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H.B. No. 90

A BILL TO BE ENTITLED

AN ACT

relating to the sale of toy-like lighters in this state; imposing a
penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle C, Title 9, Health and Safety Code, is
amended by adding Chapter 797 to read as follows:

CHAPTER 797. SALE OF TOY-LIKE LIGHTERS PROHIBITED

Sec. 797.001. DEFINITION. In this chapter, "toy-like
lighter" means a mechanical or electrical device typically used for
lighting cigarettes, cigars, or pipes that resembles in physical
form or function articles designed or intended for play by children
under 10 years of age. The term includes lighters that resemble
cartoon characters, telephones, guns, watches, weapons, furniture,
sports equipment, tools, holiday decorations, musical instruments,
vehicles, or toy animals or play musical notes or have flashing
lights.

Sec. 797.002. APPLICABILITY OF CHAPTER. This chapter does
not apply to:

(1) a lighter that:

(A) was manufactured before January 1, 1980;

(B) does not contain fuel; and

(C) does not have a device necessary to produce
combustion or a flame;

(2) a mechanical or electrical device used primarily

1 to ignite fuel for a fireplace or a charcoal or gas grill; or
2 (3) a disposable or refillable lighter printed or
3 decorated with a logo, label, decal, artwork, or heat-shrinkable
4 sleeve or designed as a souvenir to resemble an icon of a
5 destination.

6 Sec. 797.003. SALE OR DISTRIBUTION OF TOY-LIKE LIGHTERS
7 PROHIBITED. A person may not sell or distribute for retail sale or
8 promotion in this state a toy-like lighter.

9 Sec. 797.004. TRANSPORTATION AND STORAGE PERMITTED. This
10 chapter does not prohibit the transportation of toy-like lighters
11 through this state or the storage of toy-like lighters in a
12 warehouse or distribution center closed to the public.

13 Sec. 797.005. ADMINISTRATION OF CHAPTER. The state fire
14 marshal may adopt rules to administer this chapter.

15 Sec. 797.006. OFFENSE. (a) A person commits an offense if
16 the person violates this chapter or a rule adopted under this
17 chapter.

18 (b) An offense under this chapter is a Class C misdemeanor.

19 SECTION 2. This Act takes effect September 1, 2009.