

By: Martinez

H.B. No. 90

A BILL TO BE ENTITLED

AN ACT

relating to the sale of novelty 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 NOVELTY LIGHTERS PROHIBITED

Sec. 797.001. DEFINITION. In this chapter, "novelty lighter" means a mechanical or electrical device typically used for lighting cigarettes, cigars, or pipes that has entertaining audio or visual effects, or that resembles in physical form or function articles commonly recognized as appealing to or intended for use by children under 18 years of age. The term includes lighters that resemble cartoon characters, toys, guns, watches, musical instruments, vehicles, toy animals, food, or beverages.

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

- (1) was manufactured before January 1, 1980;
- (2) does not contain fuel; and
- (3) does not have a device necessary to produce combustion or a flame.

Sec. 797.003. MANUFACTURE, SALE, OR DISTRIBUTION OF NOVELTY LIGHTERS PROHIBITED. A person may not manufacture, sell, or distribute a novelty lighter.

1 Sec. 797.004. ADMINISTRATION OF CHAPTER. The state fire
2 marshal may adopt rules to administer this chapter.

3 Sec. 797.005. OFFENSE. (a) A person commits an offense if
4 the person violates this chapter or a rule adopted under this
5 chapter.

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

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