

## **BILL ANALYSIS**

Senate Research Center  
87R5129 JCG-F

S.B. 18  
By: Creighton  
State Affairs  
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As Filed

### **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.

S.B. 18 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 disaster.

As proposed, S.B. 18 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, as follows:

Sec. 418.019. RESTRICTED SALE AND TRANSPORTATION OF MATERIALS. Provides that the governor's authority to suspend or limit the sale, dispensing, or transportation of alcoholic beverages, explosives, and combustibles, does not include explosives or combustibles that are components of firearm ammunition. Deletes existing text authorizing the governor to suspend or limit the sale, dispensing, or transportation of firearms.

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

(b) Authorizes the governor's directives issued 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); or

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

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), and (d-1), Local Government Code, as follows:

(b) Deletes existing text providing that Subsection (a) (relating to prohibiting a municipality from adopting certain regulations about firearms, air guns, knives, and explosives) 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 nonsubstantive change.

(d-1) Makes a nonsubstantive change.

SECTION 6. Repealer: Section 229.001(d) (relating to the exception regarding a municipality seizing or confiscating certain weapons from an individual who is lawfully carrying or possessing them in the case of an insurrection, riot, or natural disaster), Local Government Code.

SECTION 7. Provides that Chapters 418 and 433, Government Code, as amended by this Act, apply only to a declaration of disaster or local disaster or a proclamation of a state of emergency issued or renewed on or after the effective date of this Act. Provides that a declaration or proclamation issued before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 8. Effective date: September 1, 2021.