

By: Ritter

H.B. No. 3236

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of fireworks.

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

SECTION 1. Section 352.081(f), Local Government Code, is amended to read as follows:

(f) This section does not apply to outdoor burning activities:

(1) related to public health and safety that are authorized by the Texas Natural Resource Conservation Commission for:

(A) firefighter training;

(B) public utility, natural gas pipeline, or mining operations; or

(C) planting or harvesting of agriculture crops; ~~or~~

(2) that are conducted by a prescribed burn manager certified under Section 153.048, Natural Resources Code, and meet the standards of Section 153.047, Natural Resources Code; or

(3) related to igniting permissible fireworks described by Section 2154.003, Occupations Code.

SECTION 2. Section 2154.001, Occupations Code, is amended by adding Subdivisions (3-a) and (16-a) to read as follows:

(3-a) "Drought conditions" means the existence of a long-term deficit of moisture with a measurement under the

1 Keetch-Byram Drought Index of 575 or greater.

2 (16-a) "Restricted fireworks" means fireworks
3 classified under 49 C.F.R. Section 173.100(r)(2) (10-1-86 edition)
4 as "skyrockets with sticks" and "missiles with fins."

5 SECTION 3. Section 2154.052(b), Occupations Code, is
6 amended to read as follows:

7 (b) The commissioner shall adopt and the state fire marshal
8 shall administer rules the commissioner considers necessary for the
9 protection, safety, and preservation of life and property,
10 including rules regulating:

11 (1) the issuance of licenses and permits to persons
12 engaged in manufacturing, selling, storing, possessing, or
13 transporting fireworks in this state;

14 (2) the possession and transportation of less than
15 1,000 pounds of Fireworks 1.4G by consumers and sellers;

16 (3) the use of restricted fireworks in a county where
17 drought conditions exist immediately preceding and during the
18 fireworks season;

19 (4) the conduct of public fireworks displays; and

20 (5) [~~4~~] the safe storage of Fireworks 1.3G and
21 Fireworks 1.4G.

22 SECTION 4. The following laws are repealed:

23 (1) Section 418.108(i), Government Code; and

24 (2) Section 352.051, Local Government Code.

25 SECTION 5. The repeal by this Act of Section 352.051, Local
26 Government Code, does not apply to an offense committed under that
27 section before the effective date of this Act. An offense committed

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1 before that date is covered by the law in effect on the date the
2 offense was committed, and the former law is continued in effect for
3 that purpose.

4 SECTION 6. This Act takes effect September 1, 2013.