

2026 Regular Session

HOUSE BILL NO. 1153

BY REPRESENTATIVE COATES

ENVIRONMENT/ENFORCEMENT: Authorizes parishes and municipalities to declare bans on burning

1 AN ACT

2 To enact R.S. 40:1602.1, relative to outdoor burning; to authorize parishes and
3 municipalities to declare temporary burn bans during hazardous fire conditions; to
4 provide for enforcement; to provide for civil penalties; to establish criminal penalties
5 when violations cause significant property damage or damage to critical
6 infrastructure; to provide for restitution and recovery of fire suppression costs; and
7 to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 40:1602.1 is hereby enacted to read as follows:

10 §1602.1. Authority to declare burn bans; governing authorities; parish and
11 municipalities

12 A.(1) The governing authority of any parish may declare a temporary ban on
13 burning within all or any portion of the parish when environmental conditions create
14 an elevated risk of wildfire or uncontrolled fire spread. The governing authority of
15 the parish shall lift a ban on burning when the risk ceases to be elevated.

16 (2) A ban on burning may be declared by ordinance, resolution of the parish
17 governing authority, or emergency proclamation issued by the parish president.

18 Notice of the ban shall be published in the official parish journal.

1 (3) The parish may provide additional reasonable public notice of a burn ban
2 through available communication channels including parish websites, social media,
3 emergency alert systems, or local media outlets.

4 (4) A ban on burning may prohibit open burning, including but not limited
5 to the following:

6 (a) Burning of yard debris.

7 (b) Land clearing burns.

8 (c) Burning of construction debris.

9 (d) Recreational fires not contained within fire pits or enclosures.

10 (5) The provisions of this Section do not apply to the following:

11 (a) Agricultural burning conducted in accordance with state law.

12 (b) Prescribed burns conducted by certified personnel.

13 (c) Cooking fires contained within grills or smokers.

14 (d) Recreational fires contained within fire pits or enclosures.

15 B.(1) The governing authority of any municipality may declare a temporary
16 ban on burning within municipal limits when weather or environmental conditions
17 create an elevated risk of wildfire or uncontrolled fire spread. The governing
18 authority of the municipality shall lift a ban on burning when the risk ceases to be
19 elevated.

20 (2) Municipal governing authorities may adopt ordinances establishing
21 procedures for issuing, extending, or terminating bans on burning.

22 (3) Municipal fire chiefs or emergency management officials may
23 recommend the issuance of a ban on burning based on fire risk conditions.

24 C.(1) Any person who knowingly and intentionally violates a ban on burning
25 declared pursuant to this Section shall be subject to civil penalties imposed by the
26 applicable parish or municipality.

27 (2) Civil penalties shall apply as follows:

28 (a) For a first offense, a five hundred dollar fine.

29 (b) For a second offense, a one thousand dollar fine.

1 (c) For a third or subsequent offense, a two thousand five hundred dollar
2 fine.

3 (3) Each day that a violation occurs constitutes a separate offense.

4 (4) Any person responsible for a fire resulting from a violation may be liable
5 for the costs of fire suppression and emergency response incurred by local fire
6 departments and municipal or parish governments.

7 D.(1) Any person who knowingly violates a ban on burning and whose
8 actions result in property damage exceeding five thousand dollars shall be fined not
9 more than one thousand dollars or imprisoned for not more than six months, or both.

10 (2) Any person who knowingly violates a ban on burning and whose actions
11 result in damage to critical infrastructure, as defined in R.S. 14:61, shall be fined not
12 more than twenty-five thousand dollars or imprisoned with or without hard labor for
13 not more than five years, or both.

14 (3) In addition to the penalties provided in this Subsection, the offender shall
15 pay restitution pursuant to Code of Criminal Procedure Article 883.2 to the owner
16 of any property damaged by the violation.

17 E. In addition to local and state law enforcement agencies, the provisions of
18 this Section may be enforced by fire department personnel and municipal code
19 enforcement officers.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 1153 Engrossed

2026 Regular Session

Coates

Abstract: Authorizes parish and municipal governing authorities to issue bans on burning.

Present law authorizes the state fire marshal to issue burn bans in any area of the state.

Proposed law retains present law.

Proposed law authorizes parish and municipal governing authorities to issue burn bans within all or part of their respective jurisdictions when there is an elevated risk of fire spread.

Proposed law requires a parish governing authority to lift a ban on burning when the fire risk ceases to be elevated.

Proposed law requires a parish governing authority to publish notice of the ban in the official parish journal.

Proposed law authorizes a parish to provide additional public notice of a burn ban through websites, social media, emergency alert systems, or local media outlets.

Proposed law provides that a burn ban may prohibit open burning, including burning of yard debris, land-clearing burns, burning of construction debris, and recreational fires not contained within pits or enclosures.

Proposed law makes exceptions for agricultural burning in accordance with state law, prescribed burns conducted by certified personnel, cooking fires in grills or smokers, and recreational fires that are contained within pits or enclosures.

Proposed law authorizes municipal governing authorities to adopt ordinances establishing procedures for issuing, extending, or terminating burn bans, and that municipal fire chiefs may recommend burn bans based on fire risk conditions.

Proposed law provides civil penalties as follows:

- (1) For a first offense, a \$500 fine.
- (2) For a second offense, a \$1,000 fine.
- (3) For a third or subsequent offense, a \$2,500 fine.

Proposed law provides that each day a violation occurs constitutes a separate offense.

Proposed law provides that anyone responsible for a fire resulting from a violation may be liable for costs incurred from fire suppression and emergency response.

Proposed law provides that anyone who knowingly violates a burn ban and the violation results in property damage exceeding \$5,000 shall be fined up to \$1,000 or imprisoned for up to six months, or both.

Proposed law provides that anyone who knowingly violates a burn ban and the violation results in damage to critical infrastructure shall be fined up to \$25,000 or imprisoned with or without hard labor for up to five years, or both.

Proposed law provides that in addition to the criminal penalties, an offender is required to pay restitution to the owner of any property damaged by the violation.

Proposed law authorizes fire department personnel and municipal code enforcement officers to enforce the provisions of proposed law.

(Adds R.S. 40:1602.1)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Municipal, Parochial and Cultural Affairs to the original bill:

1. Add requirement that a governing authority of a parish lift a ban on burning when the fire risk has decreased.
2. Add requirement that a governing authority of a parish publish a notice of a burn ban in the official parish journal.

3. Remove requirement that a governing authority of a parish provide reasonable notice of a burn ban through certain means and add an authorization for the governing authority to provide additional notice through certain means.
4. Remove language from proposed law specifying that certain violations of proposed law are a misdemeanor or felony.