

HOUSE BILL 191

E1

0lr1146
CF 0lr1147

By: **Delegates Malone, Conway, Costa, Jennings, Mathias, Morhaim, Stull, and Weir**

Introduced and read first time: January 22, 2010

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Sale of Novelty Lighters – Prohibition**

3 FOR the purpose of prohibiting a person from selling at retail, offering for sale at
4 retail, or distributing for retail sale in the State a novelty lighter; establishing a
5 certain penalty for a violation of this Act; providing for the application of this
6 Act; defining a certain term; and generally relating to the sale of novelty
7 lighters.

8 BY adding to

9 Article – Criminal Law

10 Section 10–112.1

11 Annotated Code of Maryland

12 (2002 Volume and 2009 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article – Criminal Law**

16 **10–112.1.**

17 **(A) IN THIS SECTION, “NOVELTY LIGHTER”:**

18 **(1) MEANS A MECHANICAL OR ELECTRIC DEVICE THAT:**

19 **(i) IS TYPICALLY USED FOR LIGHTING CIGARETTES,**
20 **CIGARS, OR PIPES;**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(II) 1. IS DESIGNED TO RESEMBLE A CARTOON**
2 **CHARACTER, TOY, GUN, WATCH, MUSICAL INSTRUMENT, VEHICLE, ANIMAL,**
3 **FOOD OR BEVERAGE, OR ANOTHER SIMILAR ARTICLE; OR**

4 **2. HAS ENTERTAINMENT FEATURES, INCLUDING**
5 **MUSIC OR LIGHTS; AND**

6 **(III) OPERATES ON ANY FUEL; AND**

7 **(2) DOES NOT INCLUDE:**

8 **(I) A DEVICE THAT IS INCAPABLE OF BEING FUELED OR**
9 **PRODUCING COMBUSTION OR FLAME;**

10 **(II) A STANDARD DISPOSABLE OR REFILLABLE LIGHTER**
11 **THAT IS PRINTED OR DECORATED WITH A LOGO, LABEL, DECAL, OR ARTWORK,**
12 **OR A HEAT SHRINKABLE SLEEVE; OR**

13 **(III) A DEVICE PRIMARILY USED TO IGNITE FUEL FOR A**
14 **FIREPLACE OR A CHARCOAL OR GAS GRILL.**

15 **(B) THIS SECTION DOES NOT APPLY TO:**

16 **(1) A LIGHTER MANUFACTURED BEFORE JANUARY 1, 1980;**

17 **(2) THE TRANSPORTATION OF A NOVELTY LIGHTER THROUGH**
18 **THE STATE; OR**

19 **(3) THE STORAGE OF A NOVELTY LIGHTER IN A WAREHOUSE IN**
20 **THE STATE THAT IS NOT OPEN FOR RETAIL SALES.**

21 **(C) A PERSON MAY NOT SELL AT RETAIL, OFFER FOR SALE AT RETAIL,**
22 **OR DISTRIBUTE FOR RETAIL SALE IN THE STATE A NOVELTY LIGHTER.**

23 **(D) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A**
24 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING**
25 **\$500.**

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2010.