



## LAWS GOVERNING FIREWORKS IN SELECT STATES

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### FIREWORKS REGULATION

Consumers using fireworks must comply with federal regulations and applicable state regulations.

Federal law sets minimum standards. It bans the sale of the most dangerous types of fireworks to consumers, including cherry and aerial bombs, M-80 salutes, and large reloadable mortar shells.

States may adopt more stringent standards than the federal standards.

A few states, such as Massachusetts and New York, prohibit the use, possession, and sale of all fireworks for private use; some, like Connecticut, limit the types allowed for private use; and others allow all types of fireworks.

### QUESTION

What laws govern fireworks in Connecticut, Massachusetts, New York, and Rhode Island?

### SUMMARY

Fireworks are regulated by federal law, which set minimum standards, and state laws. For regulatory purposes, federal regulations define two general categories of fireworks: (1) "display fireworks," which are intended for commercial use, and (2) "consumer fireworks," which are intended for consumer (general public) use, subject to less stringent regulation than display fireworks. Consumer fireworks, unless restricted by state or local laws, may be sold to the general public.

Except for sparklers and fountains and certain toy pistols, toy guns, and toy pistol caps manufactured in accordance with federal regulations, all types of consumer and display fireworks are illegal in Connecticut, unless being used under a permit.

Massachusetts and New York generally prohibit the use and possession of all fireworks, unless being used under a permit. These include sparklers, trick noise makers, snappers, and firecrackers.

Rhode Island specifically permits hand-held and ground-based sparkling devices, including sparklers, ground spinners, and novelties for consumer use.

(Some states, including Connecticut, have separate laws specifically addressing the indoor use of pyrotechnics, which this report does not address.)

## **FEDERAL LAW**

### ***Types of Fireworks***

The federal Hazardous Substances Act (FHSA) deems fireworks as hazardous substances ([16 CFR § 1500.17](#)). For regulatory purposes, federal law places fireworks into two categories—display fireworks and consumer fireworks—subject to different degrees of regulation.

Federal regulations define “display fireworks,” in part, as large fireworks designed primarily to produce visible or audible effects by combustion, deflagration, or detonation (27 CFR § [555.11](#) & 49 CFR § [172](#)). The term includes “salutes containing more than two grains (130 mg) of explosive material, aerial shells containing more than 40 grams of pyrotechnic compositions, and other display pieces that exceed the limits of explosive material for classification as consumer fireworks” (27 CFR § [555.11](#)).

The regulations define “consumer fireworks” as any small firework device designed to produce visible effects by combustion. . . .” (27 CFR § [555.11](#)). Consumer fireworks 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 (<http://www.cpsc.gov/PageFiles/121339/012.pdf>).

### ***Federal Regulation of Fireworks***

The U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and Consumer Product Safety Commission (CPSC) have general jurisdiction over the types of fireworks that may be legally sold and used in the country. The U.S. Department of Transportation regulates transportation of fireworks.

ATF regulates display fireworks. Anyone in the business of importing, manufacturing, dealing in, distributing, storing, or otherwise receiving display fireworks must obtain an ATF explosives license or permit for the specific activity (27 CFR § [555](#)).

The FHSA prohibits the sale of the most dangerous types of fireworks to the general public. These include cherry and aerial bombs, M-80 salutes, silver salutes, other large firecrackers and other fireworks containing more than two grains of pyrotechnic mixture. Kits for building these fireworks are also prohibited ([16 CFR](#)

[1500.17\(a\)\(3\)](#), [16 CFR 1500.17\(a\)\(8\)](#), (9), & (11)). (The FHSA exempts from this prohibition sale and distribution of these fireworks to certain people, including 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, under specified circumstances.)

CPSC regulates consumer fireworks. Under CPSC regulations, consumer fireworks must meet certain construction and performance requirements and contain warning labels describing the hazard and function of a fireworks device (16 CFR §§ [1500.14](#) and [1500.83\(a\)\(27\)](#)). Also, CPSC regulations ban some fireworks if they look like candy, food, or other banned fireworks devices. Dragon eggs that look like foil wrapped chocolate candy kisses, cracker balls that look like breakfast cereal, and smoke devices that look like cherry bombs or “M-80s” are banned (16 CFR. §§ [1500.17\(a\)\(8\)](#) and [1507.9](#)).

States may adopt more stringent standards than the federal standards, banning or limiting fireworks authorized under federal law.

