

1 HB57
2 172588-1
3 By Representative Johnson (R)
4 RFD: Judiciary
5 First Read: 02-FEB-16

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8 SYNOPSIS: This bill would prohibit the possession or
9 sale of sky lanterns, which are defined as
10 free-floating luminary lanterns with an open flame
11 inside, and novelty lighters, as defined. A
12 violation would be a criminal violation punishable
13 by a fine not to exceed \$200.

14 Amendment 621 of the Constitution of Alabama
15 of 1901, now appearing as Section 111.05 of the
16 Official Recompilation of the Constitution of
17 Alabama of 1901, as amended, prohibits a general
18 law whose purpose or effect would be to require a
19 new or increased expenditure of local funds from
20 becoming effective with regard to a local
21 governmental entity without enactment by a 2/3 vote
22 unless: it comes within one of a number of
23 specified exceptions; it is approved by the
24 affected entity; or the Legislature appropriates
25 funds, or provides a local source of revenue, to
26 the entity for the purpose.

1 The purpose or effect of this bill would be
2 to require a new or increased expenditure of local
3 funds within the meaning of the amendment. However,
4 the bill does not require approval of a local
5 governmental entity or enactment by a 2/3 vote to
6 become effective because it comes within one of the
7 specified exceptions contained in the amendment.

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9 A BILL
10 TO BE ENTITLED
11 AN ACT

12
13 Relating to fire safety; to prohibit the possession
14 or sale of sky lanterns and novelty lighters; to provide
15 penalties; and in connection therewith would have as its
16 purpose or effect the requirement of a new or increased
17 expenditure of local funds within the meaning of Amendment 621
18 of the Constitution of Alabama of 1901, now appearing as
19 Section 111.05 of the Official Recompilation of the
20 Constitution of Alabama of 1901, as amended.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. (a) For the purpose of this section, a
23 "sky lantern" means an unmanned self-contained free-floating
24 luminary device requiring an open flame underneath, such as a
25 candle, for propulsion.

1 (b) It shall be unlawful to possess, sell at retail,
2 offer to sell at retail, distribute, or give away a sky
3 lantern in this state.

4 (c) A violation of this section is a criminal
5 violation punishable pursuant to Section 13A-5-12, Code of
6 Alabama 1975.

7 Section 2. (a) As used in this section, the term
8 "novelty lighter" means a mechanical or electrical device
9 typically used for lightning cigarettes, cigars, or pipes,
10 that is designed to resemble a cartoon character, toy, gun,
11 watch, musical instrument, vehicle, animal, food or beverage,
12 or similar articles, or that plays musical notes. A novelty
13 lighter may operate on any fuel, including butane, isobutene,
14 or liquid fuel.

15 (b) It shall be unlawful to sell at retail, offer to
16 sell at retail, give, or distribute for retail sale or
17 promotion a novelty lighter in this state.

18 (c) The prohibition in this section does not apply
19 to any of the following:

20 (1) Any mechanical or electrical device primarily
21 used to ignite fuel for fireplaces or charcoal or gas grills.

22 (2) Standard disposable or refillable lighters that
23 are printed or decorated with logos, labels, decals or
24 artwork, or heat shrinkable sleeves, but which do not
25 otherwise resemble a novelty lighter.

26 (3) The transportation of novelty lighters through
27 this state or to the storage of novelty lighters in a

1 warehouse or distribution center in this state that is closed
2 to the public for purposes of retail sales.

3 (d) A violation of this section is a criminal
4 violation punishable pursuant to Section 13A-5-12, Code of
5 Alabama 1975.

6 Section 3. Although this bill would have as its
7 purpose or effect the requirement of a new or increased
8 expenditure of local funds, the bill is excluded from further
9 requirements and application under Amendment 621 because the
10 bill defines a new crime or amends the definition of an
11 existing crime.

12 Section 4. This act shall become effective on the
13 first day of the third month following its passage and
14 approval by the Governor, or its otherwise becoming law.