

CHAPTER 163

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

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

C.2A:65C-1 Sale of novelty lighter prohibited.

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

b. For the purposes of this section, “novelty lighter” means a mechanical or electrical device typically used for lighting cigarettes, cigars, or pipes, that is designed to resemble any cartoon character, animal, musical instrument, toy, gun, watch, vehicle, food, or beverage or similar articles, or that plays musical notes, or has flashing lights, or has other entertaining features.

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

Nothing in this section shall be construed to include the following in the definition of “novelty lighter”:

- (1) any lighter manufactured prior to January 1, 1980;
- (2) any 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; or
- (4) standard lighters that are printed or decorated with logos, labels, decals, or artwork, or heat shrinkable sleeves.

C.2A:65C-2 Confiscation authorized.

2. A law enforcement officer or fire official may confiscate a novelty lighter that is sold or offered for sale in violation of section 1 of P.L.2009, c.163 (C.2A:65C-1).

C.2A:65C-3 Civil liability.

3. A person who violates the provisions of section 1 of P.L.2009, c.163 (C.2A:65C-1) shall, in addition to any other legal or equitable relief, be liable for a civil penalty of not more than \$1,000 for the first offense and not more than \$2,000 for the second and each subsequent offense.

C.2A:65C-4 Reasonable costs of successful action.

4. The enforcing agency shall be entitled, if successful in the matter, to the reasonable costs of the action, including, but not limited to, investigative and legal costs, as may be filed with and approved by the court.

C.2A:65C-5 Powers of Attorney General.

5. To accomplish the objectives and to carry out the duties prescribed by this act, the Attorney General shall have all of the powers granted to him under:

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

6. This act shall take effect on the first day of the seventh month following enactment.

Approved November 20, 2009.