

By: Hunter

H.B. No. 3262

Substitute the following for H.B. No. 3262:

By: Hernandez

C.S.H.B. No. 3262

A BILL TO BE ENTITLED

1 AN ACT
2 relating to county or municipal regulation of mass gatherings and
3 sports and community venue district duties regarding emergency
4 services and fire suppression; authorizing fees.

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

6 SECTION 1. Section 751.002, Health and Safety Code, is
7 amended by amending Subdivision (1) and adding Subdivisions (1-a)
8 and (1-b) to read as follows:

9 (1) "Health authority" means a physician appointed
10 under Chapter 121 or by the governing body of a municipality,
11 county, or public health district to administer state and local
12 laws relating to public health.

13 (1-a) "Mass gathering" means a gathering:

14 (A) [~~that is held outside the limits of a~~
15 ~~municipality,~~

16 [~~(B)~~] that attracts or is expected to attract:

17 (i) more than 2,500 persons; or

18 (ii) more than 500 persons, if 51 percent or
19 more of those persons may reasonably be expected to be younger than
20 21 years of age and it is planned or may reasonably be expected that
21 alcoholic beverages will be sold, served, or consumed at or around
22 the gathering; and

23 (B) [~~(C)~~] at which the persons will remain:

24 (i) for more than five continuous hours; or

1 (ii) for any amount of time during the
2 period beginning at 10 p.m. and ending at 4 a.m.

3 (1-b) "Permitting authority" means:

4 (A) the county judge of the county in which a mass
5 gathering will be held at a location wholly or partly within the
6 unincorporated area of the county; or

7 (B) the governing body of the municipality in
8 which a mass gathering will be held at a location wholly within the
9 municipality.

10 SECTION 2. The heading to Section 751.0021, Health and
11 Safety Code, is amended to read as follows:

12 Sec. 751.0021. APPLICABILITY [~~TO CERTAIN HORSE AND~~
13 ~~GREYHOUND RACES~~].

14 SECTION 3. Section 751.0021, Health and Safety Code, is
15 amended by adding Subsection (a-1) to read as follows:

16 (a-1) This chapter does not apply to:

17 (1) a municipality that adopts and maintains
18 ordinances relating to mass gatherings with standards equal to or
19 more stringent than the standards prescribed by this chapter;

20 (2) a municipality that adopts and maintains an event
21 ordinance requiring an event promoter or sponsor to obtain a
22 municipal permit and submit an emergency service and fire safety
23 plan before holding a mass gathering; and

24 (3) a facility that obtains a certificate of occupancy
25 or other permit issued by a municipality or county authorizing an
26 anticipated number of attendees for an event at the facility.

27 SECTION 4. Section 751.004(a), Health and Safety Code, is

1 amended to read as follows:

2 (a) At least 45 days before the date on which a mass
3 gathering will be held, the promoter shall file a permit
4 application with the permitting authority [~~county judge of the~~
5 ~~county in which the mass gathering will be held~~].

6 SECTION 5. Section 751.005, Health and Safety Code, is
7 amended to read as follows:

8 Sec. 751.005. INVESTIGATION. (a) After a permit
9 application is filed with the permitting authority, the permitting
10 authority [~~county judge, the county judge~~] shall send a copy of the
11 application to the following:

12 (1) the county or municipal health authority, as
13 applicable;

14 (2) the county or municipal fire marshal, as
15 applicable, or the person designated under Subsection (c);

16 (3) [~~, and~~] the sheriff of a county within which a mass
17 gathering will be wholly or partly located in the unincorporated
18 area of the county; and

19 (4) the municipal police chief of a municipality
20 within which the mass gathering will be wholly located.

21 (b) The [~~county~~] health authority shall inquire into
22 preparations for the mass gathering. At least five days before the
23 date on which the hearing prescribed by Section 751.006 is held, the
24 [~~county~~] health authority shall submit to the permitting authority
25 [~~county judge~~] a report stating whether the health authority
26 believes that the minimum standards of health and sanitation
27 prescribed by state and local laws, rules, and orders will be

1 maintained.

2 (c) The county or municipal fire marshal, as applicable,
3 shall investigate preparations for the mass gathering. If there is
4 no county fire marshal in that county, the permitting authority
5 [~~commissioners court~~] shall designate a person to act under this
6 section. At least five days before the date on which the hearing
7 prescribed by Section 751.006 is held, the [~~county~~] fire marshal or
8 the permitting authority's [~~commissioners court~~] designee shall
9 submit to the permitting authority [~~county judge~~] a report stating
10 whether the fire marshal or designee believes that the minimum
11 standards for ensuring public fire safety and order as prescribed
12 by state and local laws, rules, and orders will be maintained.

13 (d) The sheriff or municipal police chief, as applicable,
14 shall investigate preparations for the mass gathering. At least
15 five days before the date on which the hearing prescribed by Section
16 751.006 is held, the sheriff or police chief shall submit to the
17 permitting authority [~~county judge~~] a report stating whether the
18 sheriff or police chief believes that the minimum standards for
19 ensuring public safety and order that are prescribed by state and
20 local laws, rules, and orders will be maintained.

21 (e) The permitting authority [~~county judge~~] may conduct any
22 additional investigation that the permitting authority [~~judge~~]
23 considers necessary.

24 (f) The [~~county~~] health authority, county or municipal fire
25 marshal or permitting authority's [~~commissioners court~~] designee,
26 and sheriff or municipal police chief shall be available at the
27 hearing prescribed by Section 751.006 to give testimony relating to

1 their reports.

