

BILL ANALYSIS

Senate Research Center

H.B. 1500
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State Affairs
5/20/2021
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In March of 2020, during the onset of the Covid-19 pandemic in the United States, many governors and local leaders issued mandatory "stay-at-home orders" which required the temporary closure of businesses deemed "non-essential." In many states, including California, Pennsylvania, and New York, businesses which exclusively sold firearms and ammunition were not listed as essential businesses and were required to close.

H.B. 1500 amends the Government Code and the Local Government Code to ensure that neither the governor, nor local governments, have the authority to prohibit or restrict the business or operations of a firearms or ammunition manufacturer, distributor, wholesaler, supplier, or retailer or a sport shooting range during a declared state of disaster.

H.B. 1500 amends current law relating to authority of the governor and certain political subdivisions to regulate firearms, ammunition, knives, air guns, explosives, and combustibles and certain associated businesses during certain disasters and emergencies.

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 418.003, Government Code, to provide that Chapter 418 (Emergency Management) does not authorize any person to prohibit or restrict the business or operations of a firearms or ammunition manufacturer, distributor, wholesaler, supplier, or retailer or a sport shooting range, as defined by Section 250.001 (Restriction on Regulation of Sport Shooting Ranges), Local Government Code, in connection with a disaster. Makes nonsubstantive changes.

SECTION 2. Amends Section 418.019, Government Code, to authorize the governor to suspend or limit the sale, dispensing, or transportation of alcoholic beverages, explosives, and combustibles, other than explosives or combustibles that are components of firearm ammunition, rather than of alcoholic beverages, firearms, explosives, and combustibles.

SECTION 3. Amends Section 433.002(b), Government Code, as follows:

(b) Authorizes a directive issued by the governor after a state of emergency to provide for:

(1)-(5) makes no changes to these subdivisions;

(6) control of the sale, transportation, and use of alcoholic beverages, rather than control of the sale, transportation, and use of alcoholic beverages, weapons, and ammunition, except as provided by Section 433.0045 (Firearms); and

(7) control of the storage, use, and transportation of explosives or flammable materials considered dangerous to public safety, other than explosives or

flammable materials that are components of firearm ammunition, rather than control of the storage, use, and transportation of explosives or flammable materials considered dangerous to public safety.

SECTION 4. Amends Section 433.0045(a), Government Code, to prohibit a directive issued under Chapter 433 (State of Emergency) from prohibiting or restricting the business or operations of a firearms or ammunition manufacturer, distributor, wholesaler, supplier, or retailer or a sport shooting range, as defined by Section 250.001, Local Government Code, in connection with a state of emergency. Makes nonsubstantive changes.

SECTION 5. Amends Sections 229.001(b), (c), (d), and (d-1), Local Government Code, as follows:

(b) Deletes existing Subsection (b)(4) providing that Subsection (a) (relating to certain regulations a municipality is prohibited from adopting) does not affect the authority a municipality has under another law to regulate the use of firearms, air guns, or knives in the case of an insurrection, riot, or natural disaster if the municipality finds the regulations necessary to protect public health and safety. Makes nonsubstantive changes.

(c) Makes a conforming change.

(d) Provides that nothing in this section may be construed to, rather than the exception provided by Subsection (b)(4) does not, authorize the seizure or confiscation of any firearm, air gun, knife, ammunition, or firearm or air gun supplies or accessories from an individual who is lawfully carrying or possessing the firearm, air gun, knife, ammunition, or firearm or air gun supplies or accessories.

(d-1) Makes a nonsubstantive change.

SECTION 6. Makes application of this Act prospective.

SECTION 7. Effective date: September 1, 2021.