## **CONNECTICUT**

Except for certain sparklers and fountains, which anyone age 16 or older may sell, buy, use, or possess, and toy pistols, toy guns, and toy pistol caps manufactured in accordance with federal regulations, all consumer fireworks are illegal in Connecticut unless being used under a permit or otherwise specifically authorized by law. The prohibited fireworks include:

1. toy pistols, toy cannons, toy canes, or toy guns in which explosives are used;
2. balloons propelled by fire;
3. firecrackers, torpedoes, skyrockets, Roman candles, or Daygo bombs;
4. fireworks containing an explosive or flammable compound; and
5. tablets or other devices containing any explosive substance ([CGS § 29-356\(1\)](#)).

To be legal for general 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.). The law exempts certain transactions from the provisions governing fireworks, including manufacturer sales to out-of-state buyers; possession, sale, or use of railroad signaling devices; use of

illuminating devices or torches for parades or ceremonial events; the sale or use of blank cartridges for ceremonial, theatrical, or athletic events; and the use of fireworks solely for agricultural purposes under conditions approved by the state fire marshal ([CGS § 29-361](#)).

### ***Fireworks Displays***

Display fireworks may be used under a permit from the state fire marshal at locations approved by local fire and police officials. To get the permit, which costs \$100, the entity conducting the display must obtain at least \$1 million in liability insurance per accident for bodily injury and property damage ([CGS § 29-359](#)).

Display operators must obtain a \$200 competency certificate from the fire marshal ([CGS § 29-357](#)).

### ***Violations and Penalties***

A violation of the above provisions is a class C misdemeanor, except that a display permit violation or the illegal sale of fireworks valued at more than \$10,000 is a class A misdemeanor punishable by imprisonment for up to one year, a fine of up to \$2,000, or both. If a display permit violation results in death or injury, it is a class C felony punishable by imprisonment for up to 10 years, a fine of up to \$10,000, or both ([CGS § 29-357\(d\)](#)).

## **MASSACHUSETTS**

Massachusetts bans all fireworks unless being used under a permit or as otherwise specifically authorized by law. It is illegal for private citizens to use, possess, or sell them in Massachusetts (Mass. Gen. Laws ch. 148 § 39).

The law specifically prohibits any article designed to produce a visible or audible effect by combustion, explosion, deflagration, or detonation, including:

1. blank cartridges or toy cannons in which explosives are used;
2. toy balloons propelled by fire;
3. firecrackers, cherry bombs, silver salutes, M-80s, torpedoes, sky-rockets, Roman candles, sparklers, rockets, wheels, colored fires, fountains, mines, and serpents;
4. other fireworks of like construction or any fireworks containing any explosive or flammable compound; or
5. tablets or devices containing explosives (Mass. Gen. Laws ch. 148 § 39).

It specifically allows (1) toy pistols, toy canes, toy guns, or other devices in which paper or plastic caps containing 25/100<sup>ths</sup> grains or less of explosive compound are

used, if they are so constructed that the hand cannot come in contact with the cap when in place for the explosion and (2) toy pistol paper caps or plastic caps which contain less than 20/100<sup>ths</sup> grains of explosive mixture. The law also allows the sale of fireworks in the following cases, among others: (1) for supervised fireworks displays under a permit; (2) for direct out-of-state shipment; (3) for use by railroads, motor vehicle, or other transportation agencies; and (4) to farmers to control damage by birds to their crops (Mass. Gen. Laws ch. 148 § 39).

### ***Fireworks Displays***

Anyone in the business of displaying or exhibiting fireworks must post a \$15,000 bond with the state treasurer and any additional amount the fire marshal determines necessary to cover losses, damages, or injuries that might ensue from the display (Mass. Gen. Laws ch. 148 § 42).

The person conducting the fireworks show must have a permit issued by the local fire marshal and must be supervised by the fire department. The permit fees are set by fire department chiefs but cannot exceed \$25. The display must be handled by a competent operator approved by the fire chief (Mass. Gen. Laws ch. 148 § 39A).

### ***Violations and Penalties***

Under Massachusetts law, illegal possession or use of fireworks, is punishable by a fine of \$10 to \$100. Illegal sale of fireworks is punishable by a fine of \$100 to \$1,000, imprisonment for up to one year, or both (Mass. Gen. Laws ch. 148 § 39).

## **NEW YORK**

New York bans all fireworks unless being used or possessed under a display fireworks permit.

For regulatory purposes, the law distinguishes between fireworks and dangerous fireworks. "Fireworks" include firecrackers, sparklers or other similarly constructed combustible or explosive items, toy canons in which explosives are used, and any substance or combination of substances or article intended to produce a visible or audible effect by combustion, explosion, deflagration, or detonation.

"Dangerous fireworks" are those fireworks capable of causing serious physical injury. They include:

1. firecrackers containing more than 50 milligrams of an explosive substance;

2. torpedoes, skyrockets, and rockets, including all devices that employ any combustible or explosive substance and rise in the air during discharge;
3. Roman candles and bombs;
4. sparklers longer than 10 inches or bigger than 1/4 inch; and
5. chasers, including all devices that dart or travel about the surface of the ground during discharge.

