

**SENATE . . . . . No. 180**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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An Act relative to the sale of lighters.

*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 1. Chapter 148 of the General Laws as so appearing in the 2006 Official  
2 Edition, is hereby amended by inserting after Section 52A, the following new section:- Section  
3 52B. No person shall sell, offer for sale, or otherwise give away as a prize or promotion any  
4 novelty lighter. For purposes of this section, “novelty lighter” shall mean a mechanical or  
5 electrical device, which operates on any fuel including butane or liquid fuel and is designed or  
6 used for the purpose of lighting cigarettes, cigars, pipes or any other smoking material and which  
7 has entertaining audio or visual effects, or a toy like appearance or resembles in any way, in form  
8 or in function, an item commonly recognized as appealing to or intended for use by children ten  
9 (10) years of age or younger. These devices include, but are not limited to, lighters that resemble  
10 cartoon characters, toys, guns, watches, musical instruments, vehicles, toy animals, food,  
11 beverages, sports equipment or that play musical notes or have flashing lights or other  
12 entertaining features.

13           The prohibition on the sale of novelty lighters, as defined herein, shall not apply to the  
14 transportation of said lighters through the state or the temporary storage of said lighters, not  
15 intended for sale in the state.

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

18           All novelty lighters, in violation of this section, shall be deemed contraband and may be  
19 seized by any officer qualified to serve criminal process without a warrant. The novelty lighters  
20 seized, shall upon conviction of such violation, be forfeited to the Commonwealth. Notice of  
21 such seizure shall be sent forthwith to the Marshal by the officer making such seizure who shall  
22 hold and securely store them until delivered to the Marshal for disposal.

23           SECTION 2. No person shall sell, offer for sale or otherwise give away as prize or  
24 promotion, any lighter or matches to a person under the age of eighteen (18) without first  
25 requesting and examining positive identification from any person suspected of being a person  
26 less than eighteen (18) years of age. For purposes of this section, "positive identification" shall  
27 mean, a valid Massachusetts driver's license, a valid Massachusetts identification card; or a  
28 certified birth certificate with a picture identification card with a date of birth thereon, or two (2)  
29 similar forms of identification, one of which should be a picture identification card with a date of  
30 birth thereon.

31           Any person violating the provisions of this section shall be subject to a fine of not less  
32 than \$100.00 or more than \$500.00 for a first or subsequent offense. The head of the fire  
33 department and local boards of health shall enforce the provisions of this section.