

By: Dutton

H.B. No. 1651

A BILL TO BE ENTITLED

AN ACT

1
2 relating to prohibiting the sale of fireworks by or to a person
3 under 18 years of age and to the prosecution of offenses involving
4 fireworks.

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

6 SECTION 1. Section 2154.251, Occupations Code, is amended
7 by adding Subsection (c) to read as follows:

8 (c) A person may not in the course of the person's business
9 employ or allow a person under 18 years of age to manufacture,
10 distribute, sell, or use fireworks.

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

13 (c) A person [~~Fireworks~~] may not sell or offer to sell
14 fireworks [~~be sold or offered for sale~~] to a person [~~children~~] under
15 18 [~~12~~] years of age or to an intoxicated or incompetent person. A
16 person selling fireworks at retail shall make a reasonable effort
17 to determine that potential purchasers of fireworks are of the
18 minimum age required by this subsection.

19 SECTION 3. Section 2154.303(c), Occupations Code, is
20 amended to read as follows:

21 (c) A violation of Section 2154.251(a)(1), (2), (3), (4), or
22 (5) that results in property damage in an amount of less than \$200
23 and does not result in bodily injury or death is a Class C
24 misdemeanor. A violation of Section 2154.252(c) is a Class C

1 misdemeanor.

2 SECTION 4. (a) The changes in law made by this Act apply
3 only to an offense committed on or after the effective date of this
4 Act. For purposes of this section, an offense is committed before
5 the effective date of this Act if any element of the offense occurs
6 before that date.

7 (b) An offense committed before the effective date of this
8 Act is covered by the law in effect when the offense was committed,
9 and the former law is continued in effect for that purpose.

10 SECTION 5. This Act takes effect June 20, 2005, if it
11 receives a vote of two-thirds of all the members elected to each
12 house, as provided by Section 39, Article III, Texas Constitution.
13 If this Act does not receive the vote necessary for immediate
14 effect, this Act takes effect September 1, 2005.