

Existing law prohibits the sale or distribution of certain novelty lighters. Prior law defined "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". Existing law 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.

New law changes prior law definition of "lighter" to mean a flame-producing device commonly used to ignite tobacco products and to include a device used to ignite fuel for fireplaces or charcoal and gas grills.

Existing 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.

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

Effective August 1, 2013.

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