lacks fuel
25 or a device necessary to produce combustion or a flame.

26 (3) The provisions of this section shall be enforced by the
27 fire marshal, any police officer, any code enforcement officer,



28 and any other law enforcement officer authorized to enforce any
29 law of the State of Mississippi.

30 (4) Any person who violates the provisions of this section
31 shall, upon conviction, be guilty of a misdemeanor whose penalty
32 for violation of this section shall be a fine not to exceed one
33 hundred fifty dollars (\$150.00), and each separate occurrence
34 shall be and constitute a separate offense.

35 **SECTION 2.** This act shall take effect and be in force from
36 and after July 1, 2009.

