**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 52 TO TITLE 23 SO AS TO ENACT THE “NOVELTY LIGHTER PROHIBITION ACT”, TO PROVIDE DEFINITIONS FOR CERTAIN TERMS AND FOR THE PROHIBITION OF THE SALE OR DISTRIBUTION OF NOVELTY LIGHTERS, AND TO PROVIDE PENALTIES.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Title 23 of the 1976 Code is amended by adding:

“CHAPTER 52

Prohibition of the Retail Sale and Distribution

of Novelty Lighters

Section 23‑52‑10. This chapter may be cited as the ‘Novelty Lighter Prohibition Act’.

Section 23‑52‑20. As used in this chapter:

(1) ‘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, feature a flashing light, or make musical sounds; and

(2) ‘Novelty lighter’ does not include a:

(a) lighter manufactured before January 1, 1980;

(b) lighter incapable of being fueled or lacking a device necessary to produce combustion or a flame; or

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

Section 23‑52‑30. A person may not sell as retail, offer for retail sale, or distribute for retail sale or promotion in this State a novelty lighter.

Section 23‑52‑40. A person who violates Section 23‑52‑30 is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars, or imprisoned for not more than thirty days, or both. This section may be enforced by a state, county, or municipal law enforcement or code enforcement officer.

Section 23‑52‑50. The Office of the State Fire Marshal may investigate a complaint received concerning a violation of this chapter. Upon finding a violation, the Office of the State Fire Marshal may impose a civil penalty not to exceed five hundred dollars and may seize the novelty lighters offered for sale.”

SECTION 2. This act takes effect upon approval by the Governor.

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