

By: Hunter

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 (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. Section 751.004(a), Health and Safety Code, is
11 amended to read as follows:

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

16 SECTION 3. Section 751.005, Health and Safety Code, is
17 amended to read as follows:

18 Sec. 751.005. INVESTIGATION. (a) After a permit
19 application is filed with the permitting authority, the permitting
20 authority [~~county judge, the county judge~~] shall send a copy of the
21 application to the following:

22 (1) the county or municipal health authority, as
23 applicable;

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

26 (3) [~~and~~] the sheriff of a county within which a mass
27 gathering will be wholly or partly located in the incorporated area

1 of the county; and

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

4 (b) The [~~county~~] health authority shall inquire into
5 preparations for the mass gathering. At least five days before the
6 date on which the hearing prescribed by Section 751.006 is held, the
7 [~~county~~] health authority shall submit to the permitting authority
8 [~~county judge~~] a report stating whether the health authority
9 believes that the minimum standards of health and sanitation
10 prescribed by state and local laws, rules, and orders will be
11 maintained.

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

23 (d) The sheriff or municipal police chief, as applicable,
24 shall investigate preparations for the mass gathering. At least
25 five days before the date on which the hearing prescribed by Section
26 751.006 is held, the sheriff or police chief shall submit to the
27 permitting authority [~~county judge~~] a report stating whether the

1 sheriff or police chief believes that the minimum standards for
2 ensuring public safety and order that are prescribed by state and
3 local laws, rules, and orders will be maintained.

4 (e) The permitting authority [~~county judge~~] may conduct any
5 additional investigation that the permitting authority [~~judge~~]
6 considers necessary.

7 (f) The [~~county~~] health authority, county or municipal fire
8 marshal or permitting authority's [~~commissioners court~~] designee,
9 and sheriff or municipal police chief shall be available at the
10 hearing prescribed by Section 751.006 to give testimony relating to
11 their reports.

12 SECTION 4. Section 751.006(a), Health and Safety Code, is
13 amended to read as follows:

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

18 SECTION 5. Sections 751.007 and 751.008, Health and Safety
19 Code, are amended to read as follows:

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

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

27 (1) the application contains false or misleading

1 information or omits required information;

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

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

7 (4) the promoter has not made adequate preparations to
8 limit the number of persons attending the mass gathering or to
9 provide adequate supervision for minors attending the mass
10 gathering;

11 (5) the promoter does not have assurance that
12 scheduled performers will appear;

13 (6) the preparations for the mass gathering do not
14 ensure that minimum standards of sanitation and health will be
15 maintained;

16 (7) the preparations for the mass gathering do not
17 ensure that the mass gathering will be conducted in an orderly
18 manner and that the physical safety of persons attending will be
19 protected;

20 (8) adequate arrangements for traffic control have not
21 been provided; or

22 (9) adequate medical and nursing care will not be
23 available.

24 Sec. 751.008. PERMIT REVOCATION. (a) The permitting
25 authority [~~county judge~~] may revoke a permit issued under this
26 chapter if the permitting authority [~~county judge~~] finds that
27 preparations for the mass gathering will not be completed by the

1 time the mass gathering will begin or that the permit was obtained
2 by fraud or misrepresentation.

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

8 SECTION 6. Sections 751.012(a), (b), and (c), Health and
9 Safety Code, are amended to read as follows:

10 (a) The [~~county~~] health authority may inspect a mass
11 gathering during the mass gathering to ensure that the minimum
12 standards of health and sanitation prescribed by state and local
13 laws, rules, and orders are being maintained. If the [~~county~~]
14 health authority determines a violation of the minimum standards is
15 occurring, the health authority may order the promoter of the mass
16 gathering to correct the violation.

17 (b) The county or municipal fire marshal, as applicable, or
18 the person designated under Section 751.005(c) may inspect a mass
19 gathering during the mass gathering to ensure that the minimum
20 standards for ensuring public fire safety and order as prescribed
21 by state and local laws, rules, and orders are being maintained. If
22 the marshal or [~~commissioners court~~] designee determines a
23 violation of the minimum standards is occurring, the marshal or
24 designee may order the promoter of the mass gathering to correct the
25 violation.

26 (c) The sheriff or municipal police chief, as applicable,
27 may inspect a mass gathering during the mass gathering to ensure

1 that the minimum standards for ensuring public safety and order
2 prescribed by state and local laws, rules, and orders are being
3 maintained. If the sheriff or police chief determines a violation
4 of the minimum standards is occurring, the sheriff or police chief
5 may order the promoter of the mass gathering to correct the
6 violation.

7 SECTION 7. Section 751.013, Health and Safety Code, is
8 amended to read as follows:

9 Sec. 751.013. INSPECTION FEES. (a) A permitting authority
10 [~~commissioners court~~] may establish and collect a fee for an
11 inspection performed under Section 751.012. The fee may not exceed
12 the amount necessary to defray the costs of performing the
13 inspections. The fee shall be deposited into the general fund of
14 the county or municipality, as applicable.

15 (b) A permitting authority [~~commissioners court~~] may use
16 money collected under this section to reimburse the county or
17 municipality, as applicable [~~department~~] or, if a state agency
18 performs the inspection on behalf of the permitting authority
19 [~~county~~], the state agency, for the cost of performing the
20 inspection.

21 SECTION 8. The heading to Section 335.071, Local Government
22 Code, is amended to read as follows:

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

24 SECTION 9. Section 335.071, Local Government Code, is
25 amended by adding Subsection (i) to read as follows:

26 (i) A district shall contract with appropriate fire and
27 emergency medical services departments for the municipality or the

1 emergency services district in which the venue is located for all
2 goods and services related to fire suppression and emergency
3 medical care.

4 SECTION 10. Chapter 751, Health and Safety Code, as amended
5 by this Act, applies only to a mass gathering occurring on or after
6 March 1, 2024. A mass gathering occurring before March 1, 2024, is
7 governed by the law in effect immediately before the effective date
8 of this Act.

9 SECTION 11. This Act takes effect September 1, 2023.