

By: Perez

H.B. No. 2748

A BILL TO BE ENTITLED

AN ACT

relating to regulation of the retail sale of fireworks.

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

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

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

SECTION 2. Section 2154.153(a), Occupations Code, is amended to read as follows:

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

SECTION 3. Section 2154.202(a), Occupations Code, is amended to read as follows:

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

SECTION 4. Subchapter E, Chapter 2154, Occupations Code, is amended by adding Section 2154.208 to read as follows:

Sec. 2154.208. SALE OF FIREWORKS TO PUBLIC BY LICENSED JOBBERS. (a) A jobber who holds a jobber license issued under this chapter may offer fireworks for retail sale to the public only at a location for which the jobber obtains a retail location permit from

1 the state fire marshal's office.

2 (b) A permit issued under this section expires on the date
3 the permit holder's jobber license expires under this chapter.

4 (c) A jobber who holds a retail location permit issued under
5 this section may offer fireworks for retail sale to the public at
6 the location specified in the permit during the period beginning
7 January 1 and ending at midnight on December 31.

8 SECTION 5. Sections 352.051(b) and (c), Local Government
9 Code, are amended to read as follows:

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

24 (2) The Texas A&M Forest Service shall be allowed to
25 take such donations of equipment or funds as necessary to aid in the
26 carrying out of this section.

27 (c) Upon a determination under this section that drought

1 conditions exist on average in a specified county, the
2 commissioners court of the county by order may prohibit or restrict
3 the sale or use of restricted fireworks in the unincorporated area
4 of the county. In addition, [~~during the December fireworks season,~~]
5 the commissioners court of a county by order may restrict or
6 prohibit the sale or use of restricted fireworks in specified areas
7 when conditions on rural acreage in the county not under
8 cultivation for a period of at least 12 months are determined to be
9 extremely hazardous for the danger of fire because of high grass or
10 dry vegetation.

11 SECTION 6. Section [352.051\(d\)](#), Local Government Code, is
12 repealed.

13 SECTION 7. Not later than December 1, 2019, the
14 commissioner of insurance shall adopt the rules and prescribe the
15 forms necessary to implement the changes in law made by this Act.

16 SECTION 8. This Act takes effect September 1, 2019.