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FIREWORKS LAWS IN CONNECTICUT, MICHIGAN, NEW HAMPSHIRE, AND PENNSYLVANIA

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You asked for a description of fireworks laws in Connecticut, Michigan, New Hampshire, and Pennsylvania, and related federal law.

SUMMARY

Fireworks are regulated by both federal and state laws. Federal laws set the minimum standard; states may adopt more stringent standards. Federal regulations define two general categories of fireworks: (1) “consumer fireworks,” which are intended for use by the general public and (2) “display fireworks,” which are intended for commercial use, such as fireworks displays conducted by pyrotechnicians. The U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and the Consumer Product Safety Commission (CPSC) have general jurisdiction over the types of fireworks that may be legally sold and used in the country. Some states prohibit or limit consumer fireworks; others allow all types.

Except for sparklers and fountains, all types of fireworks are illegal in Connecticut, including those legal under federal law, unless they are being used by licensed professionals in supervised displays at sites approved by state and local officials. Michigan allows all types of federally legal fireworks and it imposes a 6% fee on the pretax price of consumer fireworks sold at retail. It allows the unrestricted use of consumer fireworks on 10 national holidays and the day before and after each such holiday. New Hampshire allows all types of federally legal (1) display fireworks and (2) consumer fireworks, except sparklers containing chlorates or perchlorates, fire crackers, bottle rockets, and devices that

produce smoke as its only effect. Pennsylvania, with minor exceptions, prohibits all types of consumer and display fireworks without a town permit, which requires posting at least a \$500 bond and a municipal finding that the permit applicant is competent to operator fireworks.

(Because of the wide range of violations and penalties, we have not included them in this report, but can make them available to you if you wish.)

FEDERAL LAW

ATF monitors the manufacture, importation, distribution, and storage of display fireworks. These are large fireworks designed primarily to produce visible or audible effects for entertainment purposes by combustion, deflagration, or detonation (27 CFR § 555.11 & 49 CFR § 172). CPSC regulates consumer fireworks, which include shells and mortars; multiple tube devices; Roman candles; rockets; sparklers; firecrackers with up to 50 milligrams of powder; and novelty items such as snakes, airplanes, ground spinners, helicopters, fountains, and party poppers (15 USC §§ 1261-1278 & 16 CFR §§ 1500.14, 1500.17, & 1507). The federal Department of Transportation regulates transportation of fireworks.

With some exceptions, federal regulations prohibit the sale of the most dangerous types of fireworks to consumers. These include cherry and aerial bombs, M-80 salutes, silver salutes, and other large firecrackers containing more than two grains of pyrotechnic mixture. The law also bans kits designed to build these fireworks (16 CFR § 1500.17(a)(3), (8), (9), & (11)). (The exceptions include sale and distribution of the fireworks to farmers, ranchers, or growers through a wildlife management program administered by the U.S. Department of the Interior or by equivalent state or local government agencies.)

CONNECTICUT

With the exception of sparklers and fountains, which anyone age 16 or older may use or possess, all fireworks are illegal in Connecticut unless they are being used by licensed, professional pyrotechnicians putting on supervised displays at locations approved by state and local officials. (Certain toy pistols, toy guns, and toy pistol caps manufactured in accordance with federal regulations are exempt from the definition of fireworks and are not regulated.)

To be legal for consumer use, sparklers and fountains must be non-explosive and non-aerial and cannot contain (1) magnesium, except for magnesium-aluminum alloy, or (2) more than 100 grams of pyrotechnic composition or five grams of chlorate or perchlorate salts per item. If more than one fountain is mounted on a common base, the total pyrotechnic composition cannot exceed 200 grams (*CGS § 29-357 et seq.*).

An entity conducting a fireworks display must get a \$100 permit from the state fire marshal. As a condition of getting the permit, the entity must have at least \$1 million in liability insurance (*CGS § 29-359*). The operator of the display must get a \$200 competency certificate from the fire marshal as well.

MICHIGAN

Michigan allows all types of federally legal consumer and display fireworks and it imposes a 6% fee on the pretax price of consumer fireworks and low-impact fireworks (ground and handheld sparkling devices) sold at retail. It does not regulate “novelties,” which the law defines as (1) toy plastic or paper caps for toy pistols containing no more than .25 of a grain of explosive content per cap; (2) toy pistols, cannons, canes trick noisemakers that meet certain standards; (3) flitter sparklers in paper tubes up to 1/8 inches in diameter; and (4) toy snakes not containing mercury (*Mich. Comp. Laws § 28.452 et seq.*).

The law allows unrestricted use of consumer fireworks on 10 national holidays and the day proceeding and following them (*Mich. Comp. Laws § 28.457*). It prohibits their use on public, school, church, or someone else’s property without express permission (*Mich. Comp. Laws § 28.462*).

