

## **BILL ANALYSIS**

Senate Research Center

H.B. 749  
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Economic Development  
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Engrossed

### **DIGEST**

Currently, flea markets can be outlets for the sale of stolen, adulterated, or expired merchandise or merchandise that is required to be dispensed by a licensed physician or pharmacist. H.B. 749 would set forth provisions regarding the sale of certain items at a flea market and provides a penalty.

### **PURPOSE**

As proposed, H.B. 749 sets forth provisions regarding the sale of certain items at a flea market and provides a penalty.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 35D, Business & Commerce Code, by adding Section 35.55, as follows:

Sec. 35.55. SALE OF ITEMS AT FLEA MARKET. Defines "flea market." Sets forth the conditions under which a person commits an offense when selling or offering to sell certain items at a flea market. Provides that a person does not commit an offense under this section solely because the person provides spaces at a flea market. Sets forth what is considered to be a defense to prosecution under Subsection (b). Sets forth the conditions under which a person commits an offense when providing to another person an authorization under Subsection (d) (1) and certain other actions. Provides that an offense under this section is a misdemeanor punishable by a fine of not more than \$100. Requires a law enforcement agency investigating a violation of this section to maintain a record of the investigation. Provides that the record is public information. Provides that this section does not apply to the sale or offer for sale of a nutritional supplement or vitamin.

SECTION 2. Effective date: September 1, 1999.

SECTION 3. Emergency clause.