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:*

Delete everything after the enacting clause and insert the following:

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

Chapter 11. Novelty Lighters

Sec. 1. It is the intent of the general assembly, by this chapter, to protect the public welfare and promote safety throughout Indiana. In enacting this chapter, the general assembly finds the following:

(1) Novelty lighters have features that are attractive to children, including visual effects, flashing lights, musical sounds, and toy-like designs.

(2) The federal Consumer Product Commission has recalled

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

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

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

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

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

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

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

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

(1) sell at retail;

(2) offer for retail sale; or

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

a novelty lighter.

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

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

Sec. 5. This chapter may be enforced by:

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

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

(3) a municipal code enforcement officer.

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

implement this chapter.

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