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HOUSE BILL NO. 2578**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the House Committee for Courts of Justice
on January 30, 2009)

(Patrons Prior to Substitute—Delegates Howell, A. and Lohr [HB 2054])

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.

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 (i) designed to resemble a cartoon character, toy, gun, watch, musical instrument, vehicle, animal, food or beverage, or (ii) a 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. B. "Novelty lighter" does not include (i) a lighter without fuel and that is 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.

C. Novelty lighters that are available for purchase at a retail establishment shall be located in a place that is not open to the general public and is not generally accessible to minors.

D. Any individual who sells 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 \$50.

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.

HOUSE SUBSTITUTE

HB2578H1