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STATE OF TEXAS
HOUSE OF REPRESENTATIVES

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DUSTIN BURROWS
District 83

March 24, 2020

The Honorable Ken Paxton
Texas Attorney General
300 W. 15th Street
Austin, TX 78701

Dear General Paxton:

This letter serves as a formal request of your opinion regarding the sales of firearms in Texas municipalities and counties, specifically, whether or not city and or county officials can prohibit the sales of firearms by an emergency declaration, issued under the "Texas Disaster Act" of 1975, and which excludes firearms retailers as "essential businesses".

Below is Texas' state firearms preemption law restricting city and county authority to regulate firearms. It does not appear that cities or counties have the authority to restrict the transfer of firearms, even during a natural disaster. None of the city or county orders which have been issued thus far have designated firearms manufacturers, firearms retailers or shooting ranges as "essential businesses".

LOCAL GOVERNMENT CODE

TITLE 7. REGULATION OF LAND USE, STRUCTURES, BUSINESSES, AND RELATED ACTIVITIES

SUBTITLE A. MUNICIPAL REGULATORY AUTHORITY



CHAPTER 229. MISCELLANEOUS REGULATORY AUTHORITY OF MUNICIPALITIES

SUBCHAPTER A. REGULATION OF FIREARMS, KNIVES, AND EXPLOSIVES

Sec. 229.001. FIREARMS; AIR GUNS; KNIVES; EXPLOSIVES. (a) Notwithstanding any other law, including Section 43.002 of this code and Chapter 251, Agriculture Code, a municipality may not adopt regulations relating to:

(1) the transfer, possession, wearing, carrying, ownership, storage, transportation, licensing, or registration of firearms, air guns, knives, ammunition, or firearm or air gun supplies or accessories;

(2) commerce in firearms, air guns, knives, ammunition, or firearm or air gun supplies or accessories; or

(3) the discharge of a firearm or air gun at a sport shooting range.

(a-1) An ordinance, resolution, rule, or policy adopted or enforced by a municipality, or an official action, including in any legislative, police power, or proprietary capacity, taken by an employee or agent of a municipality in violation of this section is void.

(b) Subsection (a) does not affect the authority a municipality has under another law to:

(1) require residents or public employees to be armed for personal or national defense, law enforcement, or another lawful purpose;

(2) regulate the discharge of firearms or air guns within the limits of the municipality, other than at a sport shooting range;

(3) except as provided by Subsection (b-1), adopt or enforce a generally applicable zoning ordinance, land use regulation, fire code, or business ordinance;

(4) 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;

Thank you for your opinion on this matter. I look forward to your response.

Sincerely,

A handwritten signature in black ink, appearing to read "Dustin Burrows", written in a cursive style.

Dustin R. Burrows
Chair, Ways and Means Committee