

Department of State
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Sequence Number: 10-18-10
 Rule ID(s): 4852
 File Date: 10/28/2010
 Effective Date: 01/26/2011

Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing. TCA Section 4-5-205

Agency/Board/Commission:	Commerce and Insurance
Division:	Consumer Affairs
Contact Person:	Aaron Rochelle
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Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
0780-08-02	Rules and Regulations for Lighters
Rule Number	Rule Title
0780-08-02-.01	Definition

Chapter Number	Chapter Title
Rule Number	Rule Title

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

Rules of Tennessee Department of Commerce and Insurance
Division of Consumer Affairs
Chapter 0780-08-02
Rules and Regulations for Lighters

New Rules

Table of Contents

0780-08-02-.01 Definition

0780-08-02-.01 Definition

(1) Collectable lighter means a lighter that has vintage, antique, collector, or limited edition quality in accordance with the production guidelines of a brand name lighter manufacturer. A collectable lighter is not prohibited for sale if it is made before January 1, 1980 or is considered vintage, antique, collector, or limited edition in accordance with the production guidelines of a brand name lighter manufacturer.

Authority: T.C.A. §§ 4-5-201 *et seq.*, 47-18-129 (e), and 47-18-5002(3); Public Acts 2008 Chapter 798.
Administrative History: Original rule filed May 26, 2010.

* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Consumer Affairs Division (board/commission/ other authority) on 9-20-2010 (mm/dd/yyyy), and is in compliance with the provisions of TCA 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: (05/26/2010)

Rulemaking Hearing(s) Conducted on: (add more dates). (07/20/2010)

Date: 10-8-2010

Signature: Aaron Rochelle

Name of Officer: Aaron Rochelle

Title of Officer: Assistant General Counsel



Subscribed and sworn to before me on: 10/8/10

Notary Public Signature: Kristina D. Rust

My commission expires on: 3/10/12

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Robert E. Cooper, Jr.
 Robert E. Cooper, Jr.
 Attorney General and Reporter
10-24-10
 Date

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Filed with the Department of State on: 10/28/10

Effective on: 1/26/11
Tre Hargett

Tre Hargett
Secretary of State

Public Hearing Comments

One copy of a document containing responses to comments made at the public hearing must accompany the filing pursuant to T.C.A. §4-5-222. Agencies shall include only their responses to public hearing comments, which can be summarized. No letters of inquiry from parties questioning the rule will be accepted. When no comments are received at the public hearing, the agency need only draft a memorandum stating such and include it with the Rulemaking Hearing Rule filing. Minutes of the meeting will not be accepted. Transcripts are not acceptable.

No comments were submitted during the rulemaking hearing.

Regulatory Flexibility Addendum

Pursuant to T.C.A. § 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

(If applicable, insert Regulatory Flexibility Addendum here)

Pursuant to § T.C.A. 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202 (a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

This rule will have negligible effect on small businesses.

Impact on Local Governments

Pursuant to T.C.A. 4-5-220 and 4-5-228 "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments." (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

This rule will have negligible effect on local governments.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to TCA 4-5-226(i)(1).

- (A)** A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

The rule authorizes the Department of Commerce and Insurance to distinguish a novelty lighter from a collectable lighter for purposes of the sales prohibition pursuant to T.C.A. § 47-18-129

- (B)** A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

T.C.A. § 47-18-129 authorizes the Commissioner of Commerce and Insurance to establish and promulgate rules and regulations governing the sales of various types of lighters.

- (C)** Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

Lighter manufacturer companies and retail vendors could be affected but have not urged either adoption or rejection.

- (D)** Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

None.

- (E)** An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

None.

- (F)** Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Aaron Rochelle, Assistant General Counsel

- (G)** Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Aaron Rochelle, Assistant General Counsel

- (H)** Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Tennessee Department of Commerce and Insurance
Legal Division
500 James Robertson Parkway
Nashville, TN 37243
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- (I)** Any additional information relevant to the rule proposed for continuation that the committee requests.

The Department will provide any further information upon request of the committee.