

E AND R AMENDMENTS TO LB403

Introduced by Murante, 49, Chairman Enrollment and Review

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:

3 Section 1. Section 28-101, Revised Statutes Supplement,
4 2013, is amended to read:

5 28-101 Sections 28-101 to 28-1356 and section 2 of this
6 act shall be known and may be cited as the Nebraska Criminal Code.

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

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

15 (b) Novelty lighter does not include:

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

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

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

22 (2) It shall be unlawful to sell at retail, offer for
23 retail sale, or distribute for retail sale or promotion in this

1 state a novelty lighter manufactured on or after the effective date
2 of this act without a child-proof safety feature.

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

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

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10 Supplement, 2013, is repealed.

11 2. On page 1, line 2, strike "Cumulative" and strike
12 "2012" and insert "2013"; and in line 3 after "lighters" insert
13 "without a child-proof safety feature as prescribed".