

SECOND REGULAR SESSION

# HOUSE BILL NO. 2468

95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE DAVIS.

5509L.011

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To amend chapter 21, RSMo, by adding thereto one new section relating to the Missouri freedom to own lightbulbs act.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 21, RSMo, is amended by adding thereto one new section, to be known as section 21.930, to read as follows:

**21.930. 1. This section shall be called and may be cited as the "Missouri Freedom to own Lightbulbs Act".**

**2. The general assembly declares that the authority for this section is the following:**

**(1) Amendment X of the Constitution of the United States guarantees to the states and their people all powers not granted to the federal government elsewhere in the Constitution and reserves to the state and people of Missouri certain powers as they were understood at the time that Missouri was admitted to statehood. The guarantee of those powers is a matter of contract between the state and people of Missouri and the United States as of the time that the compact with the United States was agreed upon and adopted by Missouri and the United States;**

**(2) Amendment IX of the Constitution of the United States guarantees to the people rights not granted in the Constitution and reserves to the people of Missouri certain rights as they were understood at the time that Missouri was admitted to statehood. The guarantee of those rights is a matter of contract between the state and people of Missouri and the United States as of the time that the compact with the United States was agreed upon and adopted by Missouri and the United States;**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17           **(3) The regulation of intrastate commerce is vested in the states under Amendments**  
18 **IX and X of the Constitution of the United States, particularly if not expressly preempted**  
19 **by federal law. Congress has not expressly preempted state regulation of intrastate**  
20 **commerce pertaining to the manufacture on an intrastate basis of lightbulbs or lightbulb**  
21 **accessories;**

22           **3. As used in this section, unless the context otherwise requires, the following terms**  
23 **shall mean:**

24           **(1) "Generic and insignificant parts", includes but is not limited to springs, screws,**  
25 **nuts, and pins;**

26           **(2) "Lightbulb accessories", items that are used in conjunction with a lightbulb but**  
27 **are not essential to the basic function of a lightbulb;**

28           **(3) "Manufactured", creating a lightbulb.**

29           **4. A lightbulb or lightbulb accessory that is manufactured commercially or**  
30 **privately in Missouri and that remains within the borders of Missouri is not subject to**  
31 **federal law or federal regulation, including registration, under the authority of congress**  
32 **to regulate interstate commerce. It is declared by the legislature that those items have not**  
33 **traveled in interstate commerce. This section applies to a lightbulb or lightbulb accessory**  
34 **that is manufactured in Missouri from basic materials and that can be manufactured**  
35 **without the inclusion of any significant parts imported into this state. Generic and**  
36 **insignificant parts that have other manufacturing or consumer product applications are**  
37 **not lightbulbs or lightbulb accessories, and their importation into Missouri and**  
38 **incorporation into a lightbulb or lightbulb accessory manufactured in Missouri does not**  
39 **subject the lightbulb or lightbulb accessory to federal regulation. It is declared by the**  
40 **legislature that basic materials are not lightbulbs or lightbulb accessories and are not**  
41 **subject to congressional authority to regulate lightbulbs or lightbulb accessories under**  
42 **interstate commerce as if they were actually lightbulbs or lightbulb accessories. The**  
43 **authority of congress to regulate interstate commerce in basic materials does not include**  
44 **the authority to regulate lightbulbs or lightbulb accessories made in Missouri from those**  
45 **materials. Lightbulb accessories that are imported into Missouri from another state and**  
46 **that are subject to federal regulation as being in interstate commerce do not subject a**  
47 **lightbulb to federal regulation under interstate commerce because they are attached to or**  
48 **used in conjunction with a lightbulb in Missouri.**

49           **5. A lightbulb manufactured or sold in Missouri under the provisions of this section**  
50 **shall have the words "Made in Missouri" clearly stamped.**

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