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

(Proposed by the Joint Conference Committee

on February 27, 2009)

(Patron Prior to Substitute—Delegate Howell, A.T.)

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 the sale of novelty lighters to 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 the sale of novelty lighters to juveniles.*

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.

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 civil penalty of no more than \$100.

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.