

3 Senate Bill No. 1150

4 SENATE BILL NO. 1150 - By: Jolley of the Senate and Thomsen of the  
5 House.

6 An Act relating to state government; defining term;  
7 prohibiting certain sales; authorizing enforcement;  
8 providing for codification; and providing an effective date.

9 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

10 SECTION 1. NEW LAW A new section of law to be codified  
11 in the Oklahoma Statutes as Section 325.5 of Title 74, unless there  
12 is created a duplication in numbering, reads as follows:

13 A. For purposes of this section, "novelty lighter" means a  
14 mechanical or electrical device typically used for lighting  
15 cigarettes, cigars or pipes that is designed to resemble a cartoon  
16 character, toy, gun, watch, musical instrument, vehicle, animal,  
17 food or beverage, or similar articles, or that plays musical notes,  
18 or has flashing lights or has other entertaining features. A  
19 novelty lighter may operate on any fuel, including butane, isobutene  
20 or liquid fuel. Novelty lighter does not include:

21 1. A lighter manufactured prior to January 1, 1980;

22 2. A lighter incapable of being fueled or lacking a device  
23 necessary to produce combustion or a flame;

24 3. Any mechanical or electrical device primarily used to ignite  
25 fuel for fireplaces or for charcoal or gas grills; or

1           4. Standard disposable lighters that are printed or decorated  
2 with logos, labels, decals or artwork, or heat shrinkable sleeves.

3           B. No person or entity may sell at retail, offer for retail  
4 sale or distribute for retail sale or promotion in this state a  
5 novelty lighter. Any person or entity who violates this section  
6 commits a civil violation for which a fine of not more than Five  
7 Hundred Dollars (\$500.00) may be imposed.

8           C. The prohibition specified in subsection B of this section  
9 does not apply to the transportation of novelty lighters through  
10 this state or the storage of novelty lighters in a warehouse or  
11 distribution center in this state that is closed to the public for  
12 purposes of retail sales.

13           D. This section may be enforced by the State Fire Marshal's  
14 Office or a state, county, or municipal law enforcement officer.

15           SECTION 2. This act shall become effective November 1, 2009.

16           COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY & HOMELAND SECURITY,  
17 dated 2-10-09 - DO PASS, As Coauthored.