Anyone selling consumer fireworks must obtain an annual state certificate, which costs \$1,000 per permanent location or structure and \$600 for a temporary location, and maintain public and product liability insurance coverage of at least \$10 million per occurrence (*Mich. Comp. Laws §§ 28.454 & 28.455*). Anyone selling low-impact fireworks must register with the low-impact fireworks retail registry, maintained by the Department of Licensing and Regulatory Affairs, at least 10 days before selling the fireworks in each calendar year (*Mich. Comp. Laws § 28.456*).

The law prohibits the (1) sale of consumer fireworks to minors and (2) use of consumer fireworks while under the influence of drugs or alcohol (*Mich. Comp. Laws § 28.462*).

NEW HAMPSHIRE

New Hampshire allows all types of federally legal (1) display fireworks, which may only be sold to licensees and anyone holding a state competency certificate to exhibit “display fireworks,” and (2) consumer fireworks, except fire crackers, bottle rockets, class “C” sparklers or sparklers containing chlorates or perchlorates, and any device that produces smoke only as an effect (N. H. Rev. Stat. Ann. §§ 160-C & 644:16(b)). The law defines the approved consumer fireworks as “permissible fireworks,” which can be used or possessed by anyone age 21 or older (18 or older for people on active military duty). Permissible fireworks may be used on private property with the written consent of the owner or in the owner’s presence, except in a municipality that votes to prohibit their display (N.H. Rev. Stat. Ann. 160-C:11).

Only people licensed by the state may sell permissible fireworks, and they must locate their business in a permanent structure that meets all local requirements and the state fire and building codes (N. H. Rev. Stat. Ann. § 160-C:3). As a condition of licensure, an applicant must first obtain a federal permit and a municipal permit to sell fireworks (N. H. Rev. Stat. Ann. §§ 160-C:2 & 160-C:3). The law prohibits sales of permissible fireworks to anyone who appears to be under the influence of drugs or alcohol.

People may legally possess display fireworks only if they (1) have a certificate of competency to display such fireworks and a municipal permit to display them; (2) hold a federal, state, or municipal permit or license to sell display fireworks or is licensed to store them; (3) are shipping fireworks interstate or between in-state licensees; or (4) are manufacturers or are carrying the fireworks on a common carrier (N. H. Rev. Stat. Ann. § 160-B:4).

Only people licensed by the state may sell display or non-permissible consumer fireworks (e.g., firecrackers), and they may sell these fireworks only at (1) wholesale (\$1,000 or more) to people appropriately licensed or (2) retail to someone who holds a display permit and certificate of competency to operate fireworks (N. H. Rev. Stat. Ann. § 160-B:6). As a condition of licensure, an applicant must first obtain a federal permit and a municipal permit to sell fireworks (N. H. Rev. Stat. Ann. §§ 160-B:2).

The fee for a state license to sell permissible or display fireworks is \$1,500 per year for each retail location (N. H. Rev. Stat. Ann. §§ 160-B:6 & 160-C3). The fee revenue is deposited into a dedicated account to fund the state's fireworks inspection program.

Any licensee or applicant for a license to sell or market display and consumer fireworks must file a \$50,000 bond annually (N. H. Admin. Rules Saf-C 2603.03). Any licensee (1) authorized to market or sell display and consumer or permissible fireworks, (2) certified competent to display fireworks, or (3) licensed to sell fireworks at wholesale must have at least \$100,000 in liability coverage per accident (N. H. Admin. Rules Saf-C 2603.05).

PENNSYLVANIA

With minor exceptions, Pennsylvania prohibits the use and possession of all types of consumer and display fireworks without a town permit, which requires an applicant to post at least a \$500 bond and the permit-issuing official to determine the operator is competent is and at least age 18. "Hand-held sparkling devices," "novelties," and "toy caps" are not regulated and, thus, are legally permissible. And non-residents who present appropriate identification may purchase consumer fireworks for transfer out of state. Also, the law allows the use of consumer and display fireworks, without a permit, for limited, specified purposes, such as certain commercial, agricultural, and industrial uses.

Only state-licensed facilities meeting specified physical and operational criteria may sell consumer fireworks and each facility must carry at least \$2 million in public and product liability insurance. Among other things, the law limits the size (no larger than 12,000 square feet) and location of the facilities, bars admittance to unaccompanied minors and anyone appearing to be under the influence of drugs or alcohol, and prohibits the facilities from storing display fireworks (PA. Stat. Ann. §§ 1275.3 & 1275.5).

Any business entity that performs, provides, or supervises fireworks exhibitions must register with the attorney general (PA. Stat. Ann. § 1276.2).

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