



Texas Department of Insurance

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RECENTLY ASKED QUESTION

FWKS 001-2012 Sale of Sky Lanterns at Fireworks Stands and Indoor Sites

Question: Can I sell sky lanterns from my fireworks stand or indoor site?

Opinion: It would be a violation of the Fireworks rules to sell these items at a fireworks retail site and may result in the State Fire Marshal seeking sanctions.

Chapter 2154 of the Occupations Code states that all fireworks sold in Texas must be listed by the U.S. Department of Transportation. Sky lanterns, also known as kongming lanterns or wish lanterns, are not classed as fireworks by the U.S. Department of Transportation. The Fireworks rules state in §34.817(i), "A retail fireworks site may only sell fireworks, fireworks promotional items and accessories and those items listed in the Occupations Code §2154.002(4). The display and offer for sale, or sales of fireworks within any structure or building where any other business or any other merchandise is sold is prohibited."

Mark Lockerman
Director of Investigations and Licensing
Texas State Fire Marshal's Office

Notice of Information

This information is an opinion of the Director of Investigations and Licensing. It is NOT the official position nor is it binding on the Texas Department of Insurance or the State Fire Marshal's Office. The above is an abbreviated narrative of the laws. The actual wording of the laws should be consulted prior to use, evaluation or interpretation. It should not be viewed as an approval or acknowledgment of compliance with all the applicable laws. It is the responsibility of the licensee or permittee to comply with all state and federal laws, rules and requirements. All referenced laws, codes, opinions and responses are subject to change without notification. The requestor should note that opinions may be sought directly from other sources such as the NFPA, fire & building code authorities, legal counsel and other professionals.