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State Fire Marshal Division

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Fireworks Fact Sheet April 30, 2002

Recent changes to Minnesota Statute 624.20 now allow for the public sale, possession and use of a limited number of, but not all, consumer fireworks.

Summary of Changes to Minnesota Fireworks Laws

- Sale, possession and use of some nonexplosive and nonaerial consumer fireworks is **now permitted** in Minnesota on or after April 30, 2002. Examples include items such as sparklers, cones and tubes that emit sparks, novelty items like snakes, and party poppers. For a complete list, see the Table on Page 2 of this fact sheet.
- These consumer fireworks may not be used on public property (i.e. parks, roads, alleys, schools, government property etc.).
- Purchasers of these fireworks must be at least 18 years old and retailers need to check photo identification.
- Sale, possession and use may occur at any time during the year.

What Requirements Have Not Changed

- Explosive and aerial fireworks are still prohibited for public sale, possession and use. Prohibited fireworks include firecrackers, bottle rockets, missiles, roman candles, mortars and shells.
- Requirements for "public" display fireworks and certification for use remain unchanged.

Questions should be directed to the State Fire Marshal Division by email to firecode@state.mn.us or by calling (651) 215-0500. Additional information is available at www.fire.state.mn.us



Table 1: Examples of Legal and Illegal Fireworks

<p>EXAMPLES OF FIREWORKS THAT ARE NOW LEGAL TO SELL, POSSESS AND USE BY THE PUBLIC ON OR AFTER APRIL 30, 2002 AS PERMITTED BY MINNESOTA STATUTE 624.20 (C):</p>	<p>EXAMPLES OF FIREWORKS THAT CONTINUE TO BE ILLEGAL TO SELL POSSESS AND USE, EXCEPT AS PERMITTED UNDER MINNESOTA STATUTE 624.20</p>
<p>Wire or wood sparklers of not more than 100 grams of mixture per item</p> <p>Other sparkling items which are nonexplosive and nonaerial and contain 75 grams or less of chemical mixture per tube or a total of 200 grams or less for multiple tubes and include:</p> <ul style="list-style-type: none"> • <u>Cylindrical fountain</u> Upon ignition, a shower of colored sparks or smoke and sometimes a whistling effect is produced. • <u>Cone Fountain</u> The effect is the same as that of a cylindrical fountain. When more than 1 cone is mounted on a common base, total pyrotechnic composition may not exceed 200 grams • <u>Illuminating Torch</u> • <u>Wheel</u> - Pyrotechnic device intended to be attached to a post or tree by means of a nail or string. Upon ignition, the wheel revolves, producing a shower of color and sparks and, sometimes, a whistling effect • <u>Ground Spinner</u> - Small device venting out an orifice usually on the side of the tube. Similar in operation to a wheel but intended to be placed flat on the ground and ignited. The rapidly spinning device produces a shower of sparks and color. • <u>Flitter Sparkler</u> - Narrow paper tube attached to a stick or wire that produces color and sparks upon ignition. The paper at one end of the tube is ignited to make the device function. • <u>Flash/Strobe</u> - Emit a bright light <p>Novelty items such as snakes and glow worms, smoke devices, or trick noisemakers which include paper streamers, party poppers, string poppers, snappers, and drop pops, each consisting of not more than twenty-five hundredths grains of explosive mixture.</p>	<ul style="list-style-type: none"> • <u>Any fireworks that are explosive</u> • <u>Any fireworks that are aerial</u> <ul style="list-style-type: none"> • Firecrackers (any size) • Ladyfingers • Sky rockets • Bottle rockets • Missile type rockets • Helicopters, aerial spinners, planes, UFOs • Roman Candles • Mines or shells (heavy cardboard or paper tube(s) attached to a base – upon ignition stars, balls or reports are propelled into the air) • Chasers • Parachutes • 1.3G Display (special or class B) Fireworks • Aerial shells • Theatrical pyrotechnics (see Minn. Stat. 624.20 to 624.25) <p>Basically, any fireworks listed above are still not legal for public sale, possession or use, except with a permit and by a certified operator according to Minnesota Statute 624.20. (i.e. these fireworks are still not legal unless a permit has been issued by the local jurisdiction and they are used by a state certified operator)</p>

