

## HOUSE BILL No. 2268

By Committee on Federal and State Affairs

2-4

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9 AN ACT concerning cigarette lighters; prohibiting the sale of novelty  
10 cigarette lighters.

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12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. (a) No supplier of novelty cigarette lighters in this state,  
14 including a manufacturer, distributor, importer, retailer or anyone giving  
15 away lighters as prizes or promotions, shall sell or give away a novelty  
16 lighter. This prohibition does not apply to the transportation of novelty  
17 lighters through this state or the storage of novelty lighters in a warehouse  
18 or distribution center in this state that is closed to the public for purposes  
19 of retail sales.

20 (b) The provisions of this section shall be enforced by the secretary  
21 of the department of revenue. The secretary may adopt rules and regu-  
22 lations necessary to implement the provisions of this section. The secre-  
23 tary or the secretary's designee, upon a finding that a person has violated  
24 this section shall impose on such person a civil fine not exceeding \$500  
25 for each violation.

26 (c) Any fine collected pursuant to this section shall be remitted to the  
27 state treasurer in accordance with the provisions of K.S.A. 75-4215, and  
28 amendments thereto. Upon receipt of each such remittance, the state  
29 treasurer shall deposit the entire amount in the state treasury to the credit  
30 of the cigarette and tobacco products regulation fund.

31 (d) (1) For the purposes of this section, "novelty lighter" means a  
32 mechanical or electrical device typically used for lighting cigarettes, ci-  
33 gars, or pipes that has entertaining audio or visual effects, or that resem-  
34 bles, in physical form or function, articles commonly recognized as ap-  
35 pealing to or intended for use by children 10 years of age or younger.  
36 This includes, but is not limited to, lighters that resemble cartoon char-  
37 acters, toys, guns, watches, musical instruments, vehicles, toy animals,  
38 food or beverages, or that play musical notes or have flashing lights or  
39 other entertaining features. A novelty lighter may operate on any fuel,  
40 including butane or liquid fuel.

41 (2) The term "novelty lighter" shall not include: (1) A lighter inca-  
42 pable of being fueled or lacking a device necessary to produce combustion  
43 or a flame; or (2) any mechanical or electrical device primarily used to

- 1 ignite fuel for fireplaces or for charcoal or gas grills.
- 2     Sec. 2. This act shall take effect and be in force from and after its
- 3 publication in the statute book.