

Adopted Rejected

# COMMITTEE REPORT

YES: 11  
NO: 0

**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:*

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 22-12-11 IS ADDED TO THE INDIANA CODE
- 3 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 4 UPON PASSAGE]:
- 5 **Chapter 11. Novelty Lighters**
- 6 **Sec. 1. It is the intent of the general assembly, by this chapter,**
- 7 **to protect the public welfare and promote safety throughout**
- 8 **Indiana. In enacting this chapter, the general assembly finds the**
- 9 **following:**
- 10 **(1) Novelty lighters have features that are attractive to**
- 11 **children, including visual effects, flashing lights, musical**
- 12 **sounds, and toy-like designs.**
- 13 **(2) The federal Consumer Product Commission has recalled**

1           thousands of novelty lighters since 1996 due to the dangers of  
2           novelty lighters to public safety.

3           **(3) In Indiana and the United States fire setting by children**  
4           **has resulted in several deaths and millions of dollars in**  
5           **property damage and destruction.**

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

- 15           **(1) A lighter manufactured before January 1, 1980.**  
16           **(2) A lighter incapable of being fueled or lacking a device**  
17           **necessary to produce combustion or a flame.**  
18           **(3) Any mechanical or electrical device primarily used to**  
19           **ignite fuel for fireplaces or for charcoal or gas grills.**  
20           **(4) Standard disposable and refillable lighters that are printed**  
21           **or decorated with logos, labels, decals, or artwork, or heat**  
22           **shrinkable sleeves.**

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

- 24           **(1) sell at retail;**  
25           **(2) offer for retail sale; or**  
26           **(3) distribute for retail sale or promotion in Indiana;**

27          **a novelty lighter.**

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

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

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

- 35           **(1) the state fire marshal or the state fire marshal's designee;**  
36           **(2) a state, county, or municipal law enforcement officer; or**  
37           **(3) a municipal code enforcement officer.**

38          **Sec. 6. The commission may adopt rules under IC 4-22-2 to**

- 1 **implement this chapter.**
- 2 **SECTION 2. An emergency is declared for this act.**  
(Reference is to HB 1056 as introduced.)

**and when so amended that said bill do pass.**

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Representative Borders