

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

SESSION LAW 2009-230
SENATE BILL 652

AN ACT TO PROHIBIT THE RETAIL SALE AND DISTRIBUTION OF NOVELTY LIGHTERS, AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE.

The General Assembly of North Carolina enacts:

SECTION 1. The title of Article 2 of Chapter 66 of the General Statutes reads as rewritten:

"Article 2.

Manufacture and Sale of ~~Matches~~ Matches and Lighters."

SECTION 2. G.S. 66-16 reads as rewritten:

"§ 66-16. Violation of Article a misdemeanor.

Any person, association, or corporation violating any of the provisions of this ~~Article~~ Article, other than G.S. 66-16.1, shall be guilty of a Class 3 misdemeanor and shall only be fined for the first offense not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00), and for each subsequent violation not less than twenty-five dollars (\$25.00)."

SECTION 3. Article 2 of Chapter 66 of the General Statutes is amended by adding a new section to read:

"§ 66-16.1. Retail sale of novelty lighters prohibited.

(a) Definition. – As used in this section, the term 'novelty lighter' means a mechanical or electrical device typically used for lighting cigarettes, cigars, or pipes, that is designed to resemble a cartoon character, toy, gun, watch, musical instrument, vehicle, animal, food or beverage, or similar articles, or that plays musical notes. A novelty lighter may operate on any fuel, including butane, isobutene, or liquid fuel.

(b) Prohibition. – It shall be unlawful to sell at retail, offer to sell at retail, or give, or distribute for retail sale or promotion, a novelty lighter in this State. This prohibition does not apply to the transportation of novelty lighters through this State or to the storage of novelty lighters in a warehouse or distribution center in this State that is closed to the public for purposes of retail sales.

(c) Exceptions. – The prohibition in this section does not apply to any of the following:

(1) A lighter manufactured prior to January 1, 1980.

(2) Any mechanical or electrical device primarily used to ignite fuel for fireplaces or charcoal or gas grills.

(3) Standard disposable or refillable lighters that are printed or decorated with logos, labels, decals or artwork, or heat shrinkable sleeves, but which do not otherwise resemble a novelty lighter.

(d) Penalty. – A violation of this section is an infraction and shall subject a violator to a penalty of five hundred dollars (\$500.00) for each violation. The clear proceeds of any penalties imposed under this section shall be remitted in accordance with G.S. 115C-452."

SECTION 4. Notwithstanding the provisions of G.S. 66-16.1, as enacted by Section 3 of this act, during the first year after the effective date of this act, no penalty shall be imposed for a first violation of this act.



SECTION 5. This act becomes effective October 1, 2009, and applies to infractions committed on or after that date.

In the General Assembly read three times and ratified this the 24th day of June, 2009.

s/ Walter H. Dalton
President of the Senate

s/ Joe Hackney
Speaker of the House of Representatives

s/ Beverly E. Perdue
Governor

Approved 5:55 p.m. this 30th day of June, 2009