

By: Senator(s) Carmichael, Burton

To: Judiciary, Division B

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2859

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. Definition.** For purposes of this act, "novelty
7 lighter" means a mechanical or electrical device typically used
8 for lighting cigarettes, cigars or pipes, grills, fireplaces,
9 campfires or campfire stoves that is designed to resemble a
10 cartoon character, toy, gun, watch, musical instrument, vehicle,
11 animal, food or beverage, or similar articles, or that plays
12 musical notes, or has flashing lights for entertainment or has
13 other entertaining features. A novelty lighter may operate on any
14 fuel, including butane, isobutane or liquid fuel. "Novelty
15 lighter" does not include:

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

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

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

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

27 **SECTION 3. Exception.** The prohibition specified in Section
28 2 of this act does not apply to the transportation of novelty



29 lighters through this state or the storage of novelty lighters in
30 a warehouse or distribution center in this state that is closed to
31 the public for purposes of retail sales.

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

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

