



## Texas Department of Insurance

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### **RECENT CHANGES IN THE FIREWORKS SECTIONS OF THE TEXAS OCCUPATIONS CODE CHAPTER 2154**

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Parts of HB 539, passed by the 80<sup>th</sup> Legislature this spring, took effect immediately. Other parts will take effect at a different times. The following is a brief synopsis of the bill. You should read and follow the bill in its entirety. The bill can be found on the web site at:

<http://www.legis.state.tx.us/tlodocs/80R/billtext/html/HB00539F.htm>

A major change in the code, prohibits the sale, after January 2, 2008, of certain pop rockets with a propellant casing length of less than five inches, an exterior diameter of less than three-fourths of an inch and an overall total rocket length of less than 26 inches. *Sec. 2154.003.(d)*

Another major change permits a retail fireworks permit holder to sell fireworks, directly to the public, beginning May 1 and ending May 5, if the location is within 100 miles of the Texas-Mexico border and is in a county in which the commissioners court has approved the sale during that period. *Sec. 2154.202.(g)(3)*

Other changes to the Texas Occupations Code initiated by HB539 that took effect immediately concern:

- adding a fire marshal to serve on the fireworks advisory council. *Sec. 2154.054.(b) & (c)*
- raising the age to 16 years of age to purchase fireworks. *Sec. 2154.252.(c)*
- establishing a minimum age of a person selling fireworks. *Sec. 2154.254.(a) & (b) & (c)*
- increasing the type of violations that constitute a Class C misdemeanor. *Sec. 2154.303.(c)*

HB 539 also changed portions of the Local Government Code Section 352, regarding the restriction of fireworks during drought conditions.

A complete copy of the Texas Occupation Code 2154 including the changes by the 80<sup>th</sup> Legislature can be found on the SFMO web site, <http://www.tdi.state.tx.us/fire/fmlifirework.html> and clicking on "[Statute and Rules](#)"