

**HOUSE . . . . . No. 4369**

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*The Commonwealth of Massachusetts*

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By Mr. Costello of Newburyport, for the committee on Public Safety and Homeland Security, on House, No. 2188 and 3824, a Bill to prohibit novelty lighters in the Commonwealth (House, No. 4369) November 23, 2009.

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An Act to Prohibit the Use of Novelty Lighters in the Commonwealth.

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FOR THE COMMITTEE:

NAME:	DISTRICT/ADDRESS:
Michael A. Costello	1st Essex

# The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

## An Act to Prohibit the Use of Novelty Lighters in the Commonwealth.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           Section 52A of chapter 148 of the general laws, as appearing in the 2006 official edition,  
2 is hereby amended by adding the following new section;-  
3 Section 52B.  
4 No person shall manufacture, keep for sale, sell, give away, store or transport, except as provided  
5 herein, any novelty lighter. For the purposes of this section a novelty lighter is defined as a  
6 mechanical or electrical device typically used for the lighting of cigarettes, cigars or pipes that  
7 has audio or visual effects or that resembles in physical form or function, articles commonly  
8 recognized as appealing to or intended for use by children 10 years of age or younger. This  
9 includes, but is not limited to, lighters that resemble cartoon characters, toys, guns, watches,  
10 musical instruments, vehicles, toy animals, beverages, sporting equipment, or that play musical  
11 notes or have flashing lights or other entertaining features. A novelty lighter may operate on any  
12 fuel including butane or liquid fuel. This section shall not apply to novelty lighters manufactured  
13 before January 1, 1980 and which are considered collectible items.  
14 This section shall not apply to the interstate transportation of novelty lighters as defined herein or  
15 the temporary storage of said lighters while in interstate commerce and not intended for sale or  
16 use in the Commonwealth.  
17 Any person who violates the provisions of this section shall be punished by a fine of not less than  
18 \$500 and not more than \$1,000 or by imprisonment for not more than one year, or both.