Information for Consumers of Fireworks

Each state in the United States has slightly different requirements for fireworks: some permit all 1.4G consumer fireworks; others a subset of consumer fireworks; or no fireworks at all. The recent law change would allow some, but not all, consumer fireworks to be sold and used in Minnesota. To prevent confusion, the Table on Page 2 of this fact sheet outlines the types of fireworks that may now be sold, possessed and used by the public. This table also indicates fireworks that are still not legal to sell, possess and use, except with a permit and by a certified operator. Here is a summary of the basic rules for fireworks in Minnesota:

- Only nonexplosive and nonaerial consumer fireworks are permitted to be sold, possessed and used. Examples include fireworks listed in the left hand column in the Table on Page 2 of this fact sheet.
- Fireworks that explode, leave the ground, or shoot anything other than sparks into the air are still prohibited.
- Use of these devices is not permitted on public property (i.e. parks, roads, alleys, schools, government property etc.).
- Purchasers of fireworks must be at least 18 years old and age must be verified by photo identification at the time of purchase. The only age restriction is on the purchase of fireworks – there is no age restriction on possession or use.
- There are no restrictions on the time of year for the sale, possession or use of these fireworks, nor are there restrictions on where the fireworks are purchased (in state or out of state).
- A permit or certification from the State Fire Marshal Division is not necessary for the sale, possession or use of these fireworks.
- There has been no change in the laws relating to theatrical pyrotechnics and the requirements for a permit and certified operator according to Minnesota Statute 624.20 to 624.25
- Operating outside the exception provided by Minn. Stat 624.20 (c) for sale, possession and use of fireworks is addressed in the criminal statutes of Minn. Stat. 624.20 to 624.25. According to Minn. Stat. 624.25, violations are addressed as follows:
 1. *if the violation involves explosive fireworks in an amount of 35 pounds gross container weight or more, to imprisonment for not more than one year, or to payment of a fine of not more than \$3,000, or both;*
 2. *if the violation involves explosive fireworks in an amount of less than 35 pounds gross container weight, to imprisonment for not more than 90 days, or to payment of a fine of not more than \$700, or both; and*
 3. *if the violation involves any amount of fireworks other than explosive fireworks, to imprisonment for not more than 90 days, or to payment of a fine of not more than \$700, or both.*

Fireworks Safety Guidelines

Fireworks are associated with many injuries nationally each year. The following safety guidelines are offered to reduce fireworks injuries, fires and nuisance complaints:

- Read, understand and follow the instructions on each device prior to using.
- Use fireworks with close adult supervision.
- Choose a safe place to use fireworks that is far from anything that could be damaged from the normal or abnormal operation of any device. Fireworks should only be ignited outdoors and away from animals, buildings, storage tanks, brush or combustible materials.
- Anyone acting in an irresponsible manner or who appears to be under the influence of alcohol or other drugs should not handle or discharge fireworks.
- Keep fireworks away from small children and store them in a cool dry location away from sources of ignition (heat and flames). Fireworks should not be allowed to become wet and should not be used when dried after becoming wet.
- Do not carry fireworks in your pocket or on your person.
- Lit cigarettes, cigars, pipes or open flames should be kept away from fireworks that are for sale or when stored.
- Never ignite fireworks inside another container, such as inside a bottle or can.
- Eye protection is recommended for those using fireworks. Never throw fireworks or aim them at another person, animal or building.
- Only light one firework device at a time, then move away from the device quickly. Keep clear of any device that has been ignited, but has yet to go off.
- If a firework device has been ignited but fails to go off, stay clear of the device for an extended period of time to prevent injury due to delayed activation. Soak the device in water before handling it.
- Never place any part of your body, especially your head, over the firework device when lighting. Approach the item from the side and light while keeping your body away from the item.
- Never relight malfunctioning fireworks. Report any defects back to the seller or the Consumer Product Safety Commission.
- Never experiment with fireworks, make your own fireworks, or alter fireworks in any manner (a strong federal prohibition exists for such activity).

Background on Fireworks Statutory Requirements

Requirements for fireworks can be broken down into two broad categories:

Display fireworks – 1.3G (old name was special or class B fireworks) are the large fireworks used by trained and licensed operators and are typical of what you would see presented each evening at the Taste of Minnesota or at the Minnesota State Fair. Possession and use of these display fireworks by state certified operators is covered under Minn. Stat. 624, and is not impacted by the recent law change.

