



## State Fire Marshal's Notice

June 2017

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### State Fire Marshal Reminder Related to Fireworks Sales Display Areas

It has come to the attention of the State Fire Marshal's Office that a recent rule change has caused some confusion with local fire marshals and the fireworks retail industry. This notice is to clarify the State Fire Marshal's enforcement of the rule.

**28 TAC Section 34.832 (5) Fireworks sales display areas shall be sufficiently designed to prevent customers from handling fireworks, unless an attendant is directly assisting the customer.**

Determining adequate staffing for an attendant to directly assist the customer will be based on the inspector's judgement, because the retail stores are of different sizes and configurations. We do not expect the retailer to provide an attendant to directly assist every customer one-on-one, but we do expect there to be enough attendants to have direct control over the customers and have all customers be in direct sight of at least one attendant. The customers will be allowed to remove the fireworks from the shelf and place them in their cart only if they can be observed by an attendant. Only having attendants at the registers to check out the customer is not acceptable. There must be attendants on the sales floor to assist the customers.

Here are a few examples, but understand we cannot describe all situations.

Example 1: if a store has aisles that restrict the view of the attendant then we would require at least one attendant on each aisle, depending on the aisle and the amount of customers on the aisle. A large aisle or large number of customers would require more attendants on the aisle.

Example 2: a store with 15 customers in it and only 2 attendants at the registers would be a violation.

Example 3: a store with 20 customers and 5 attendants on the sales floor that have direct sight and can control the customers, could possibly be acceptable.