

BILL ANALYSIS

H.B. 2748
By: Perez
County Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Concerns have been raised that restrictions on the periods during which fireworks may be sold in Texas are anticompetitive with the sale of fireworks in other states that allow for year-round sales. H.B. 2748 seeks to address these concerns by providing for the year-round sale of fireworks in Texas by a licensed jobber with a retail location permit.

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 rulemaking authority is expressly granted to the commissioner of insurance in SECTION 7 of this bill.

ANALYSIS

H.B. 2748 amends the Occupations Code to authorize a jobber who holds a jobber license issued under provisions relating to the regulation of fireworks and fireworks displays to offer fireworks for retail sale to the public only at a location for which the jobber obtains a retail location permit from the state fire marshal's office. The bill sets such a permit to expire on the date the permit holder's jobber license expires. The bill authorizes a jobber who holds a retail location permit to offer fireworks for retail sale to the public at the location specified in the permit during the period beginning January 1 and ending at midnight on December 31.

H.B. 2748 removes the specification that a jobber is a person who purchases fireworks for resale to retailers only for resale to retailers and the specification that a person who is required to be a licensed jobber because the person stores, possesses, and sells Fireworks 1.4G to retailers in Texas is required to be licensed if the person stores, possesses, and sells Fireworks 1.4G only to retailers in Texas.

H.B. 2748 amends the Local Government Code to expand the days on which the Texas A&M Forest Service is required to make its services available to respond to the request of any county for a determination whether drought conditions exist on average in the county from each day during specified fireworks seasons to each business day. The bill removes the limitation on the period during which the commissioners court of a county by order may restrict or prohibit the sale or use of restricted fireworks in specified areas because of certain conditions on rural acreage. The bill repeals a provision that sets deadlines for such an order and an order of a commissioners court prohibiting or restricting the sale or use of restricted fireworks in the unincorporated area of a county based on a drought determination.

H.B. 2748 requires the commissioner of insurance, not later than December 1, 2019, to adopt the

rules and prescribe the forms necessary to implement the bill's provisions.

H.B. 2748 repeals Section 352.051(d), Local Government Code.

EFFECTIVE DATE

September 1, 2019.