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HOUSE BILL NO. 2578

Offered January 21, 2009

A *BILL to amend the Code of Virginia by adding in Article 4 of Chapter 8 of Title 18.2 a section numbered 18.2-371.4, relating to purchase of novelty cigarette lighters by those under 18 years of age; penalty.*

Patrons—Howell, A.T., Bowling, Eisenberg and Lohr

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 4 of Chapter 8 of Title 18.2 a section numbered 18.2-371.4 as follows:

§ 18.2-371.4. Prohibiting purchase of novelty cigarette lighters by juveniles under the age of 18.

A. "Novelty lighter" means a mechanical or electrical device containing a combustible fuel 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 other fanciful article, that plays musical notes, has flashing lights, or has other entertaining features that are appealing to or intended for use by juveniles. A novelty lighter may operate on any fuel, including butane, isobutene, or liquid fuel. "Novelty lighter" does not include (i) a lighter without fuel and incapable of being fueled, (ii) a lighter lacking a device necessary to produce combustion or a flame, (iii) a mechanical or electrical device primarily used to ignite fuel for fireplaces or for charcoal or gas grills, (iv) a lighter manufactured prior to 1980, or (v) a standard disposable lighter that is printed or decorated with logos, labels, decals or artwork, or heat shrinkable sleeves.

B. Any person who knowingly sells, distributes, or gives a novelty lighter to a person he knows or has reason to know is a juvenile, is subject to a fine of no more than \$100.

C. Any juvenile who attempts to purchase a novelty lighter is subject to a fine of no more than \$100.

D. The State Fire Marshal may adopt rules to administer this section.

E. This section may be enforced by the State Fire Marshal's Office; local fire marshals appointed pursuant to § 27-34.2 or 27-34.2:1; or law-enforcement officers.

2. That the provisions of this act shall become effective on January 1, 2010.

INTRODUCED

HB2578