

By: White

H.B. No. 41

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the sale of fireworks on and before the Juneteenth  
3 holiday.

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

5 SECTION 1. Section 2154.202(g), Occupations Code, is  
6 amended to read as follows:

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

10 (1) beginning June 14 and ending at midnight on June  
11 19;

12 (2) beginning June 24 and ending at midnight on July 4;

13 (3) [~~2~~] beginning December 20 and ending at midnight  
14 on January 1 of the following year; and

15 (4) [~~3~~] beginning May 1 and ending at midnight on  
16 May 5 if the fireworks are sold at a location that is not more than  
17 100 miles from the Texas-Mexico border and that is in a county in  
18 which the commissioners court of the county has approved the sale of  
19 fireworks during the period.

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

22 (1) The Texas A&M Forest Service in the ordinary  
23 course of its activities shall determine whether drought  
24 conditions, as defined under Subsection (a)(2), exist on average in

1 any county requesting such a determination. The Texas A&M Forest  
2 Service shall make available the measurement index guidelines used  
3 to determine whether drought conditions exist in a particular area.  
4 Following any determination that such drought conditions exist, the  
5 Texas A&M Forest Service shall notify said county or counties when  
6 such drought conditions no longer exist. The Texas A&M Forest  
7 Service shall make its services available each day during the Texas  
8 Independence Day, San Jacinto Day, Memorial Day, Juneteenth, Fourth  
9 of July, and December fireworks seasons to respond to the request of  
10 any county for a determination whether drought conditions exist on  
11 average in the county.

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

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

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

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

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

22 (4) May 15 of each year for the Memorial Day fireworks  
23 season;

24 (5) June 1 of each year for the Juneteenth fireworks  
25 season;

26 (6) June 15 of each year for the Fourth of July  
27 fireworks season; and

1            (7) [~~(6)~~] December 15 of each year for each December  
2 fireworks season.

3            SECTION 4. This Act takes effect immediately if it receives  
4 a vote of two-thirds of all the members elected to each house, as  
5 provided by Section 39, Article III, Texas Constitution. If this  
6 Act does not receive the vote necessary for immediate effect, this  
7 Act takes effect September 1, 2017.