

HOUSE AMENDMENT NO. \_\_\_\_\_  
TO  
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Offered By

AMEND House Amendment No. \_\_\_\_\_ to Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 189, 36 & 37, Page 17, Line 12, by inserting after all of said section and line the following:

"407.021. 1. For the purposes of this section, the following terms shall mean:

(1) "Counterfeit lighter", any lighter that infringes on the intellectual property rights of any citizen of the United States or any entity that is protected by any federal or state intellectual property law;

(2) "Lighter", any electrical or mechanical device that:

(a) Operates using any type of fuel or power source, including, but not limited to, butane, isobutene or another liquid fuel, or source of electrical energy, including but not limited to all types of batteries; and

(b) Is typically used to light cigarettes, cigars or pipes, candles, charcoal or gas grills, or fireplaces;

(3) "Unsafe lighter":

(a) Any disposable or refillable lighters that do not comply with American Society for Testing and Materials Standard F400-20, as amended; and

(b) Any grill or utility lighters that do not comply with American Society for Testing and Materials Standard F2201-20, as amended.

2. Except as provided in subsection 3 of this section, no person shall offer or sell any counterfeit lighters or unsafe lighters in this state, including, but not limited to, by way of providing a free sample to a person in this state, regardless of whether such person is offering or selling such lighters on a retail basis, wholesale basis, online, or in person.

3. The provisions of this section shall not be construed to prohibit:

(1) The interstate transportation of counterfeit lighters or unsafe lighters through this state; or

(2) The storage of counterfeit lighters or unsafe lighters in any distribution center or warehouse located in this state if such distribution center or warehouse is closed to the public and does not distribute or sell, at retail, such lighters to the public."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Amends #0077S05.08H

Action Taken \_\_\_\_\_ Date \_\_\_\_\_