

**SENATE . . . . . No. 2578**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Ten**  
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An Act Text of the Senate amendment (Ethic and Rules) to the House Bill to prohibit the use of novelty lighters in the commonwealth, House, No. 4369.

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

1 Chapter 148 of the General Laws is hereby amended by adding the following

2 section:-

3 Section 60. (a) For the purposes of this section, “novelty lighter” shall mean a  
4 mechanical or electrical device manufactured for the purpose of producing a flame to light  
5 cigarettes, cigars or pipes and which, due to the physical or audio features of the device,  
6 excluding its capability of producing a flame, would reasonably be expected to cause the lighter  
7 to be appealing or attractive to a child under the age of 10 including, but not limited to, lighters  
8 that resemble a cartoon character, toy, gun, watch, musical instrument, vehicle, animal, beverage,  
9 sporting equipment or that is capable of playing musical notes or displaying flashing lights.

10 (b) Whoever manufactures, offers for sale, sells, exchanges, gives away, stores or  
11 transports any novelty lighter shall be punished by a fine of not less than \$500 and not more than  
12 \$1,000 or by imprisonment for not more than 1 year, or both.

13           (c) This section shall not apply: (i) to a novelty lighter manufactured before January 1,  
14 1980 and which is considered a collectible item within the collectible trade; (ii) to a disposable or  
15 refillable lighter with a logo, label, decal or artwork printed thereon or on heat shrinkable  
16 sleeves attached thereto but which does not otherwise resemble a novelty lighter; or (iii) if not  
17 intended for sale or use in the commonwealth, to the interstate transportation of a novelty lighter  
18 or to the temporary storage of a novelty lighter while in interstate commerce.