

LEGISLATIVE BILL 403

Approved by the Governor February 13, 2014

Introduced by Seiler, 33.

FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Supplement, 2013; to define a term; to prohibit retail sales of novelty lighters without a child safety feature as prescribed; to provide a penalty; to harmonize provisions; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,

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

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

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

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

(b) Novelty lighter does not include:

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

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

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

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

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

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

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 Original section 28-101, Revised Statutes Supplement, 2013, is repealed.