

# SENATE BILL 112

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SB 226/10 – JPR

11r0547  
CF HB 192

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By: **Senators Glassman, Conway, DeGrange, Forehand, Jennings, Kasemeyer, Mathias, Middleton, Raskin, Simonaire, ~~and Stone~~ Stone, and Dyson**

Introduced and read first time: January 21, 2011

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 23, 2011

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## CHAPTER \_\_\_\_\_

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 civil penalty for a violation of this Act; providing for the application of  
6 this 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 2010 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:**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (I) IS TYPICALLY USED FOR LIGHTING CIGARETTES,  
2 CIGARS, OR PIPES;

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

6 2. HAS ~~ENTERTAINMENT FEATURES, INCLUDING~~  
7 MUSIC, SOUNDS, OR LIGHTS AS ENTERTAINMENT FEATURES; AND

8 (III) OPERATES ON ANY FUEL; AND

9 (2) DOES NOT INCLUDE:

10 (I) A DEVICE THAT IS INCAPABLE OF BEING FUELED OR  
11 PRODUCING COMBUSTION OR FLAME;

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

15 (III) A DEVICE PRIMARILY USED TO IGNITE FUEL FOR A  
16 FIREPLACE OR A CHARCOAL OR GAS GRILL.

17 (B) THIS SECTION DOES NOT APPLY TO:

18 (1) A LIGHTER MANUFACTURED BEFORE JANUARY 1, 1980;

19 (2) THE TRANSPORTATION OF A NOVELTY LIGHTER THROUGH  
20 THE STATE; OR

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

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

25 (D) A PERSON WHO VIOLATES THIS SECTION IS ~~GUilty OF A~~  
26 ~~MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE~~ SUBJECT TO A CIVIL  
27 PENALTY NOT EXCEEDING \$500 \$250.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29 October 1, 2011.