

By: Chisum

H.B. No. 3953

A BILL TO BE ENTITLED

AN ACT

relating to the transportation of substances classified as hazardous or explosive.

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

SECTION 1. Title 6, Chapter 501.022 of the Health and Safety Code is amended to read as follows:

Sec. 501.022. DESIGNATION OF BANNED HAZARDOUS, OR EXPLOSIVE SUBSTANCES. (a) The board by rule shall designate as a banned hazardous or explosive substance any article, including clothing intended for the use of children, that is not properly packaged or that does not comply with applicable flammability standards established by the board. The board's determination that articles of clothing of a specified range of sizes are intended for the use of a child 14 years of age or younger is conclusive.

(b) The board by rule shall designate as a banned hazardous, or explosive substance or any toy or other article, other than clothing, intended for the use of children that is a hazardous substance or bears or contains a hazardous, or explosive substance in a manner accessible by a child to whom the toy or other article is entrusted.

(c) The board by rule shall designate as a banned hazardous, or explosive substance any hazardous substance intended or packaged in a form suitable for use in a household that, notwithstanding cautionary labeling required by this chapter, is potentially so

1 dangerous, explosive, or hazardous when present or used in a
2 household that the protection of the public health and safety may be
3 adequately served only by keeping the substance out of commerce.

4 (d) The board by rule shall designate as a banned hazardous,
5 or explosive substance any article subject to this chapter that
6 cannot be labeled adequately to protect the public health and
7 safety or that presents an imminent danger to the public health and
8 safety.

9 (e) This section does not apply to a toy or article such as a
10 chemical set that because of its functional purpose requires the
11 inclusion of a hazardous, or explosive substance or necessarily
12 presents an electrical, mechanical, or thermal hazard if the toy or
13 article:

14 (1) bears labeling that in the judgment of the board
15 gives adequate directions and warnings for safe use; and

16 (2) is intended for use by children who have attained
17 sufficient maturity and may reasonably be expected to read and heed
18 those directions and warnings.

19 (f) This section does not apply to the manufacture, sale,
20 transportation, distribution, or use of fireworks of any class.

21 SECTION 2. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this
25 Act takes effect September 1, 2007.