

By: Dutton

H.B. No. 1652

A BILL TO BE ENTITLED

AN ACT

1
2 relating to prohibiting the sale of fireworks to a person under 18
3 years of age and to the penalty for the unlawful sale of fireworks
4 to certain persons.

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

6 SECTION 1. Section 2154.252(c), Occupations Code, is
7 amended to read as follows:

8 (c) A person [~~Fireworks~~] may not sell or offer to sell
9 fireworks [~~be sold or offered for sale~~] to a person [~~children~~] under
10 18 [~~12~~] years of age or to an intoxicated or incompetent person. A
11 person selling fireworks at retail shall make a reasonable effort
12 to determine that potential purchasers of fireworks are of the
13 minimum age required by this subsection.

14 SECTION 2. Section 2154.303(c), Occupations Code, is
15 amended to read as follows:

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

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

1 before that date.

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

5 SECTION 4. This Act takes effect June 20, 2005, if it
6 receives a vote of two-thirds of all the members elected to each
7 house, as provided by Section 39, Article III, Texas Constitution.
8 If this Act does not receive the vote necessary for effect on that
9 date, this Act takes effect September 1, 2005.