

SENATE BILL NO. 355

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN (16).

1449S.01I

KRISTINA MARTIN, Secretary

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
2 one new section, to be known as section 407.021, to read as
3 follows:

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

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

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

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

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

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

17 (a) That physically resemble in shape a cartoon
18 character, toy, gun, watch, musical instrument, vehicle, toy
19 animal, food or beverage or similar articles; or

20 (b) That play musical notes, or have flashing lights
21 for entertainment; provided, however, that "novelty
22 lighters" do not include standard disposable or refillable
23 lighters that are printed or decorated with logos, labels,
24 decals, artwork, emblems, engravings, etchings,
25 inscriptions, or heat shrinkable sleeves;

26 (4) "Unsafe lighter":

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

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

33 2. Except as provided in subsection 3 of this section,
34 no person shall offer or sell any novelty lighters,
35 counterfeit lighters, or unsafe lighters in this state,
36 including, but not limited to, by way of providing a free
37 sample to a person in this state, regardless of whether such
38 person is offering or selling such lighters on a retail
39 basis, wholesale basis, online, or in person.

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

42 (1) The interstate transportation of counterfeit
43 lighters or unsafe lighters through this state; or

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

✓