

By: Huberty

H.B. No. 3029

A BILL TO BE ENTITLED

1 AN ACT

2 relating to regulation of the retail sale of fireworks.

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

4 SECTION 1. Section 2154.001(11), Occupations Code, is  
5 amended to read as follows:

6 (11) "Jobber" means a person who purchases fireworks  
7 [~~only~~] for resale to retailers.

8 SECTION 2. Section 2154.151(c), Occupations Code, is  
9 amended to read as follows:

10 (c) A licensed manufacturer may sell:

11 (1) Fireworks 1.4G only to:

12 (A) the public as provided by Section 2154.208;

13 and

14 (B) a licensed distributor or jobber; and

15 (2) Fireworks 1.3G only to a licensed distributor or  
16 pyrotechnic operator, or to a fireworks public display permit  
17 holder for use in public fireworks displays in this state.

18 SECTION 3. Section 2154.153(a), Occupations Code, is  
19 amended to read as follows:

20 (a) A person must be a licensed jobber if the person stores,  
21 possesses, and sells Fireworks 1.4G [~~only~~] to retailers in this  
22 state.

23 SECTION 4. Section 2154.202(a), Occupations Code, is  
24 amended to read as follows:

1           (a) Except as authorized under Section 2154.208, a [A]  
2 person selling fireworks directly to the public must annually  
3 obtain a nonrenewable retail fireworks permit for each retail  
4 location.

5           SECTION 5. Subchapter E, Chapter 2154, Occupations Code, is  
6 amended by adding Section 2154.208 to read as follows:

7           Sec. 2154.208. SALE OF FIREWORKS TO PUBLIC BY LICENSED  
8 MANUFACTURERS, DISTRIBUTORS, AND JOBBERS. (a) A manufacturer,  
9 distributor, or jobber who holds a license issued under this  
10 chapter may offer fireworks for retail sale to the public only at a  
11 location for which the manufacturer, distributor, or jobber obtains  
12 a location permit from the state fire marshal's office.

13           (b) A permit issued under this section expires on the date  
14 the permit holder's manufacturer, distributor, or jobber license,  
15 as applicable, expires under this chapter.

16           (c) The state fire marshal may not collect a permit fee for  
17 permits issued under this section. The license fees collected  
18 under Subchapter D shall cover the cost of administering the  
19 permits issued under this section.

20           (d) A manufacturer, distributor, or jobber who holds a  
21 permit issued under this section may offer fireworks for retail  
22 sale to the public at the location specified in the permit during  
23 the period beginning at 12:01 a.m. two days before the beginning  
24 date and ending at 11:59 p.m. two days after the ending date of each  
25 of the following holidays:

26                   (1) Epiphany;

27                   (2) The Prophet's Birthday;

- 1           (3) Orthodox Christmas;
- 2           (4) Orthodox New Year;
- 3           (5) National Freedom Day;
- 4           (6) Groundhog Day;
- 5           (7) Tu Bishvat;
- 6           (8) Valentine's Day;
- 7           (9) Mardi Gras;
- 8           (10) Ash Wednesday;
- 9           (11) Chinese New Year;
- 10          (12) Saint David's Day;
- 11          (13) Holi;
- 12          (14) Texas Independence Day;
- 13          (15) Purim;
- 14          (16) Saint Patrick's Day;
- 15          (17) March equinox;
- 16          (18) Palm Sunday;
- 17          (19) Maundy Thursday;
- 18          (20) Good Friday;
- 19          (21) Holy Saturday;
- 20          (22) Passover;
- 21          (23) Easter Sunday;
- 22          (24) Easter Monday;
- 23          (25) National Tartan Day;
- 24          (26) Orthodox Good Friday;
- 25          (27) Yom HaShoah;
- 26          (28) Tax Day;
- 27          (29) Yom Ha'atzmaut;

