

BILL ANALYSIS

C.S.H.B. 288
By: Cortez
County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Residents of Bexar County, including the fire marshal, have raised concerns that retail fireworks sites have increasingly been constructed near households and other inhabited areas. For the sake of public safety, greater oversight over fireworks sales buildings is necessary to avoid potential harm. C.S.H.B. 288 seeks to set out requirements for an applicable fireworks sales building of an indoor fireworks retail site, including requirements relating to minimum distance from an inhabited building, exterior walls and protected openings, and an automatic fire sprinkler system.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 288 amends the Occupations Code to impose additional requirements for a fireworks sales building of an indoor retail fireworks site in a county with a population of more than 1.5 million in which more than 75 percent of the population lives in a single municipality. The bill requires an applicable fireworks sales building of an indoor retail fireworks site located in or directly adjacent to a residential real estate subdivision with at least 3,300 homes that is governed by a property owners association (POA) to be, at the time the building's construction commences, a minimum distance of 100 feet from any inhabited building and to have the following:

- at a minimum, one-hour fire-rated exterior walls with minimum three-fourths-hour fire-rated protected openings; and
- a complete automatic fire sprinkler system installed in accordance with the applicable published standard of the National Fire Protection Association, as adopted and amended by the commissioner of insurance.

The bill's provisions apply only to a fireworks sales building of an indoor retail fireworks site for which construction commences on or after September 1, 2023.

EFFECTIVE DATE

September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 288 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

While both the introduced and substitute impose additional requirements on the fireworks sales building of an indoor retail fireworks site, the substitute limits the applicability of the additional requirements to such a site located in or directly adjacent to a residential real estate subdivision with at least 3,300 homes that is governed by a POA and in a county with a population of more than 1.5 million in which more than 75 percent of the population lives in a single municipality, but the introduced did not limit the applicability in any manner.