Consumer fireworks – 1.4G (old name was common or class C fireworks) are small fireworks intended for public use. Prior to April 30, 2002, Minnesota Statute 624.21 prohibited all forms of consumer fireworks except for toy pistols and caps. The recent law change has added an additional exception to this statute:

(c) The term also does not include wire or wood sparklers of not more than 100 grams of mixture per item, other sparkling items which are nonexplosive and nonaerial and contain 75 grams or less of chemical mixture per tube or a total of 200 grams or less for multiple tubes, snakes and glowworms, smoke devices, or trick noisemakers which include paper streamers, party poppers, string poppers, snappers, and drop pops, each consisting of not more than twenty-five hundredths grains of explosive mixture. The use of items listed in this paragraph is not permitted on public property. This paragraph does not authorize the purchase of items listed in it by persons younger than 18 years of age. The age of a purchaser of items listed in this paragraph must be verified by photographic identification.

Thus, the items listed in (c) above are no longer considered “fireworks” for purposes of Minnesota Statute 624.20 and 624.21 and no longer require use only by state certified operators. This allows the public to use these fireworks without a permit and without a certified operator. Fireworks not included in this new language still fall under the requirements for a permit and certified operator.

All consumer fireworks sold in the US must meet the requirements of the three main federal government agencies that control fireworks: (1) The Consumer Product Safety Commission in 16 CFR 1500 and 16 CFR 1507 provides standards for the safe construction, labeling and performance of fireworks (i.e. prevention of accidental ignition or tipping during use). The CPSC also enforces a list of prohibited fireworks such as M-80's and others. (2) The Department of Transportation 49 CFR 170-173 defines consumer 1.4G fireworks and contains requirements for transportation, labeling and shipment of fireworks. The DOT adopts by reference American Pyrotechnics Association (APA) Standard 87-1 *Standard for Construction and Approval For Transportation of Fireworks, Novelties, and Theatrical Pyrotechnics*. This is the main document that defines different types of fireworks, their allowable composition (weight of chemical composition) and construction. (3) Finally, the Bureau of Alcohol Tobacco and Firearms enforces requirements relating to the explosives nature of fireworks [27 CFR 55], such as separation distances for storage and manufacturing.

Information for retailers of fireworks

Here is a summary of information relating to retail sale of fireworks in Minnesota:

- Retailers should check with the local governmental entity where sales are contemplated for any additional requirements that may apply (i.e. business licenses, zoning or permits).
- No permit or license is necessary from the State Fire Marshal Division for sale, possession or use of fireworks exempted from Minnesota Statute 624.20, although one may be required locally.
- Strict adherence to state fireworks laws, especially Minn. Stat. 624.20 (c), is encouraged and expected.
- Operating outside the exception provided by Minn. Stat 624.20 (c) for sale, possession and use of fireworks is addressed in the criminal statutes of Minn. Stat. 624.20 to 624.25. According to Minn. Stat. 624.25, violations are addressed as follows:

Any person violating the provisions of sections 624.20 to 624.24 may be sentenced as follows:

- 1. if the violation involves explosive fireworks in an amount of 35 pounds gross container weight or more, to imprisonment for not more than one year, or to payment of a fine of not more than \$3,000, or both;*
- 2. if the violation involves explosive fireworks in an amount of less than 35 pounds gross container weight, to imprisonment for not more than 90 days, or to payment of a fine of not more than \$700, or both; and*
- 3. if the violation involves any amount of fireworks other than explosive fireworks, to imprisonment for not more than 90 days, or to payment of a fine of not more than \$700, or both.*

- Purchasers of legal fireworks must be at least 18 years old. Minn. Stat. 624.20 (c) requires that retailers verify age through presentation of photographic identification by the purchaser.
- The Minnesota Uniform Fire Code is adopted statewide and has provisions relating to fireworks. Retailers are encouraged to be familiar with the requirements in the Fire Code since they apply to legal fireworks.
- Smoking is not allowed in areas used for retail sale or storage of fireworks [reference: MUFC (1998) Section 1109.4.1].
- There are no provisions in the new language of Minn. Stat. 624.20 (c) that limit or prohibit advertising or mail order sales for legal fireworks. Permitted advertising and mail order sales, however, are limited to fireworks legalized by Minn. Stat. 624.20 (c) since other fireworks are still not legal for personal sale, possession or use.