

Regular Session, 2013

HOUSE BILL NO. 300

BY REPRESENTATIVE COX

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

FIRE PROTECT/FIRE MARSHAL: Clarifies definition of lighter and novelty lighter

1 AN ACT

2 To amend and reenact R.S. 40:1601(A) and to Repeal R.S. 40:1601(C)(3), relative to
3 novelty lighters; to provide for definitions and application; and to provide for related
4 matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 40:1601(A) is hereby amended and reenacted to read as follows:

7 §1601. Novelty lighters

8 A. For the purposes of this Section, the following definitions shall apply
9 unless otherwise indicated:

10 (1) "~~Lighter or "cigarette lighter" means a flame-producing product~~
11 ~~commonly used by consumers to ignite cigarettes, cigars, and pipes, although the~~
12 ~~lighter may be used to ignite other materials. The term does not include matches or~~
13 ~~any other lighting device intended primarily for igniting materials other than~~
14 ~~smoking materials, such as fuel for fireplaces or for charcoal or gas-fired grills.~~
15 means flame-producing devices commonly used by consumers to ignite tobacco
16 products and mechanical devices primarily used to ignite fuel for fireplaces or for
17 charcoal or gas grills. The term does not include matches. This term includes
18 novelty lighters.

19 (2) "Novelty lighter" means a ~~mechanical or electrical device typically used~~
20 ~~for the igniting or lighting of cigarettes, cigars, or pipes~~ lighter that has a toylike

1 appearance, has entertaining audio or visual effects, or resembles in any way in form
 2 or function an item that is commonly recognized as appealing, attractive, or intended
 3 for use by young children, particularly those ten years of age or younger, including
 4 such a device that takes toylike physical forms, including but not limited to toy
 5 animals, cartoon characters, cars, boats, airplanes, common household items,
 6 weapons, cell phones, batteries, food, beverages, musical instruments, and watches
 7 or has flashing lights or other entertaining features. Novelty lighters may operate on
 8 any fuel, including butane or liquid fuel.

9 * * *

10 Section 2. R.S. 40:1601(C)(3) is hereby repealed in its entirety.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Cox

HB No. 300

Abstract: Clarifies the definition of lighter and novelty lighter to include devices primarily used to ignite fuel for fireplaces or charcoal or gas grills.

Present law prohibits the sale or distribution of certain novelty lighters. Defines "lighter" as a flame-producing product commonly used to ignite cigarettes, cigars, and pipes and specifies that the term does not include matches or other lighting devices used primarily for igniting materials such as fuel for fireplaces or for charcoal or gas grills. Specifies that "lighter" includes "novelty lighter". Defines "novelty lighter" as a device typically used for igniting cigarettes, cigars, or pipes that has a toylike appearance, entertaining effects, or resembles an item attractive to children 10 years of age or younger.

Proposed law changes present law definition of "lighter" to mean flame-producing devices commonly used to ignite tobacco products and to include devices used to ignite fuel for fireplaces or charcoal and gas grills.

Present law provides that the prohibition on novelty lighters does not apply to:

- (1) Novelty lighters made before Jan. 1, 1980.
- (2) Novelty lighters considered to be collectable items.
- (3) Devices primarily used to ignite fuel for fireplaces or charcoal or gas grills.
- (4) Lighters incapable of producing combustion or flame.
- (5) The active transport of novelty lighters through the state.
- (6) The storage of novelty lighters in warehouses or distribution centers in the state that are closed to the public for purposes of retail sales.

- (7) Wholesale or retail dealers selling existing inventory purchased prior to Aug. 15, 2009.
- (8) Novelty lighters in compliance with federal law.

Proposed law deletes present law exemption for devices primarily used to ignite fuel for fireplaces or charcoal or gas grills.

(Amends R.S. 40:1601(A); Repeals R.S. 40:1601(C)(3))