

By: Leo-Wilson

H.B. No. 439

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the sale of fireworks on and before the Labor Day  
3 holiday in certain counties.

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

5 SECTION 1. Section 2154.202(g), Occupations Code, is  
6 amended to read as follows:

7 (g) Except as provided by Subsection (h), a retail fireworks  
8 permit holder may sell fireworks only to the public, and only during  
9 periods:

10 (1) beginning June 24 and ending at midnight on July 4;

11 (2) beginning five days before the first Monday in  
12 September and ending at midnight on the first Monday in September in  
13 a county in which the commissioners court of the county has  
14 approved the sale of fireworks during the period;

15 (3) beginning December 20 and ending at midnight on  
16 January 1 of the following year; and

17 (4) [~~3~~] beginning May 1 and ending at midnight on  
18 May 5 if the fireworks are sold at a location that is not more than  
19 100 miles from the Texas-Mexico border and that is in a county in  
20 which the commissioners court of the county has approved the sale of  
21 fireworks during the period.

22 SECTION 2. Sections 352.051(b) and (d), Local Government  
23 Code, are amended to read as follows:

24 (b)(1) The Texas A&M Forest Service in the ordinary course

1 of its activities shall determine whether drought conditions, as  
2 defined under Subsection (a)(2), exist on average in any county  
3 requesting such a determination. The Texas A&M Forest Service shall  
4 make available the measurement index guidelines used to determine  
5 whether drought conditions exist in a particular area. Following  
6 any determination that such drought conditions exist, the Texas A&M  
7 Forest Service shall notify said county or counties when such  
8 drought conditions no longer exist. The Texas A&M Forest Service  
9 shall make its services available each day during the Texas  
10 Independence Day, San Jacinto Day, Memorial Day, Fourth of July,  
11 Labor Day, and December fireworks seasons to respond to the request  
12 of any county for a determination whether drought conditions exist  
13 on average in the county.

14 (2) The Texas A&M Forest Service shall be allowed to  
15 take such donations of equipment or funds as necessary to aid in the  
16 carrying out of this section.

17 (d) To facilitate compliance with an order adopted under  
18 Subsection (c), the order must be adopted before:

19 (1) February 15 of each year for the Texas  
20 Independence Day fireworks season;

21 (2) April 1 of each year for the San Jacinto Day  
22 fireworks season;

23 (3) April 25 of each year for the Cinco de Mayo  
24 fireworks season;

25 (4) May 15 of each year for the Memorial Day fireworks  
26 season;

27 (5) June 15 of each year for the Fourth of July

1 fireworks season; [~~and~~]

2 (6) August 15 of each year for the Labor Day fireworks  
3 season; and

4 (7) December 15 of each year for each December  
5 fireworks season.

6 SECTION 3. This Act takes effect immediately if it receives  
7 a vote of two-thirds of all the members elected to each house, as  
8 provided by Section 39, Article III, Texas Constitution. If this  
9 Act does not receive the vote necessary for immediate effect, this  
10 Act takes effect September 1, 2023.