

By: White of Tyler, Stickland, Hughes,
et al.

H.B. No. 1150

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the sale of fireworks on and before certain holidays;
3 affecting a provision subject to a criminal penalty.

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

5 SECTION 1. Section 2154.202, Occupations Code, is amended
6 by amending Subsection (g) and adding Subsection (h) to read as
7 follows:

8 (g) Except as provided by Subsection (h), a [A] retail
9 fireworks permit holder may sell fireworks only to the public, and
10 only during periods:

- 11 (1) beginning June 24 and ending at midnight on July 4;
12 (2) beginning December 20 and ending at midnight on
13 January 1 of the following year; and
14 (3) beginning May 1 and ending at midnight on May 5 if
15 the fireworks are sold at a location that is not more than 100 miles
16 from the Texas-Mexico border and that is in a county in which the
17 commissioners court of the county has approved the sale of
18 fireworks during the period.

19 (h) In addition to the periods during which the sale of
20 fireworks is authorized under Subsection (g), the commissioners
21 court of a county by order may allow a retail fireworks permit
22 holder to sell fireworks in that county only to the public and only
23 during one or more of the following periods:

- 24 (1) beginning February 25 and ending at midnight on

1 March 2;

2 (2) beginning April 16 and ending at midnight on April
3 21; and

4 (3) beginning the Wednesday before the last Monday in
5 May and ending at midnight on the last Monday in May.

6 SECTION 2. Section 352.051(b)(1), Local Government Code, is
7 amended to read as follows:

8 (1) The Texas Forest Service in the ordinary course of
9 its activities shall determine whether drought conditions, as
10 defined under Subsection (a)(2), exist on average in any county
11 requesting such a determination. The Texas Forest Service shall
12 make available the measurement index guidelines used to determine
13 whether drought conditions exist in a particular area. Following
14 any determination that such drought conditions exist, the Texas
15 Forest Service shall notify said county or counties when such
16 drought conditions no longer exist. The Texas Forest Service shall
17 make its services available each day during the Texas Independence
18 Day, San Jacinto Day, Memorial Day, Fourth of July, and December
19 fireworks seasons to respond to the request of any county for a
20 determination whether drought conditions exist on average in the
21 county.

22 SECTION 3. Section 352.051(d), Local Government Code, is
23 amended to read as follows:

24 (d) To facilitate compliance with an order adopted under
25 Subsection (c), the order must be adopted before:

26 (1) February 15 of each year for the Texas
27 Independence Day fireworks season;

1 (2) April 1 of each year for the San Jacinto Day
2 fireworks season;

3 (3) April 25 of each year for the Cinco de Mayo
4 fireworks season;

5 (4) May 15 of each year for the Memorial Day fireworks
6 season;

7 (5) [~~2~~] June 15 of each year for the Fourth of July
8 fireworks season; and

9 (6) [~~3~~] December 15 of each year for each December
10 fireworks season.

11 SECTION 4. This Act takes effect September 1, 2015.