

(B) UNLAWFUL SALE.

(1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A PERSON MAY NOT SELL FIREWORKS TO ANOTHER PERSON WITHOUT A PERMIT ISSUED UNDER THIS SUBTITLE.

(2) (I) A PERSON LICENSED BY THE STATE FIRE MARSHAL UNDER SUBTITLE 2 OF THIS TITLE MAY SELL OR DELIVER FIREWORKS TO A BONA FIDE DISTRIBUTOR, JOBBER, OR WHOLESALER WITH A PRINCIPAL PLACE OF BUSINESS IN A STATE WHERE THE SALE OR POSSESSION OF FIREWORKS IS ALLOWED.

(II) THE STATE FIRE MARSHAL MAY REQUIRE A PERSON WHO IS AN OUT-OF-STATE DISTRIBUTOR, JOBBER, OR WHOLESALER TO SUBMIT A CERTIFICATE ISSUED BY THE PERSON'S STATE OF OPERATION THAT DEMONSTRATES AUTHORITY TO BUY AND RECEIVE FIREWORKS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 38A, § 16(b) and the first sentence of (a)(1).

In subsection (b)(1) of this section, the introductory clause is added to clarify that exceptions exist. *See, e.g.*, § 10-102 of this subtitle.

In subsection (b)(2)(i) of this section, the reference to a "person" is substituted for the former reference to a "manufacturer" to reflect the terminology used in Subtitle 2 of this title. *See, e.g.*, § 10-201 of this title.

Also in subsection (b)(2)(i) of this section, the reference to "[s]ubtitle 2 of this title" is substituted for the former reference to "this subtitle" to reflect the revision of the former provisions relating to the licensing of manufacturers in Subtitle 2 of this title.

In subsection (b)(2)(ii) of this section, the reference to a certificate that "demonstrates authority" is substituted for the former reference to a certificate "of permission or approval" for brevity and clarity.

Defined terms: "Fireworks" § 10-101

"Person" § 1-101

"State" § 1-101

10-111. PENALTY PROVISIONS.

(A) PENALTY FOR POSSESSING OR DISCHARGING FIREWORKS.

A PERSON WHO POSSESSES OR DISCHARGES FIREWORKS IN VIOLATION OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$250 FOR EACH OFFENSE.

(B) PENALTY FOR SELLING FIREWORKS.

A PERSON WHO SELLS FIREWORKS IN VIOLATION OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 FOR EACH OFFENSE.