

BILL ANALYSIS

Senate Research Center

H.B. 90
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State Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Toy-like lighters have caused deadly fires across the country. Many of these lighters look like animals, miniature cars, mobile phones, cameras, fishing lures, stacks of coins, markers, and doll accessories, and therefore are attractive to children. There are also toy-like lighters that look like tools, such as tape measures, drills, hammers, and paint brushes.

H.B. 90 prohibits the sale or distribution for retail sale or promotion in Texas of a toy-like lighter.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the state fire marshal in SECTION 1 (Section 797.005, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subtitle C, Title 9, Health and Safety Code, by adding Chapter 797, as follows:

CHAPTER 797. SALE OF TOY-LIKE LIGHTERS PROHIBITED

Sec. 797.001. DEFINITION. Defines "toy-like lighter."

Sec. 797.002. APPLICABILITY OF CHAPTER. Provides that this chapter does not apply to a lighter that was manufactured before January 1, 1980, does not contain fuel, and does not have a device necessary to produce combustion or a flame; a mechanical or electrical device used primarily to ignite fuel for a fireplace or a charcoal or gas grill; or a disposable or refillable lighter printed or decorated with a logo, label, decal, artwork, or heat-shrinkable sleeve or designed as a souvenir to resemble an icon of an destination.

Sec. 797.003. SALE OR DISTRIBUTION OF TOY-LIKE LIGHTERS PROHIBITED. Prohibits a person from selling or distributing for retail sale or promotion in this state a toy-like lighter.

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

Sec. 797.005. ADMINISTRATION OF CHAPTER. Authorizes the state fire marshal to adopt rules to administer this chapter.

Sec. 797.006. OFFENSE. (a) Provides that a person commits an offense if the person violates this chapter or a rule adopted under this chapter.

(b) Provides that an offense under this chapter is a Class C misdemeanor.

SECTION 2. Effective date: September 1, 2009.