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## DIGEST

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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.