2 SECTION 6. Section 751.006(a), Health and Safety Code, is
3 amended to read as follows:

4 (a) Not later than the 10th day before the date on which a
5 mass gathering will begin, the permitting authority [~~county judge~~]
6 shall hold a hearing on the application. The permitting authority
7 [~~county judge~~] shall set the date and time of the hearing.

8 SECTION 7. Sections 751.007 and 751.008, Health and Safety
9 Code, are amended to read as follows:

10 Sec. 751.007. FINDINGS AND DECISION OF PERMITTING AUTHORITY
11 [~~COUNTY JUDGE~~]. (a) After the completion of the hearing prescribed
12 by Section 751.006, the permitting authority [~~county judge~~] shall
13 enter the permitting authority's [~~his~~] findings in the record and
14 shall either grant or deny the permit.

15 (b) The permitting authority [~~county judge~~] may deny the
16 permit if the permitting authority [~~he~~] finds that:

17 (1) the application contains false or misleading
18 information or omits required information;

19 (2) the promoter's financial backing is insufficient
20 to ensure that the mass gathering will be conducted in the manner
21 stated in the application;

22 (3) the location selected for the mass gathering is
23 inadequate for the purpose for which it will be used;

24 (4) the promoter has not made adequate preparations to
25 limit the number of persons attending the mass gathering or to
26 provide adequate supervision for minors attending the mass
27 gathering;

1 (5) the promoter does not have assurance that
2 scheduled performers will appear;

3 (6) the preparations for the mass gathering do not
4 ensure that minimum standards of sanitation and health will be
5 maintained;

6 (7) the preparations for the mass gathering do not
7 ensure that the mass gathering will be conducted in an orderly
8 manner and that the physical safety of persons attending will be
9 protected;

10 (8) adequate arrangements for traffic control have not
11 been provided; or

12 (9) adequate medical and nursing care will not be
13 available.

14 Sec. 751.008. PERMIT REVOCATION. (a) The permitting
15 authority [~~county judge~~] may revoke a permit issued under this
16 chapter if the permitting authority [~~county judge~~] finds that
17 preparations for the mass gathering will not be completed by the
18 time the mass gathering will begin or that the permit was obtained
19 by fraud or misrepresentation.

20 (b) The permitting authority [~~county judge~~] must give
21 notice to the promoter that the permit will be revoked at least 24
22 hours before the revocation. If requested by the promoter, the
23 permitting authority [~~county judge~~] shall hold a hearing on the
24 revocation.

25 SECTION 8. Sections 751.012(a), (b), and (c), Health and
26 Safety Code, are amended to read as follows:

27 (a) The [~~county~~] health authority may inspect a mass

1 gathering during the mass gathering to ensure that the minimum
2 standards of health and sanitation prescribed by state and local
3 laws, rules, and orders are being maintained. If the [~~county~~]
4 health authority determines a violation of the minimum standards is
5 occurring, the health authority may order the promoter of the mass
6 gathering to correct the violation.

7 (b) The county or municipal fire marshal, as applicable, or
8 the person designated under Section 751.005(c) may inspect a mass
9 gathering during the mass gathering to ensure that the minimum
10 standards for ensuring public fire safety and order as prescribed
11 by state and local laws, rules, and orders are being maintained. If
12 the marshal or [~~commissioners court~~] designee determines a
13 violation of the minimum standards is occurring, the marshal or
14 designee may order the promoter of the mass gathering to correct the
15 violation.

16 (c) The sheriff or municipal police chief, as applicable,
17 may inspect a mass gathering during the mass gathering to ensure
18 that the minimum standards for ensuring public safety and order
19 prescribed by state and local laws, rules, and orders are being
20 maintained. If the sheriff or police chief determines a violation
21 of the minimum standards is occurring, the sheriff or police chief
22 may order the promoter of the mass gathering to correct the
23 violation.

24 SECTION 9. Section 751.013, Health and Safety Code, is
25 amended to read as follows:

26 Sec. 751.013. INSPECTION FEES. (a) A permitting authority
27 [~~commissioners court~~] may establish and collect a fee for an

1 inspection performed under Section 751.012. The fee may not exceed
2 the amount necessary to defray the costs of performing the
3 inspections. The fee shall be deposited into the general fund of
4 the county or municipality, as applicable.

5 (b) A permitting authority [~~commissioners court~~] may use
6 money collected under this section to reimburse the county or
7 municipality, as applicable [~~department~~] or, if a state agency
8 performs the inspection on behalf of the permitting authority
9 [~~county~~], the state agency, for the cost of performing the
10 inspection.

11 SECTION 10. The heading to Section 335.071, Local
12 Government Code, is amended to read as follows:

13 Sec. 335.071. GENERAL POWERS AND DUTIES OF DISTRICT.

14 SECTION 11. Section 335.071, Local Government Code, is
15 amended by adding Subsection (i) to read as follows:

16 (i) A district shall contract with appropriate fire and
17 emergency medical services departments for the municipality or the
18 emergency services district in which the venue is located for all
19 goods and services related to fire suppression and emergency
20 medical care.

21 SECTION 12. Chapter 751, Health and Safety Code, as amended
22 by this Act, applies only to a mass gathering occurring on or after
23 March 1, 2024. A mass gathering occurring before March 1, 2024, is
24 governed by the law in effect immediately before the effective date
25 of this Act.

26 SECTION 13. The changes in law made by this Act to Chapter
27 751, Health and Safety Code, do not apply to a mass gathering on

1 property that is subject to an interlocal agreement entered into
2 before the effective date of this Act between a municipality and
3 county, provided the agreement addresses the occurrence of specific
4 events and requires a medical plan, security plan, and license
5 agreement.

6 SECTION 14. This Act takes effect September 1, 2023.