

By: Madla

S.B. No. 1563

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of aerial fireworks.

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

SECTION 1. Section 2154.003(b), Occupations Code, is amended to read as follows:

(b) The following are not permissible fireworks:

(1) sky rockets or "bottle rockets" with:

(A) a total propellant charge of less than four grams;

(B) a casing size of less than five-eighths of an inch for the outside diameter and less than 3-1/2 inches in length; and

(C) an overall length, including stick, of less than 15 inches; ~~and~~

(2) "aerial fireworks" classified under 49 C.F.R. Sec. 173.100® (2) (10-1-86 edition), as "skyrockets with sticks" and other pyrotechnic devices that have fins or rudders for the purpose of achieving aerodynamic flight, including a device that would be considered a missile or a rocket; and

(3) other fireworks determined not acceptable by the United States Consumer Product Safety Commission.

SECTION 2. Section 2154.252 (c), Occupations Code is amended to read as follows:

(c) Fireworks may not be sold or offered for sale to

1 children under 16 [~~12~~] years of age or to an intoxicated or  
2 incompetent person. A person selling fireworks at retail shall  
3 make a reasonable effort to determine that potential purchasers of  
4 fireworks are of the minimum age required by this subsection.

5 SECTION 3. This Act takes effect January 1, 2004.