

[Third Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, Nos. 3207 and 3267

STATE OF NEW JERSEY
213th LEGISLATURE

ADOPTED JANUARY 15, 2009

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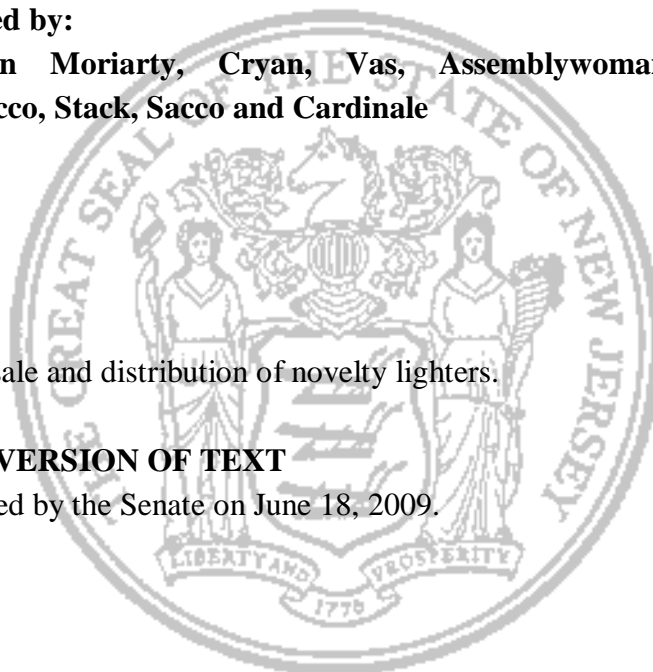
**Assemblymen Moriarty, Cryan, Vas, Assemblywoman Rodriguez,
Senators Bucco, Stack, Sacco and Cardinale**

SYNOPSIS

Prohibits sale and distribution of novelty lighters.

CURRENT VERSION OF TEXT

As amended by the Senate on June 18, 2009.



(Sponsorship Updated As Of: 6/26/2009)

1 AN ACT prohibiting sale of novelty lighters and supplementing Title
2 2A of the New Jersey Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. a. A person shall not sell, or offer to sell, a novelty lighter.

8 b. For the purposes of this section, “novelty lighter” means a
9 ¹[lighter, or] ¹mechanical or electrical device typically used for
10 ¹[inducing combustion or a small flame] lighting cigarettes, cigars,
11 or pipes¹, that is ¹[, or may be, especially attractive to children 19
12 years of age or younger, due to a toy-like design. This includes, but
13 is not limited to lighters or devices that:

14 (1) depict or] designed to¹ resemble any cartoon character,
15 animal, musical instrument, toy, gun, watch, vehicle, ¹[tool, fire
16 extinguisher,] ¹food, or beverage ¹[: or

17 (2) incorporate features, such as buttons or devices that initiate
18 audio or visual effects, flashing lights, or musical sounds, which
19 may encourage a child to play with or use the lighter] or similar
20 articles, or that plays musical notes, or has flashing lights, or has
21 other entertaining features¹.

22 A novelty lighter may operate on any fuel, including butane ¹,
23 isobutene,¹ or liquid fuel.

24 ¹[c.]¹ Nothing in this section shall be construed to include the
25 following in the definition of “novelty lighter”:

26 (1) any lighter manufactured prior to January 1,¹ 1980; ¹[or]¹

27 (2) any lighter ¹[that lacks the structural capacity to hold
28 sufficient fuel to produce combustion or flame, or that is otherwise
29 structurally] ¹incapable of ¹[producing] being fueled or lacking a
30 device necessary to produce¹ combustion or ¹a¹ flame ¹;

31 (3) any mechanical or electrical device primarily used to ignite
32 fuel for fireplaces or for charcoal or gas grills; or

33 (4) standard³ ³[disposable]³ lighters that are printed or decorated
34 with logos, labels, decals, or artwork, or heat shrinkable sleeves¹.

35

36 ²[2.A retailer shall not:

37 a. display a matchbook, or box of matches, for free
38 distribution; or

39 b. store or place a matchbook, or box of matches, where it may
40 be obtained by a consumer without assistance.]²

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly floor amendments adopted March 5, 2009.

² Senate SCM committee amendments adopted June 11, 2009.

³ Senate floor amendments adopted June 18, 2009.

1 ²[3.] 2.² A law enforcement officer or fire official may
2 confiscate a novelty lighter ²[, matchbook, or box of matches]² that
3 is sold ²[,] or² offered for sale ²[, displayed, stored, or placed]² in
4 violation of section 1 ²[or 2]² of P.L. , c. (C.) (pending
5 before the Legislature as this bill).

6
7 ²[4.] 3.² A person who violates the provisions of section 1 of
8 P.L. , c. (C.) (pending before the Legislature as this bill)
9 shall, in addition to any other legal or equitable relief, be liable for
10 a civil penalty of not more than ²[\$10,000] \$1,000² for the first
11 offense and not more than ²[\$20,000] \$2,000² for the second and
12 each subsequent offense.

13
14 ²[5.] 4.² The enforcing agency shall be entitled, if successful
15 in the matter, to the reasonable costs of the action, including, but
16 not limited to, investigative and legal costs, as may be filed with
17 and approved by the court.

18
19 ²[6.] 5.² To accomplish the objectives and to carry out the
20 duties prescribed by this act, the Attorney General shall have all of
21 the powers granted to him under:

- 22 a. section 3 of P.L.1960, c.39 (C.56:8-3);
23 b. section 4 of P.L.1960, c.39 (C.56:8-4);
24 c. section 5 of P.L.1960, c.39 (C.56:8-5);
25 d. section 6 of P.L.1960, c.39 (C.56:8-6); and
26 e. section 8 of P.L.1960, c.39 (C.56:8-8).

27
28 ²[7.] 6.² This act shall take effect on the first day of the
29 seventh month following enactment.