

Law Enforcement Consumer Fireworks Reference Guide

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This guide has been prepared as a reference only for the use of public safety first responders and contains only excerpts of applicable laws. For interpretation of full content of laws and criminal charging purposes, users should contact the district attorney within their respective jurisdiction.

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TAX REFORM CODE OF 1971 - OMNIBUS AMENDMENTS

72 P.S. § 9414

Formerly cited as PA ST 35 P.S. § 1277

§ 9414. Penalties

Effective: October 30, 2017

ARTICLE XXIV

FIREWORKS

Section 2401. Definitions.

The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"APA 87-1." The American Pyrotechnics Association Standard 87-1: Standard for Construction and Approval for Transportation of Fireworks, Novelties, and Theatrical Pyrotechnics, 2001 edition, or any subsequent edition.

"Consumer fireworks."

(1) Any combustible or explosive composition or any substance or combination of substances which is intended to produce visible or audible effects by combustion, is suitable for use by the public, complies with the construction, performance, composition and labeling requirements promulgated by the Consumer Products Safety Commission in 16 CFR (relating to commercial practices) or any successor regulation and complies with the provisions for "consumer fireworks" as defined in APA 87-1 or any successor standard, the sale, possession and use of which shall be permitted throughout this Commonwealth.

(2) The term does not include devices as "ground and hand-held sparkling devices," "novelties" or "toy caps" in APA 87-1 or any successor standard, the sale, possession and use of which shall be permitted at all times throughout this Commonwealth.

"Display fireworks." Large fireworks to be used solely by professional pyrotechnicians and designed primarily to produce visible or audible effects by combustion, deflagration or detonation. The term includes, but is not limited to:

(1) salutes that contain more than two grains or 130 milligrams of explosive materials;

(2) aerial shells containing more than 60 grams of pyrotechnic compositions; and

(3) other display pieces that exceed the limits of explosive materials for classification as consumer fireworks and are classified as fireworks UN0333, UN0334 or UN0335 under 49 CFR 172.101 (relating to purpose and use of hazardous materials table).

"NFPA 1124." The National Fire Protection Association Standard 1124, Code for the Manufacture, Transportation, and Storage of Fireworks and Pyrotechnic Articles, 2006 edition, or any subsequent edition.

"Occupied structure." A structure, vehicle or place adapted for overnight accommodation of persons or for conducting business whether or not a person is actually present.

Section 2404. Use of consumer fireworks.

(a) **Conditions.**--A person who is at least 18 years of age and meets the requirements of this article may purchase, possess and use consumer fireworks.

(b) **Prohibitions.**--A person may not intentionally ignite or discharge:

(1) Consumer fireworks on public or private property without the express permission of the owner.

(2) Consumer fireworks or sparkling devices within, or throw consumer fireworks or sparkling devices from, a motor vehicle or building.

(3) Consumer fireworks or sparkling devices into or at a motor vehicle or building or at another person.

(4) Consumer fireworks or sparkling devices while the person is under the influence of alcohol, a controlled substance or another drug.

(5) Consumer fireworks within 150 feet of an occupied structure.

Section 2414. Penalties.

The following shall apply:

(1) A person using consumer fireworks in violation of the provisions of this article commits a summary offense and, upon conviction, shall be punished by a fine of not more than \$100.

(2) A person selling consumer fireworks in violation of the provisions of this act commits a misdemeanor of the second degree.

(3) A person selling display fireworks in violation of the provisions of this act commits a felony of the third degree.

(4) A person **selling** federally illegal explosives such as devices as described in 49 CFR 173.54 (relating to forbidden explosives) or those devices that have not been tested, approved and labeled by the United States Department of Transportation, including, but not limited to, those devices commonly referred to as **M-80, M-100, blockbuster, cherry bomb or quarter or half stick explosive devices**, in violation of the provisions of this act commits a felony of the third degree.

Section 2415. Removal, storage and destruction.

The Pennsylvania State Police, a sheriff or police officer shall take, remove or cause to be removed at the expense of the owner all stocks of consumer fireworks or display fireworks or combustibles offered or exposed for sale, stored or held in violation of this article. The owner shall also be responsible for the storage and, if deemed necessary, the destruction of these fireworks.

NFPA 1124 Consumer Fireworks Storage Requirements

5.9.1 General Requirements.

5.9.1.1 Consumer fireworks storage buildings shall comply with the requirements of this section.

5.9.1.2 Work rooms or areas shall be permitted in consumer fireworks storage buildings, provided such work rooms or areas comply with 5.9.2.

5.9.1.3 Exterior door and window openings in consumer fireworks storage buildings shall be equipped with a means for locking.

5.9.1.4 Consumer fireworks storage buildings shall not be used for residential occupancies and shall not be located in residential areas.

5.9.1.5 Finished consumer fireworks at manufacturing facilities shall be stored in consumer fireworks storage buildings, trailers, semitrailers, metal shipping containers, or magazines.

5.9.1.6 Picking, packing, packaging, and shipping shall be permitted in consumer fireworks storage buildings or areas.

Explosive Weights for Bomb Squads:

When calculating for court or storage purposes it is suggested that two separate weights be used. The first is the **NET Package Weight**. This weight is usually indicated on the exterior of the package and often in Kilograms. The second weight is the **Net Explosive Weight**. The **Net Explosive Weight** of consumer fireworks is generally calculated by taking 25% of the **NET Package Weight**. Gross weights on large shipping boxes usually incorporate the exterior packaging plus the fireworks.

For example: 100 Kilograms **NET Package Weight** is 25 Kilograms of **Net Explosive Weight**.

1 Kilogram equals 2.2 pounds if you need to convert kilograms to pounds.