

# MODEL FIREWORKS LAW



**2006 EDITION**

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# **Model Fireworks Law**

## **2006**

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## **Model Fireworks Law 2006 Edition**

This edition of the *Model Fireworks Law* was prepared by the International Fire Marshals Association and published by NFPA. The NFPA Standards Council reviewed this model law at its October 2005 meeting for consistency with the policies of NFPA. This edition of the Model Fireworks Law supersedes all previous editions.

### **Origin and Development of the *Model Fireworks Law***

The National Fire Protection Association was among the pioneers who sought relief for the public from injuries and fires resulting from indiscriminate use of fireworks. Its efforts progressed from propagandizing during the early years of this century to a suggested municipal ordinance and then to a *Model State Fireworks Law*. The *Model State Fireworks Law* was first adopted by the NFPA in 1938. In 1949, the model law was amended to exclude from its provisions certain toy paper caps and devices for using them.

The *Model State Fireworks Law* found prompt acceptance in many states. Its basic philosophy, which is the restriction of the use of all fireworks, except toy paper or plastic caps, to authorized public displays, is incorporated in the laws of several states.

The *Model State Fireworks Law* was amended in 1972 and 1974. In 1978, its designation was changed from NFPA 494L to NFPA 1 121L. NFPA 1 121L was amended in 1982.

In 1988, the Board of Directors of the National Fire Protection Association transferred custody of the model law from the NFPA Committee on Pyrotechnics to the Fire Marshals Association of North America (now known as the International Fire Marshals Association). The model law was amended in 1991 to be readily adoptable by both state and local jurisdictions. Further changes include a provision that makes possession of fireworks by the general public illegal and violations of the law that result in a fire, personal injury, or death a felony offense.

The 2000 edition updated the law to reflect current fireworks classification, laws, and codes and standards.

The 2006 edition reaffirmed the 2000 edition.

**Model Fireworks Law**  
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**BE IT ENACTED BY THE (GOVERNING BODY)**  
**OF THE (JURISDICTION)**

1. No person, firm, or corporation shall possess, offer for sale, expose for sale, sell at retail, or use or explode any fireworks, except as herein provided.

2. Fireworks. Any composition or device for the purpose of producing a visible or an audible effect by combustion, deflagration, or detonation, and which meets the definition of "consumer (Explosive's 1.4G)", "theatrical and novelty (Explosives 1.4S)" or "display (Explosive's 1.3G)" fireworks as set forth in the U.S. Department of Transportation's (DOT) Hazardous Materials Regulation, Title 49, *Code of Federal Regulations (CFR)*, Parts 171-180.

*Exception No. 1: Toy caps for use in toy pistols, toy canes, or toy guns, and trick noisemakers manufactured in accordance with DOT regulations, 49 CFR 173.100 (p),<sup>1</sup> and packed and shipped according to said regulations.*

*Exception No. 2: Model rockets and model rocket motors designed, sold, and used for the purpose of propelling recoverable aero models.*

*Exception No. 3: Propelling or expelling charges consisting of a mixture of sulfur, charcoal, saltpeter are not considered as designed to produce audible effects.*

3. The authority having jurisdiction shall be permitted to adopt reasonable rules and regulations for the licensing of individuals or granting of permits for supervised displays of fireworks by municipalities, fair associations, amusement parks, and other organizations or groups of individuals. Such permits shall be permitted to be granted upon application to the authority having jurisdiction and approval in accordance with the regulations for the display and filing of a bond by the permit application. (*See NFPA 1123, Code for Fireworks Display and NFPA 1126, Standard for the Use of Pyrotechnics before a Proximate Audience.*)

4. Every such display shall be handled by a competent operator, licensed or certified as to competency by the authority having jurisdiction. Every such display shall be of such composition and character and shall be located, discharged, or fired so as, in the opinion of the authority having jurisdiction, after proper site inspection, not to be hazardous to any person or property. After such privileges have been granted, sales, possession, use, and distribution of fireworks for such displays shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

5. Before any permit for a pyrotechnic display shall be issued, the person, firm, or corporation making application therefore shall furnish proof of financial responsibility to satisfy claims for damages to property or personal injuries arising out of any act or omission on the part of such person, firm, or corporation or any agent or employee thereof, in such amount, character, and form as this jurisdiction determines to be necessary for the protection of the public.

6. Nothing in this law shall be construed to prohibit any of the following:

- (a) The sale, at wholesale, of any fireworks for supervised displays by any approved resident manufacturer, wholesaler, dealer, or jobber, in accordance with regulations of the U.S. Bureau of Alcohol, Tobacco, and Firearms (*see Title 27, Code of Federal Regulations, Part 181*) and the U.S. Department of Transportation.

- (b) The manufacture, transportation, or storage of fireworks at a manufacturing facility. The testing of fireworks under the direction of its manufacturer provided permission for such testing has been obtained from the authority having jurisdiction.
- (c) The sale, transportation, handling, or use of industrial pyrotechnic devices or fireworks, such as railroad torpedoes, fusees, automotive, aeronautical, and marine flares and smoke signals.
- (d) The sale and use of blank cartridges for use in a show or theater; for signal or ceremonial purposes; in athletics or sports; or legal power tools.
- (e) The transportation, handling, or use of any pyrotechnic devices by the armed forces of the United States.
- (f) The use of pyrotechnics in training by the fire service, law enforcement, or similar government agencies.
- (g) The use of fireworks for agricultural purposes under the direct supervision of the U.S. Department of the Interior or an equivalent state or local agency. [See *Title 16, Code of Federal Regulations, Part 1500.17(a)(8)*.]

7. The authority having jurisdiction shall seize, take, remove, or cause to be removed at the expense of the owner all stocks of fireworks offered or exposed for sale or stored or held in violation of the law.<sup>2</sup>
8. Any person, firm, or corporation violating the provisions of this law shall be guilty of a misdemeanor.
9. Any person, firm, or corporation violating the provisions of this law, which results in a fire, personal injury, or death, shall be guilty of a felony.
10. Any provisions of this law held to be unconstitutional shall not invalidate the remainder thereof. Any acts, laws, or parts of laws in conflict with any provision of this law are hereby repealed to the extent of the conflict.

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<sup>1</sup> The regulations referred to limit the explosive content of each cap to not more than an average of 0.25 grains (16mg). Also, each package containing such caps must be labeled to indicate the maximum explosive content per cap.

<sup>2</sup> Where no provision in law already exists for the disposition of goods seized in violation of this law, appropriate provisions shall be enacted for the legal disposition of fireworks by the authority having jurisdiction following conviction for such violation.