



**Subject: Common Fireworks Violations**

Many common fireworks violations are described in Texas Occupations Code §2154.251. This chart identifies the most common violations and the offense type to help you prepare charges for these common offenses. If you have questions, please email [fmosupport@fmo.hctx.net](mailto:fmosupport@fmo.hctx.net).

Texas Occupations Code, Chapter 2154: PROHIBITED USE OF FIREWORKS (Subchapter F)		
Offense / Violation	Code Reference	Penalties 2154.303
A person may not conduct a public fireworks display that includes Fireworks 1.3G unless the person is a licensed pyrotechnic operator	2154.251(a)(6)	<b>Class "B"</b>
A person may not conduct a proximate display of fireworks that includes Fireworks 1.3G or Fireworks 1.4G as defined in NFPA 1126 Standards for the Use of Pyrotechnics before a Proximate Audience unless the person is a licensed pyrotechnic special effects operator and has the approval of the local fire prevention officer	2154.251(a)(7)	
A person may not manufacture, distribute, sell, or use fireworks in a public fireworks display or for agricultural, industrial or wildlife control purposes without an appropriate license or permit. Fireworks manufactured, distributed, sold, or used without an appropriate license or permit are illegal fireworks.	2154.251 (b)	
Explode or ignite fireworks within 600 feet of any church, a hospital other than a veterinary hospital, an asylum, a licensed child care center, or a public or private primary or secondary school or institution of higher education unless the person receives authorization in writing from that organization;	2154.251 (a)(1)	<b>Class "B"</b>  Unless the violation results property damage in an amount less than \$200, <b>AND</b> does not result in bodily injury or death  is a <b>Class "C"</b>
Sell at retail, explode, or ignite fireworks within 100 feet of a place where flammable liquids or flammable compressed gasses are stored and dispensed;	2154.251 (a)(2)	
Explode or ignite fireworks within 100 feet of a place where fireworks are stored or sold;	2154.251 (a)(3)	
Ignite or discharge fireworks in or from a motor vehicle;	2154.251 (a)(4)	
Place ignited fireworks in, or throw ignited fireworks at, a motor vehicle;	2154.251 (a)(5)	
Sell, store, manufacture, distribute, or display fireworks except as provided by this chapter or rules adopted by the commissioner under this chapter. <b>SEE HCFMO checklist for correct TAC reference.</b>	<b>2154.251 (a)(8)</b>	
Only Fireworks 1.4G may be sold to the general public, and only at authorized retail locations. (must have a valid permit for that specific location)	2154.252 (b)	
Fireworks may not be sold or offered for sale to children under 16 years of age, or to an intoxicated or incompetent person. A person selling fireworks at retail shall make a reasonable effort to determine that potential purchasers of fireworks are of the minimum age required by this subsection	2154.252 (c)	