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## **New Law Banning Sales of Novelty Lighters Begins January 1**

A new law banning the sale of novelty lighters in the state of Nevada takes effect on New Year's Day. Some believe certain areas of the state such as the Las Vegas Strip and the Fremont Street Experience are exempt from the new law. Nevada State Fire Marshal Jim Wright states the new law applies to all areas of the state including the Strip and Fremont Street.

Assembly Bill No. 266 (March 9, 2009) prohibits the sale or distribution as a promotion of novelty lighters. This bill also provides a comprehensive definition of a "novelty lighter."

Maine was the first state in the United States to ban novelty lighters in 2008. This came after a 6 year old boy picked up a novelty lighter in the shape of a miniature baseball bat on display in a Maine grocery store. When he flicked the switch, a flame shot out burning his face. The boy thought it was some sort of flashlight. In 2007, two small children in Arkansas died in a fire blamed on a lighter shaped like a tiny motorcycle

Novelty lighters without child-resistant devices are banned in Europe and now 10 states in the United States have passed laws forbidding the devices. Some stores in various parts of the country opted to take the devices off the shelves in the name of safety.

### **In Nevada the new law states:**

A person may not sell at retail, offer for retail sale or distribute for retail sale or promotion a novelty lighter.

- The laws does not apply to novelty lighters being transported through the state or in storage within the state provided the lighters can not be accessed by the general public.
- The new law will be enforced by the State Attorney General or any district attorney on the request of the State Fire Marshal.
- Violation of the new law is a fine of not more than \$500. There is no jail time associated with the new law.
- A novelty lighter in the state of Nevada is:
  1. A mechanical or electrical device which is typically used for lighting cigarettes, cigars, or pipes that may operate on any fuel, including without limitation, butane, isobutene or liquid fuel.
  2. Is designed to resemble and reasonably does resemble a cartoon character, toy, gun, watch, musical instrument, vehicle, animal, food, beverage or other similar article that does not resemble a standard disposable lighter.
  3. If it plays musical notes, has flashing lights or has more than one button or function.

### **Lighters not included:**

- A lighter manufactured before January 1, 1980.
- A lighter incapable of being fueled or lacking a device necessary to produce combustion or a flame.
- Any mechanical or electrical device primarily used to ignite fuel for fireplaces or for charcoal or gas grills.
- Standard disposable lighters that are printed or decorated, including without limitation, through the use of a heat shrinkable sleeve, with logos, labels, decals or art work.