

By: Laubenberg

H.B. No. 1223

A BILL TO BE ENTITLED

AN ACT

relating to the prohibited use of fireworks; providing penalties.

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

SECTION 1. Section 2154.251(a), Occupations Code, is amended to read as follows:

(a) A person may not:

(1) explode or ignite fireworks within 300 [~~600~~] feet of any church, a hospital other than a veterinary hospital, an asylum, a licensed child care center, or a public or private primary or secondary school or institution of higher education unless the person receives authorization in writing from that organization;

(2) sell at retail, explode, or ignite fireworks within 300 [~~100~~] feet of a place where flammable liquids or flammable compressed gasses are stored and dispensed;

(3) explode or ignite fireworks within 300 [~~100~~] feet of a place where fireworks are stored or sold;

(4) ignite or discharge fireworks in or from a motor vehicle;

(5) place ignited fireworks in, or throw ignited fireworks at, a motor vehicle;

(6) conduct a public fireworks display that includes Fireworks 1.3G unless the person is a licensed pyrotechnic operator;

(7) conduct a proximate display of fireworks that

1 includes Fireworks 1.3G or Fireworks 1.4G as defined in NFPA 1126  
2 Standards for the Use of Pyrotechnics Before a Proximate Audience  
3 unless the person is a licensed pyrotechnic special effects  
4 operator and has the approval of the local fire prevention officer;  
5 or

6 (8) sell, store, manufacture, distribute, or display  
7 fireworks except as provided by this chapter or rules adopted by the  
8 commissioner under this chapter.

9 SECTION 2. (a) The change in law made by this Act applies  
10 only to conduct that involves the selling, exploding, or igniting  
11 of fireworks on or after the effective date of this Act. Conduct of  
12 that nature that occurred before the effective date of this Act is  
13 governed by the law in effect when the conduct occurred, and the  
14 former law is continued in effect for that purpose.

15 (b) For the purposes of this section, conduct that  
16 constitutes an offense under a penal law of this state occurred  
17 before the effective date of this Act if any element of the offense  
18 occurred before that date.

19 SECTION 3. This Act takes effect September 1, 2007.