

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 403

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 Cumulative Supplement, 2012; to define a
3 term; to prohibit retail sales of novelty lighters; to
4 provide a penalty; to harmonize provisions; and to repeal
5 the original section.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-101, Revised Statutes Cumulative
2 Supplement, 2012, 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 typically used for lighting cigarettes, cigars, or pipes and
8 (i) designed to resemble a cartoon character, a toy, a gun, a watch,
9 a musical instrument, a vehicle, an animal, a food or beverage
10 container, or a similar item, (ii) that plays musical notes, (iii)
11 that has flashing lights, or (iv) that has more than one button or
12 function; 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 lighter that is printed or
18 decorated with a logo, label, decal, artwork, or heat shrinkable
19 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.

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

25 (4) This section does not apply to the transportation of

1 novelty lighters through the state or the storage of novelty lighters
2 in a warehouse or distribution center in this state that is closed to
3 the public for purposes of retail sales.

4 Sec. 3. Original section 28-101, Revised Statutes
5 Cumulative Supplement, 2012, is repealed.