



January 17, 2012

HOUSE BILL No. 1056

DIGEST OF HB 1056 (Updated January 17, 2012 11:26 am - DI 109)

Citations Affected: IC 22-12.

Synopsis: Novelty lighters. Makes the retail sale or distribution of a novelty lighter a Class C infraction. Provides that the state fire marshal or a designated law enforcement officer may enforce novelty lighter laws. Authorizes the fire prevention and building safety commission to adopt rules to implement the novelty lighter law.

Effective: Upon passage.

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January 9, 2012, read first time and referred to Committee on Veterans Affairs and Public Safety.
January 17, 2012, amended, reported — Do Pass.

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HB 1056—LS 6670/DI 109+



January 17, 2012

Second Regular Session 117th General Assembly (2012)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2011 Regular Session of the General Assembly.

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HOUSE BILL No. 1056

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 22-12-11 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]:

4 **Chapter 11. Novelty Lighters**
5 **Sec. 1. It is the intent of the general assembly, by this chapter,**
6 **to protect the public welfare and promote safety throughout**
7 **Indiana. In enacting this chapter, the general assembly finds the**
8 **following:**

- 9 (1) Novelty lighters have features that are attractive to
10 children, including visual effects, flashing lights, musical
11 sounds, and toy-like designs.
12 (2) The federal Consumer Product Commission has recalled
13 thousands of novelty lighters since 1996 due to the dangers of
14 novelty lighters to public safety.
15 (3) In Indiana and the United States fire setting by children
16 has resulted in several deaths and millions of dollars in
17 property damage and destruction.

HB 1056—LS 6670/DI 109+



1 **Sec. 2. As used in this chapter, "novelty lighter" means a**
 2 **mechanical or electrical device typically used for lighting**
 3 **cigarettes, cigars, or pipes that is designed to resemble a cartoon**
 4 **character, toy, gun, watch, musical instrument, vehicle, animal,**
 5 **food, or beverage, or similar articles, or that plays musical notes,**
 6 **has flashing lights for entertainment, or has other entertaining**
 7 **features. A novelty lighter may operate on any fuel, including**
 8 **butane, isobutane, or liquid fuel. The term does not include the**
 9 **following:**

10 (1) A lighter manufactured before January 1, 1980.

11 (2) A lighter incapable of being fueled or lacking a device
 12 necessary to produce combustion or a flame.

13 (3) Any mechanical or electrical device primarily used to
 14 ignite fuel for fireplaces or for charcoal or gas grills.

15 (4) Standard disposable and refillable lighters that are printed
 16 or decorated with logos, labels, decals, or artwork, or heat
 17 shrinkable sleeves.

18 **Sec. 3. (a) An individual may not:**

19 (1) sell at retail;

20 (2) offer for retail sale; or

21 (3) distribute for retail sale or promotion in Indiana;

22 **a novelty lighter.**

23 (b) An individual who violates this section commits a Class C
 24 **infraction.**

25 **Sec. 4. The prohibition in section 3 of this chapter does not apply**
 26 **to the transportation of novelty lighters through Indiana or the**
 27 **storage of novelty lighters in a warehouse or distribution center in**
 28 **Indiana that is closed to the public for purposes of retail sales.**

29 **Sec. 5. This chapter may be enforced by:**

30 (1) the state fire marshal or the state fire marshal's designee;

31 (2) a state, county, or municipal law enforcement officer; or

32 (3) a municipal code enforcement officer.

33 **Sec. 6. The commission may adopt rules under IC 4-22-2 to**
 34 **implement this chapter.**

35 **SECTION 2. An emergency is declared for this act.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1056, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to HB 1056 as introduced.)

BORDERS, Chair

Committee Vote: yeas 11, nays 0.

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