

HOUSE No. 4369

The Commonwealth of Massachusetts

In the Year Two Thousand 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
5 provided herein, any novelty lighter. For the purposes of this section a novelty lighter is defined
6 as a mechanical or electrical device typically used for the lighting of cigarettes, cigars or pipes
7 that 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
15 herein or the temporary storage of said lighters while in interstate commerce and not intended for
16 sale or use in the Commonwealth.

17 Any person who violates the provisions of this section shall be punished by a fine of not
18 less than \$500 and not more than \$1,000 or by imprisonment for not more than one year, or both.