- 1           (30) Loyalty Day;
- 2           (31) Cinco de Mayo;
- 3           (32) Lag b'Omer;
- 4           (33) National Day of Prayer;
- 5           (34) Mother's Day;
- 6           (35) Ascension Day;
- 7           (36) Peace Officers Memorial Day;
- 8           (37) Isra and Miraj;
- 9           (38) Armed Forces Day;
- 10          (39) National Maritime Day;
- 11          (40) Pentecost;
- 12          (41) Shavuot;
- 13          (42) Whit Monday;
- 14          (43) Trinity Sunday;
- 15          (44) Corpus Christi;
- 16          (45) Vesak;
- 17          (46) D-day;
- 18          (47) Flag Day;
- 19          (48) Juneteenth;
- 20          (49) June solstice;
- 21          (50) Father's Day;
- 22          (51) Lailat al-Qadr;
- 23          (52) Eid al-Fitr;
- 24          (53) Tisha B'Av;
- 25          (54) Parents' Day;
- 26          (55) Assumption of Mary;
- 27          (56) National Aviation Day;

- 1           (57) Patriot Day;
- 2           (58) Constitution Day and Citizenship Day;
- 3           (59) National POW/MIA Recognition Day;
- 4           (60) Yom Kippur;
- 5           (61) September equinox;
- 6           (62) Bon Festival;
- 7           (63) Eid al-Adha;
- 8           (64) Native Americans' Day;
- 9           (65) Gold Star Mother's Day;
- 10          (66) Sukkot;
- 11          (67) Feast of Saint Francis of Assisi;
- 12          (68) Shemini Atzeret;
- 13          (69) Child Health Day;
- 14          (70) Simchat Torah;
- 15          (71) Leif Erikson Day;
- 16          (72) Muharram;
- 17          (73) White Cane Safety Day;
- 18          (74) Halloween;
- 19          (75) All Saints' Day;
- 20          (76) All Souls' Day;
- 21          (77) Diwali;
- 22          (78) Hanukkah;
- 23          (79) Pearl Harbor Remembrance Day;
- 24          (80) Feast of the Immaculate Conception;
- 25          (81) Feast of Our Lady of Guadalupe;
- 26          (82) Wright Brothers Day;
- 27          (83) December solstice;

- 1           (84) Christmas Eve;
- 2           (85) President's Day;
- 3           (86) Governor's Day;
- 4           (87) Labor Day;
- 5           (88) Memorial Day;
- 6           (89) Independence Day;
- 7           (90) New Year's Day; and
- 8           (91) Kwanzaa.

9           SECTION 6. Section [352.051](#)(b)(1), Local Government Code, is  
10 amended to read as follows:

11           (b)(1) The Texas A&M Forest Service in the ordinary course  
12 of its activities shall determine whether drought conditions, as  
13 defined under Subsection (a)(2), exist on average in any county  
14 requesting such a determination. The Texas A&M Forest Service  
15 shall make available the measurement index guidelines used to  
16 determine whether drought conditions exist in a particular  
17 area. Following any determination that such drought conditions  
18 exist, the Texas A&M Forest Service shall notify said county or  
19 counties when such drought conditions no longer exist. The Texas  
20 A&M Forest Service shall make its services available each day  
21 during the [~~Fourth of July and December~~] fireworks seasons  
22 specified in Subsection (d) to respond to the request of any county  
23 for a determination whether drought conditions exist on average in  
24 the county.

25           SECTION 7. Section [352.051](#)(d), Local Government Code, is  
26 amended to read as follows:

27           (d) To facilitate compliance with an order adopted under

1 Subsection (c), the order must be adopted before:

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

4 (2) June 15 of each year for the Fourth of July  
5 fireworks season; ~~and~~

6 (3) December 15 of each year for each December  
7 fireworks season; and

8 (4) the 15th day before each fireworks season for the  
9 holidays listed in Section 2154.208, Occupations Code.

10 SECTION 8. Not later than December 1, 2015, the state fire  
11 marshal shall adopt the rules and prescribe the forms necessary to  
12 implement the changes in law made by this Act.

13 SECTION 9. This Act takes effect September 1, 2015.