

REFERENCE TITLE: novelty lighter sales; prohibition

State of Arizona
House of Representatives
Forty-ninth Legislature
First Regular Session
2009

HB 2537

Introduced by
Representative Tobin

AN ACT

AMENDING TITLE 44, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 35; RELATING
TO NOVELTY LIGHTER SALES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 44, Arizona Revised Statutes, is amended by adding
3 chapter 35, to read:

4 CHAPTER 35

5 NOVELTY LIGHTER SALES

6 ARTICLE 1. GENERAL PROVISIONS

7 44-7801. Definition of novelty lighter

8 IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES, "NOVELTY
9 LIGHTER":

10 1. MEANS A MECHANICAL OR ELECTRICAL DEVICE THAT TYPICALLY IS USED FOR
11 LIGHTING CIGARETTES, CIGARS OR PIPES AND THAT IS DESIGNED TO RESEMBLE A
12 CARTOON CHARACTER, A TOY, A FIREARM, A WATCH, A MUSICAL INSTRUMENT, A
13 VEHICLE, AN ANIMAL, A FOOD, A BEVERAGE OR A SIMILAR ITEM OR THAT PLAYS
14 MUSICAL NOTES OR HAS FLASHING LIGHTS OR OTHER ENTERTAINING FEATURES.

15 2. MAY OPERATE ON FUEL, INCLUDING BUTANE, ISOBUTENE OR LIQUID FUEL.

16 3. DOES NOT INCLUDE ANY OF THE FOLLOWING:

17 (a) A LIGHTER MANUFACTURED BEFORE JANUARY 1, 1980.

18 (b) A LIGHTER INCAPABLE OF BEING FUELED OR LACKING A DEVICE NECESSARY
19 TO PRODUCE COMBUSTION OR A FLAME.

20 (c) ANY MECHANICAL OR ELECTRICAL DEVICE PRIMARILY USED TO IGNITE FUEL
21 FOR FIREPLACES OR FOR CHARCOAL OR GAS GRILLS.

22 (d) STANDARD DISPOSABLE LIGHTERS THAT ARE PRINTED OR DECORATED WITH
23 LOGOS, LABELS, DECALS, ARTWORK OR HEAT SHRINKABLE SLEEVES.

24 44-7802. Sale prohibited; exception; civil penalty

25 A. A PERSON MAY NOT SELL AT RETAIL, OFFER FOR RETAIL SALE OR
26 DISTRIBUTE FOR RETAIL SALE OR PROMOTION IN THIS STATE A NOVELTY LIGHTER.
27 THIS SUBSECTION DOES NOT APPLY TO THE TRANSPORTATION OF NOVELTY LIGHTERS
28 THROUGH THIS STATE OR THE STORAGE OF NOVELTY LIGHTERS IN A WAREHOUSE OR
29 DISTRIBUTION CENTER IN THIS STATE THAT IS CLOSED TO THE PUBLIC FOR PURPOSES
30 OF RETAIL SALES.

31 B. A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO A CIVIL PENALTY OF
32 _____ DOLLARS.

33 44-7803. Enforcement

34 THIS CHAPTER MAY BE ENFORCED BY THE STATE FIRE MARSHAL, A STATE,
35 COUNTY, MUNICIPAL OR SPECIAL DISTRICT LAW ENFORCEMENT OFFICER OR A STATE,
36 COUNTY, MUNICIPAL OR SPECIAL DISTRICT CODE ENFORCEMENT OFFICER.