

CHAPTER.....

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

Legislative Counsel's Digest:

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

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

Section 1. Chapter 597 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, a person may not sell at retail, offer for retail sale or distribute for retail sale or promotion in this State a novelty lighter.

2. This section 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.

3. The Attorney General or any district attorney, on the request of the State Fire Marshal or on his own motion, may bring an action in any court of competent jurisdiction in the name of the State of Nevada to enjoin a violation of this section.

4. A person who violates this section is guilty of a misdemeanor and shall be punished by a fine of not more than \$500. No sentence of incarceration may be imposed.

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 and reasonably does resemble a cartoon character, toy, gun, watch, musical instrument, vehicle, animal, food, beverage or other similar article that does not resemble a standard disposable lighter; or

(2) Plays musical notes, has flashing lights or has more than one button or function; 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.

