

**ONE HUNDRED THIRD LEGISLATURE - FIRST SESSION - 2013**  
**COMMITTEE STATEMENT**  
**LB403**

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**Hearing Date:** Thursday February 07, 2013  
**Committee On:** Judiciary  
**Introducer:** Seiler  
**One Liner:** Prohibit retail sale of novelty lighters

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File with amendment(s)

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**Vote Results:**

<b>Aye:</b>	6	Senators Ashford, Lathrop, Christensen, Davis, McGill, Seiler
<b>Nay:</b>	1	Senator Coash
<b>Absent:</b>	1	Senator Chambers
<b>Present Not Voting:</b>		

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**Proponents:**

SEN. LES SEILER  
RHONDA CERNY  
JERRY STILLMOCK

**Representing:**

INTRODUCER  
NE VOLUNTEER FIREFIGHTERS ASSOC.  
NE VOLUNTEER FIREFIGHTERS, NE FIRE CHIEFS  
ASSOCIATION

**Opponents:**

KATHY SIEFKIN

**Representing:**

NEBRASKA GROCERY INDUSTRY ASSOC.

**Neutral:**

**Representing:**

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**Summary of purpose and/or changes:**

LB 403 would amend 28-101 of the Nebraska Revised Statutes, also known as the criminal code, to provide that it is a criminal violation for a retailer in this state to sell or offer for sale a novelty lighter.

LB 403 defines a novelty lighter as a mechanical or electrical device used for lighting cigarettes, cigars, or pipes and is:  
Designed to resemble a cartoon character, toy, gun, watch, musical instrument ... etc;  
Plays musical notes;  
Has flashing lights; or  
Has more than one button or function.

A novelty lighter would not include:

Lighters manufactured prior to January 1, 1980;

Lighters incapable of being fueled or lacking a device needed to produce combustion or flame; and

A standard disposable lighter that has a logo, label, decal ...

LB 403 would also exempt novelty lighters being transported through the state and the storage of novelty lighters in a warehouse or distribution center in the state as long as it is closed to the public for retail sales.

A violation of this act would be a Class IV misdemeanor (Max. \$500/ Min \$100).

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**Explanation of amendments:**

AM 130 to LB 403

On page 2, line 17, after "disposable" insert "or refillable"

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Brad Ashford, Chairperson