

By: Eiland

H.B. No. 3319

A BILL TO BE ENTITLED

AN ACT

relating to flame effects and pyrotechnics before an assembly.

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

SECTION 1. Title 13, Chapter 2154, Occupations Code, is amended by adding Section 2154.253 to read as follows:

Sec. 2154.253 PROHIBITED USE OF FLAME EFFECTS AND/OR PYROTECHNICS. (a) Definitions. In this section:

(1) "Approved" means prior written authorization, in the form of a permit, issued to the requesting flame effects and/or pyrotechnics operator or property owner.

(2) "Approving Authority" means fire marshal (or chief executive of the local fire protection district in counties that do not have a fire marshal). The county sheriff shall be the designated approving authority if the jurisdiction has no fire marshal or local fire protection district.

(3) "Assembly" means a gathering of fifty (50) people or more.

(4) "Flame Effect" means a stationary or hand-held device designed specifically to produce an open flame when ignited and is used before an assembly to display the effects of a flame. Devices include, but are not limited to paraffin wax candle, LPG candles, torches, and LPG burners.

(5) "Pyrotechnics" means a low explosive material, other than detonation cord, used in motion pictures, television,

1 theatrical, or group entertainment productions.

2 (6) "Standby Fire Watch" means fire protection
3 personnel (or law enforcement personnel in the event that the
4 jurisdiction has no fire protection personnel). The size of the
5 standby fire watch shall be determined by the approving authority
6 for that jurisdiction.

7 (b) This section shall apply to flame effects and/or
8 pyrotechnics used in theatrical performances, entertainment,
9 exhibition, demonstration, or simulation before an assembly. This
10 section shall apply to the following:

11 (1) The use of indoor and outdoor flame effect and/or
12 pyrotechnics before an assembly.

13 (2) The rehearsal, videotaping, or filming of any
14 television, radio, or movie production if such production is before
15 an assembly and includes the use of flame effects and/or
16 pyrotechnics.

17 (3) The rehearsal of any production incorporating
18 flame effects and/or pyrotechnics before an assembly.

19 (4) The use of pyrotechnic special effects.

20 (5) Traditional theatrical display of flame effects
21 and/or pyrotechnics.

22 (c) The use of flame effects and/or pyrotechnics before an
23 assembly shall be strictly prohibited unless approved by the
24 approving authority as designated by this section.

25 (d) The approving authority for the jurisdiction covering
26 the assembly may promulgate standards, codes, or regulations
27 regarding the requirements necessary to acquire a permit for the

1 use of flame effects and/or pyrotechnics before an assembly. If the
2 jurisdiction promulgates said standards, codes, or regulations a
3 standby fire watch shall be required as follows:

4 (1) when five (5) or more flame effects and/or
5 pyrotechnics are used; or

6 (2) anytime a fire protection system and life safety
7 is bypassed or disabled for any event.

8 (e) A person commits an offense if the person violates this
9 section. An offense under this section is a Class A misdemeanor.
10 Each day a violation occurs or continues constitutes a separate
11 offense. Venue under this section is in the county in which the
12 offense is committed or in Travis County.

13 (f) A municipal or county ordinance, order, or rule in
14 effect on September 1, 2003, is not invalidated by this chapter.

15 (g) This section does not limit or restrict the authority of
16 a county, where specifically authorized by law, or municipality to
17 enact an ordinance or order prohibiting or further regulating flame
18 effects and/or pyrotechnics.

19 SECTION 2. This act takes effect September 1, 2003.