

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

James E. Timilty

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to the sale of lighters

PETITION OF:

NAME:

James E. Timilty

DISTRICT/ADDRESS:

Bristol and Norfolk

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO THE SALE OF LIGHTERS

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 SECTION 1. Chapter 148 of the General Laws as so appearing in the 2006 Official Edition, is
- 2 hereby amended by inserting after Section 52A, the following new section:-

3

4 Section 52B. No person shall sell, offer for sale, or otherwise give away as a prize or promotion
5 any novelty lighter. For purposes of this section, “novelty lighter” shall mean a mechanical or
6 electrical device, which operates on any fuel including butane or liquid fuel and is designed or
7 used for the purpose of lighting cigarettes, cigars, pipes or any other smoking material and which
8 has entertaining audio or visual effects, or a toy like appearance or resembles in any way, in form
9 or in function, an item commonly recognized as appealing to or intended for use by children ten
10 (10) years of age or younger. These devices include, but are not limited to, lighters that resemble
11 cartoon characters, toys, guns, watches, musical instruments, vehicles, toy animals, food,
12 beverages, sports equipment or that play musical notes or have flashing lights or other
13 entertaining features.

14

15 The prohibition on the sale of novelty lighters, as defined herein, shall not apply to the
16 transportation of said lighters through the state or the temporary storage of said lighters, not
17 intended for sale in the state.

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19 Any person who violates the provisions of this section shall be punished by a fine of not less than
20 \$500 not more than \$1,000 or by imprisonment for not more than one year, or both.

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22 All novelty lighters, in violation of this section, shall be deemed contraband and may be seized
23 by any officer qualified to serve criminal process without a warrant. The novelty lighters seized,
24 shall upon conviction of such violation, be forfeited to the Commonwealth. Notice of such

25 seizure shall be sent forthwith to the Marshal by the officer making such seizure who shall hold
26 and securely store them until delivered to the Marshal for disposal.

27

28 SECTION 2. No person shall sell, offer for sale or otherwise give away as prize or promotion,
29 any lighter or matches to a person under the age of eighteen (18) without first requesting and
30 examining positive identification from any person suspected of being a person less than eighteen
31 (18) years of age. For purposes of this section, “positive identification” shall mean, a valid
32 Massachusetts driver’s license, a valid Massachusetts identification card; or a certified birth
33 certificate with a picture identification card with a date of birth thereon, or two (2) similar forms
34 of identification, one of which should be a picture identification card with a date of birth thereon.

35

36 Any person violating the provisions of this section shall be subject to a fine of not less than
37 \$100.00 or more than \$500.00 for a first or subsequent offense. The head of the fire department
38 and local boards of health shall enforce the provisions of this section.

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