

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 403
Final Reading

Introduced by Seiler, 33.

Read first time January 22, 2013

Committee: Judiciary

A BILL

1 FOR AN ACT relating to crimes and offenses; to amend section 28-101,
2 Revised Statutes Supplement, 2013; to define a term; to
3 prohibit retail sales of novelty lighters without a child
4 safety feature as prescribed; to provide a penalty; to
5 harmonize provisions; and to repeal the original section.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-101, Revised Statutes Supplement,
2 2013, is amended to read:

3 28-101 Sections 28-101 to 28-1356 and section 2 of this
4 act shall be known and may be cited as the Nebraska Criminal Code.

5 Sec. 2. (1) For purposes of this section:

6 (a) Novelty lighter means a mechanical or electrical
7 device that is typically used for lighting cigarettes, cigars, or
8 pipes, that has only one button or function, and that (i) is designed
9 to resemble a cartoon character, a toy, a gun, a watch, a musical
10 instrument, a vehicle, an animal, a food or beverage container, or a
11 similar item, (ii) plays musical notes, or (iii) has flashing lights;
12 and

13 (b) Novelty lighter does not include:

14 (i) A lighter manufactured prior to January 1, 1980;

15 (ii) A lighter incapable of being fueled or lacking a
16 device necessary to produce combustion or a flame; or

17 (iii) A standard disposable or refillable lighter that is
18 printed or decorated with a logo, label, decal, artwork, or heat
19 shrinkable sleeve.

20 (2) It shall be unlawful to sell at retail, offer for
21 retail sale, or distribute for retail sale or promotion in this state
22 a novelty lighter manufactured on or after the effective date of this
23 act without a child safety feature.

24 (3) Any person who violates this section shall be guilty
25 of a Class IV misdemeanor.

1 (4) This section does not apply to the transportation of
2 novelty lighters through the state or the storage of novelty lighters
3 in a warehouse or distribution center in this state that is closed to
4 the public for purposes of retail sales.

5 Sec. 3. Original section 28-101, Revised Statutes
6 Supplement, 2013, is repealed.