The law allows, among other things, toy pistols, toy canes, toy guns, or other devices in which paper caps containing 25/100<sup>ths</sup> grains or less of explosive compound are used, provided they meet standards specified in the law, and toy pistol paper caps containing less than 20/100<sup>ths</sup> grains of explosive mixture (N.Y. Penal Code § 270.00).

### ***Fireworks Displays***

Anyone displaying fireworks must obtain a permit from the appropriate permit authority. Applicants must post a bond of at least \$1 million or indemnity insurance with liability coverage and indemnity protection equivalent to the bond, unless the applicant is a state entity, county park, city, village or town. Anyone firing the display must be at least age 18 and hold a valid certificate of competency as a pyrotechnician (N.Y. Penal Code § 405.00).

### ***Violations and Penalties***

Illegally selling fireworks or dangerous fireworks is a class B misdemeanor, punishable by up to 90 days in jail, a fine, or both (N.Y. Penal Code § 270.00(2)(a)). But it is a class A misdemeanor punishable by up to 1 year in jail, a fine, or both if the (1) value of the fireworks is \$500 or more or (2) sale of dangerous fireworks is to a minor under age 18 (N.Y. Penal Code § 270.00(2)(b)(ii)). And any conviction for sale to a minor within five years of a previous conviction for this crime is a class E felony, punishable by up to four imprisonment, a fine, or both (N.Y. Penal Code § 270.00(2)(b)(iii)). The provisions do not apply to, among others, anyone with a permit to use high explosives for blasting or signaling; state and federal governments; and sales out of state (N.Y. Penal Code § 270.00(3)(b)).

Anyone who possesses uses, explodes, or causes to explode any fireworks or dangerous fireworks without a permit commits a violation, punishable by up to 15 days in jail, a fine, or both (N.Y. Penal Code § 270.00(2)(b)(i)). Possession of fireworks or dangerous fireworks valued at \$50 or more gives rise to the presumption that such fireworks were intended to be offered for sale.

## **RHODE ISLAND**

With some exceptions, aerial consumer fireworks, display fireworks, and pyrotechnics are specifically prohibited under Rhode Island law, except under a permit from the local fire authority. Anyone age 16 or older may store, possess, or sell any of the following types of fireworks:

1. ground-based and hand-held sparkling devices (nonaerial fireworks), including fountains, illuminating torches, wheels, ground spinners, flitter sparklers, and sparklers;
2. novelties, including party poppers, snappers, toy smoke devices, snakes, glow worms, wire sparklers, and dipped sticks;
3. paper caps containing up to 25/100<sup>ths</sup> grains of explosive mixture ammunition for weapons used for sporting and hunting; or
4. model rockets and model rocket engines designed, sold, and used for propelling recoverable aero models.

In addition, the law allows the use and possession of display fireworks and aerial consumer fireworks used as authorized in the following situations, among others: for signal or illumination purposes by common carriers, blasting, ceremonial or military purposes, or direct shipment out of state (R.I. Gen. Laws § 11-13-1).

### ***Fireworks Displays***

Anyone who sells, possesses, or uses display or aerial consumer fireworks must obtain a permit from the local fire authority (R. I. Gen. Laws § 23-28.11-3).

Permits to possess and display commercial fireworks are issued by the local fire authority. As a condition of getting the display permit, the applicant must obtain a certificate of competency from the state fire marshal, which costs \$50 plus \$10 for the application (R.I. Gen Laws § 23-28.11-3 et. seq.). The law requires the applicant to furnish proof of financial responsibility of at least \$1 million and it allows the local fire authority to increase the minimum (R. I. Gen Laws § 23-28.11-7). The operator of the display must be competent and approved by the local fire authority (R.I. Gen Laws § 11-13-1).

### ***Violations and Penalties***

A violation of any of the above provisions is a felony and the violator is subject to a fine of up to \$1,000, imprisonment for up to one year, or both for each offense. But for illegal possession with intent to use less than \$500 of display and aerial consumer fireworks, it is a misdemeanor, punishable by a fine of up to \$500, up to one year in prison, or both for each offense.

Anyone who violates the provisions pertaining to possession of display fireworks is subject to a fine of \$100 to \$500 or imprisonment for up to one year. Anyone who violates the provisions pertaining to the use of display fireworks commits a felony and is subject to a fine of at least \$1,000, imprisonment for up to five years, or both (R.I. Gen Laws § 23-28.11-9).

Anyone who sells, uses, or explodes firecrackers containing any explosive other than gunpowder is subject to a \$20 fine (R. I. Gen Laws § 11-13-7).

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