

SECOND REGULAR SESSION

HOUSE BILL NO. 2586

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BLAND MANLOVE.

5291H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 407, RSMo, by adding thereto one new section relating to the sale of certain lighters.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 407, RSMo, is amended by adding thereto one new section, to be known as section 407.021, to read as follows:

407.021. 1. For the purposes of this section, the following terms shall mean:

(1) "Counterfeit lighter", any lighter that infringes on the intellectual property rights of any citizen of the United States or any entity that is protected by any federal or state intellectual property law;

(2) "Lighter", any electrical or mechanical device that:

(a) Operates using any type of fuel or power source including, but not limited to, butane, isobutene or another liquid fuel, or source of electrical energy including, but not limited to, all types of batteries; and

(b) Is typically used to light cigarettes, cigars, or pipes, candles, charcoal or gas grills, or fireplaces;

(3) "Novelty lighter", lighters that are recognized as appealing to or intended for use by children under five and:

(a) Physically resemble in shape a cartoon character, toy, gun, watch, musical instrument, vehicle, toy animal, food, or beverage or similar articles; or

(b) Play musical notes, or have flashing lights for entertainment; provided, however, that "novelty lighters" do not include standard disposable or refillable lighters

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

17 that are printed or decorated with logos, labels, decals, artwork, emblems, engravings,
18 etchings, inscriptions, or heat shrinkable sleeves;

19 (4) "Unsafe lighter":

20 (a) Any disposable or refillable lighters that do not comply with American
21 Society for Testing and Materials Standard F400-20, as amended; and

22 (b) Any grill or utility lighters that do not comply with American Society for
23 Testing and Materials Standard F2201-20, as amended.

24 2. Except as provided in subsection 3 of this section, no person shall offer or sell
25 any novelty lighters, counterfeit lighters, or unsafe lighters in this state including, but
26 not limited to, by way of providing a free sample to a person in this state, regardless of
27 whether such person is offering or selling such lighters on a retail basis, wholesale basis,
28 online, or in person.

29 3. The provisions of this section shall not be construed to prohibit:

30 (1) The interstate transportation of counterfeit lighters or unsafe lighters
31 through this state; or

32 (2) The storage of counterfeit lighters or unsafe lighters in any distribution
33 center or warehouse located in this state if such distribution center or warehouse is
34 closed to the public and does not distribute or sell, at retail, such lighters to the public.

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