

BILL ANALYSIS

Senate Research Center
88R2389 ADM-F

S.B. 275
By: Huffman
Local Government
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, Texas law only allows the sale or purchase of fireworks for certain holidays, including the 10 days leading up to Independence Day (June 24-July 4) and the two weeks around the Christmas and New Year holidays (December 20-January 1). Additionally, a commissioners court has the authority to permit the sale of fireworks for additional holidays, including Texas Independence Day, San Jacinto Day, Memorial Day, and even Cinco de Mayo, if the individual is located within 100 miles of the United States/Mexico border.

S.B. 275 seeks to amend Texas law to expand the period an individual can sell or purchase fireworks to beginning 5 days before Diwali and until midnight on the last day of Diwali. Diwali, the Hindu festival of light, is an important celebration in Hinduism signifying the triumph of light over darkness. The addition of this holiday would allow the growing Indian and Southeast Asian population in Texas to celebrate an important religious holiday and demonstrate their customs.

As proposed, S.B. 275 amends current law relating to the sale of fireworks before and during the Diwali holiday.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 2154.202(h), Occupations Code, as follows:

(h) Authorizes the commissioners court of a county, in addition to the periods during which the sale of fireworks is authorized under Subsection (g) (relating to authorizing retail fireworks permit holders to sell fireworks to the public during certain periods), by order to allow a retail fireworks permit holder to sell fireworks in that county only to the public and only during certain periods, including beginning five days before the first day of Diwali and ending at midnight on the last day of Diwali. Makes nonsubstantive changes.

SECTION 2. Amends Sections 352.051(b) and (d), Local Government Code, as follows:

(b)(1) Requires the Texas A&M Forest Service to make its services available each day during certain holidays, including Diwali. Makes nonsubstantive changes.

(b)(2) Makes a nonsubstantive change.

(d) Requires that an order adopted under Subsection (c) (relating to a county commissioners court's order, upon a determination that drought conditions exist on average in the county, prohibiting or restricting the sale or use of restricted fireworks), to facilitate compliance with the order, be adopted before certain days, including 15 days before the beginning of Diwali for the Diwali fireworks season. Makes nonsubstantive changes.

SECTION 3. Effective date: September 1, 2023.