PRINTER'S NO. 178

THE GENERAL ASSEMBLY OF PENNSYLVANIA

# HOUSE BILL

## No. 170 Session of 2013

INTRODUCED BY BURNS, SWANGER, D. COSTA, SCHLOSSBERG, COHEN, V. BROWN, MAHONEY, MURT, MACKENZIE AND FARRY, JANUARY 22, 2013

REFERRED TO COMMITEE ON JUDICIARY, JANUARY 22, 2013

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, prohibiting the retail sale and
3 distribution of novelty lighters; and imposing a penalty.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 18 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 7332. Retail sale and distribution of novelty lighters
9 prohibited.

10 (a) Offense defined.--It shall be unlawful for any person to
11 sell at retail, offer for retail sale or distribute for retail
12 sale or promotion in this Commonwealth a novelty lighter.

13 (b) Grading.--A person who violates subsection (a) commits a
14 summary offense.

15 (c) Exception.--Nothing contained in this section shall
16 prohibit the transportation of novelty lighters through this
17 Commonwealth or the storage of novelty lighters in a warehouse
18 or distribution center in this Commonwealth if the warehouse or

distribution center is closed to the public for purposes of retail sales.

(d) Definition.--As used in this section the term "novelty lighter" means a mechanical or electrical device typically used for lighting cigarettes, cigars or pipes that is designed to appear to be a toy, to feature a flashing light or to make musical sounds. The term does not include:

(1) A lighter manufactured prior to January 1, 1980.

(2) A lighter incapable of being fueled or lacking a device necessary to produce combustion or a flame.

(3) Any mechanical or electrical device primarily used to ignite fuel for fireplaces or for charcoal or gas grills.

Section 2. This act shall take effect in 60 days.