

ASSEMBLY BILL NO. 266—ASSEMBLYMAN OCEGUERA

MARCH 9, 2009

Referred to Committee on Commerce and Labor

SUMMARY—Prohibits the sale of novelty lighters. (BDR 52-569)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in **bolded italics** is new; matter between brackets **[omitted-material]** is material to be omitted.

AN ACT relating to lighters; prohibiting the sale of novelty lighters; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 This bill prohibits the sale or distribution as a promotion of novelty lighters.
- 2 This bill also provides a comprehensive definition of a “novelty lighter.” This bill
- 3 becomes effective on January 1, 2010.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** Chapter 597 of NRS is hereby amended by adding
- 2 thereto a new section to read as follows:
- 3 ***1. Except as otherwise provided in subsection 2, a person may***
- 4 ***not sell at retail, offer for retail sale or distribute for retail sale or***
- 5 ***promotion in this State a novelty lighter.***
- 6 ***2. This section does not apply to the transportation of novelty***
- 7 ***lighters through this State or the storage of novelty lighters in a***
- 8 ***warehouse or distribution center in this State that is closed to the***
- 9 ***public for purposes of retail sales.***
- 10 ***3. The Attorney General or any district attorney, on the***
- 11 ***request of the State Fire Marshal or on his own motion, may bring***
- 12 ***an action in any court of competent jurisdiction in the name of the***
- 13 ***State of Nevada to enjoin a violation of this section.***
- 14 ***4. A person who violates this section is guilty of a***
- 15 ***misdeemeanor and shall be punished by a fine of not more than***
- 16 ***\$500. No sentence of incarceration may be imposed.***



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5. As used in this section, "novelty lighter":

(a) Means a mechanical or electrical device which is typically used for lighting cigarettes, cigars or pipes that may operate on any fuel, including, without limitation, butane, isobutene or liquid fuel, and which:

(1) Is designed to resemble a cartoon character, toy, gun, watch, musical instrument, vehicle, animal, food, beverage or other similar article; or

(2) Plays musical notes, has flashing lights or has other similar entertaining features; and

(b) Does not include:

(1) A lighter manufactured before January 1, 1980;

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

(3) Any mechanical or electrical device primarily used to ignite fuel for fireplaces or for charcoal or gas grills; or

(4) Standard disposable lighters that are printed or decorated, including, without limitation, through the use of a heat shrinkable sleeve, with logos, labels, decals or artwork.

Sec. 2. This act becomes effective on January 1, 2010.

