



# Gun Owners of America

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## Repeal Emergency Powers — **PRIORITY SUPPORT**

HB 1500 by Hefner | SB 18 by Creighton\*

### What these bills do:

- Repeal a Texas Governor's ability to regulate or control firearms during a disaster or state of emergency
- Prohibit a Texas Governor from using an emergency directive to prohibit or restrict the business or operations of a firearms or ammunition manufacturer, distributor, wholesaler, supplier, or retailer or a sport shooting range.
- Repeal municipalities' possible ability to regulate the use of firearms, air guns, or knives in the case of an insurrection, riot, or natural disaster
- Codify Attorney General Paxton's opinion that preemption law trumps a local governments' ability to shut down gun businesses

**The Texas Legislature  
must repeal a governor's  
emergency powers to  
regulate firearms  
so a future governor  
does not infringe on  
Texans' gun rights!**

### Why we support these bills:

- Although we're glad the current governor did not use his available power to restrict our ability to use and carry firearms during the recent disaster declarations, we shouldn't have to rely on a future governor's goodwill to protect our gun rights.
- A governor should not have the power to take away such an essential liberty.
- During the time of a disaster, it is especially critical for Texans to be able to defend themselves — which requires that Texans be able to buy, sell, carry, and transport firearms and ammunition.

*\*Additionally, we support the following bills repealing a Governor's emergency powers to regulate firearms:*

**HB 26** (Swanson)  
**SB 547** (Springer)

**HB 340** (Cain)  
**HB 629** (White)  
**HB 1690** (Tinderholt)

**HJR 40** (White)  
*(Constitutional Amendment to ensure a Governor never has power to suspend or limit the sale or transportation of firearms)*

### Current law & background:

- Texas law says that, during a declared disaster or state of emergency, the Governor of Texas may suspend or limit sales of transportation of firearms and ammunition. (*Texas Gov. Code 418.019*)
- The Governor may issue a directive that controls the sale, transportation, and use of weapons and ammunition, and that controls the storage, use, and transportation of explosives or flammable materials "considered dangerous to public safety." (*Texas Gov. Code 433.002(b)*)
- Texas preemption law says that counties and municipalities cannot set regulations related to the transfer, possession, or ownership of firearms, or commerce in firearms. (*Local Gov. Code 229.001(a) and 236.002(a)*)
- In March 2020, Attorney General Paxton issued an opinion stating that current preemption law prevents local governments from using emergency authority to regulate or restrict the sale of firearms. (*KP-0296*)

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