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**HEALTH AND SAFETY CODE - HSC**

**DIVISION 11. EXPLOSIVES [12000 - 12761]** ( *Division 11 enacted by Stats. 1939, Ch. 60.*  )

**PART 3. FLAMETHROWING DEVICES [12750 - 12761]** ( *Part 3 added by Stats. 2004, Ch. 496, Sec. 1.*  )

**CHAPTER 3. Enforcement and Penalties [12760 - 12761]** ( *Chapter 3 added by Stats. 2004, Ch. 496, Sec. 1.*  )

[12760.](#) The State Fire Marshal shall seize any flamethrowing device in the possession of any person who does not have a valid flamethrowing device permit issued pursuant to this part.

(*Added by Stats. 2004, Ch. 496, Sec. 1. Effective January 1, 2005.*)

[12761.](#) Any person who uses or possesses any flamethrowing device without a valid flamethrowing device permit issued pursuant to this part is guilty of a public offense and, upon conviction, shall be punished by imprisonment in the county jail for a term not to exceed one year, or in the state prison, or by a fine not to exceed ten thousand dollars (\$10,000), or by both imprisonment and fine.

(*Added by Stats. 2004, Ch. 496, Sec. 1. Effective January 1, 2005.*)