

SUBJECT: Allowing the year-round sale of fireworks

COMMITTEE: County Affairs — favorable, without amendment

VOTE: 7 ayes — Coleman, Bohac, Anderson, Biedermann, Cole, Huberty, Stickland

2 nays — Dominguez, Rosenthal

WITNESSES: For — Shannon Brinkley, Pyro Source LLC; Randy Martin, Rays Fireworks; Richard Fallin, Texas Pyrotechnic Association; (*Registered, but did not testify*: Glenn Davis and Jaston Davis, Texas Pyrotechnic Association)

Against — Jim Allison, County Judges and Commissioners Association of Texas; (*Registered, but did not testify*: Adam Haynes, Conference of Urban Counties; Mario Martinez, Mr. G's Fireworks; Russell Schaffner, Tarrant County; Julie Wheeler, Travis County Commissioners Court)

BACKGROUND: Occupations Code ch. 2154 defines a jobber as a person who purchases certain fireworks for the sole purpose of reselling them to retailers. A retailer is defined as a person who sells fireworks to the general public. Jobbers and retailers are required to annually purchase a nonrenewable jobber's license or retail fireworks permit, respectively. Retailers are permitted to sell fireworks directly to the public only during short periods of the year around certain holidays.

Local Government Code sec. 352.051 allows a county commissioners court to prohibit or restrict the sale or use of restricted fireworks in the unincorporated area of the county during certain times of the year upon a determination by the Texas Forest Service (now known as the Texas A&M Forest Service) that drought conditions exist in that county, as well as in specified areas of the county deemed to be at extreme risk of fire during the December fireworks season.

DIGEST: HB 2748 would allow jobbers to sell fireworks directly to the public from

January 1 through midnight on December 31 at a location for which the jobber had obtained a retail location permit from the state fire marshal's office. The retail permit and jobber license would expire on the same date.

The bill would require the Texas A&M Forest Service to be available each business day to respond to requests from any county for a determination of whether drought conditions existed in that county. The bill would allow commissioners courts at any time of the year, rather than only during certain periods, to restrict or prohibit the sale or use of restricted fireworks in unincorporated areas because of drought conditions or in specified areas deemed to be at high risk of fire.

The bill would require the commissioner of insurance to adopt the rules and forms necessary to implement the bill by December 1, 2019.

The bill would take effect on September 1, 2019.

**SUPPORTERS
SAY:**

HB 2748 would help the Texas economy and increase sales tax revenue by allowing the year-round sale of fireworks by licensed individuals. Counties still would have the right to prohibit the sale and use of restricted fireworks in their unincorporated areas during droughts and in specific areas determined to be at high risk of fire.

**OPPONENTS
SAY:**

HB 2748 could increase the risk of fireworks-related damage and injury by reducing county commissioners courts' authority to determine when fireworks could be sold. Texas cities can restrict the use of fireworks, but counties are beholden to state law. Any additional sales periods for fireworks should be subject to local approval.