

By: Cortez

H.B. No. 3967

A BILL TO BE ENTITLED

AN ACT

relating to municipal and county authority to prohibit or restrict the sale of fireworks.

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

SECTION 1. Subchapter Z, Chapter 342, Local Government Code, is amended by adding Section 342.902 to read as follows:

Sec. 342.902. AUTHORITY TO PROHIBIT OR RESTRICT SALE OF FIREWORKS. A municipality may not prohibit or restrict the sale of fireworks.

SECTION 2. Sections 352.051(c) and (f), Local Government Code, are amended to read as follows:

(c) Upon a determination under this section that drought conditions exist on average in a specified county, the commissioners court of the county by order may prohibit or restrict the ~~[sale or]~~ use of restricted fireworks in the unincorporated area of the county. In addition, during the December fireworks season, the commissioners court of a county by order may restrict or prohibit the ~~[sale or]~~ use of restricted fireworks in specified areas when conditions on rural acreage in the county not under cultivation for a period of at least 12 months are determined to be extremely hazardous for the danger of fire because of high grass or dry vegetation.

(f) When a county issues an order restricting or prohibiting the ~~[sale or]~~ use of restricted fireworks under this section, the

1 county may designate one or more areas of appropriate size and
2 accessibility in the county as safe areas where the use of
3 restricted fireworks is not prohibited, and the legislature
4 encourages a county to designate such an area for that purpose. The
5 safe area may be provided by the county, a municipality within the
6 county, or an individual, business, or corporation. A safe area may
7 be designated in and provided in the geographic area of the
8 regulatory jurisdiction of a municipality if the activity conducted
9 in the safe area is authorized by general law or a municipal
10 regulation or ordinance. An area is considered safe if adequate
11 public safety and fire protection services are provided to the
12 area. A county, municipality, individual, business, or corporation
13 is not liable for injuries or damages resulting from the
14 designation, maintenance, or use of the safe area.

15 SECTION 3. This Act takes effect September 1, 2021.