

AN ACT

relating to the sale of fireworks on and before certain holidays;
affecting a provision subject to a criminal penalty.

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

SECTION 1. Section 2154.202, Occupations Code, is amended
by amending Subsection (g) and adding Subsection (h) to read as
follows:

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

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

(2) beginning December 20 and ending at midnight on
January 1 of the following year; and

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

(h) In addition to the periods during which the sale of
fireworks is authorized under Subsection (g), the commissioners
court of a county by order may allow a retail fireworks permit
holder to sell fireworks in that county only to the public and only
during one or more of the following periods:

(1) beginning February 25 and ending at midnight on

March 2;

(2) beginning April 16 and ending at midnight on April

21; and

(3) beginning the Wednesday before the last Monday in

May and ending at midnight on the last Monday in May.

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

(1) The Texas Forest Service in the ordinary course of its activities shall determine whether drought conditions, as defined under Subsection (a)(2), exist on average in any county requesting such a determination. The Texas Forest Service shall make available the measurement index guidelines used to determine whether drought conditions exist in a particular area. Following any determination that such drought conditions exist, the Texas Forest Service shall notify said county or counties when such drought conditions no longer exist. The Texas Forest Service shall make its services available each day during the Texas Independence Day, San Jacinto Day, Memorial Day, Fourth of July, and December fireworks seasons to respond to the request of any county for a determination whether drought conditions exist on average in the county.

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

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

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

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

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

5 (4) May 15 of each year for the Memorial Day fireworks
6 season;

7 (5) [~~42~~] June 15 of each year for the Fourth of July
8 fireworks season; and

9 (6) [~~43~~] December 15 of each year for each December
10 fireworks season.

11 SECTION 4. This Act takes effect September 1, 2015.