



Fire Marshal's Notice

July 2013

State Fire Marshal Reminder Related to Purchase and Sale of Fireworks by Retailers

It has come to the attention of the State Fire Marshal's Office that some fireworks retailers may be engaging in acts that place them in violation of the Fireworks Statute and Rules. This may include purchasing fireworks from unlicensed fireworks distributors and/or selling fireworks to other retailers without being licensed as a distributor or jobber. The following is offered as clarification and as a reminder of the importance to remain in complete compliance with all provisions, rules, regulations and/or statutes enacted to govern the retail sale of fireworks in Texas.

Purchasing Fireworks by Retailer

A retail permittee must purchase Fireworks 1.4G only from a distributor or jobber licensed in this state. 28 TAC § 34.815.(b)(1) (The Fireworks Rules)

Sale of Fireworks by Retailer

A retail fireworks permit holder may sell fireworks only to the public, and only during legal selling seasons. § 2154.202.(g). (Texas Occupations Code, Regulation of Fireworks)

Penalties

The state fire marshal may suspend, revoke, or refuse to issue or renew a license or permit. In lieu of these actions, the state fire marshal may impose an administrative penalty. § 2154.301 (Texas Occupations Code, Regulation of Fireworks)

Violation of these sections constitute a Class B misdemeanor offense. Where there is property damage of less than \$200 and no bodily injury or death, the offense is a Class C misdemeanor. Each day a violation occurs or continues constitutes a separate offense. § 2154.303 (Texas Occupations Code, Regulation of Fireworks)

FMLicensing@tdi.texas.gov (e-mail)

<http://www.tdi.texas.gov/fire/fmli.html> (website)