



California State Fire Marshal Information Bulletin

Issued: June 11, 2009

HEALTH AND SAFETY CODE FIREWORKS VIOLATIONS

In an effort to assist the local law enforcement and fire agencies with their enforcement of fireworks laws this Fourth of July, the Office of the State Fire Marshal (OSFM) is providing the following information relating to fireworks violations.

LICENSE PERMITS

12670 - Advertise the sale of fireworks without a license

12685 - Conduct public fireworks display without a permit

12686 - Use special effects fireworks without a pyrotechnic license

12687 - Sell, give, transfer or deliver special effects fireworks without a pyrotechnic license

12688 - Advertise to sell any class of pyrotechnics without a license or permit (Dangerous, Safe and Sane, Agricultural/ Wildlife, Model-rocket engines)

12690 - Perform or act with expired fireworks license or permit

SALE OF FIREWORKS

12671 - Sell, offer for sale, possess, store, discharge, use, or transport fireworks not registered by the State Fire Marshal

12675 - Failure to record on bill of lading or manifest required fireworks license numbers

STORAGE

12673 - Store fireworks without a permit

12674 - Store or possess fireworks which a fireworks license is required after license is revoked

12679 - Sell, use, store fireworks within 100 feet of where gasoline or other flammable liquids are stored or dispensed

12682 - Allow or permit a fire nuisance where fireworks are sold, manufactured, assembled, packaged, discharged, stored, or distributed



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DANGEROUS FIREWORKS

12676 - Sell, transfer, give or otherwise convey title of dangerous fireworks unless receiver has a valid permit

12677 - Posses dangerous fireworks with out a permit

12680 - Place, throw, ignite, or discharge dangerous fireworks at a person or crowd where injury can occur or creating chaos, fear, or panic

12689a - Sell, give or deliver dangerous fireworks to anyone under 18

EMERGENCY SIGNALING DEVICE

12683- Sell, use discharge an unregistered emergency signaling device

12684- Use emergency signal device for other than intended purpose

AGRICULTURAL AND WILDLIFE FIREWORKS

12678 - Use agricultural or wildlife fireworks without permit

SAFE AND SANE FIREWORKS

12672 - Sell Safe and Sane Fireworks other than from noon June 28 - noon July 6

12681 - Sell or transfer Safe and Sane Fireworks at other than fixed place of business

12689b - Sell, give or deliver Safe and Sane Fireworks to anyone under 16 years of age (Illegal)



**IF AN ITEM DOES NOT BEAR THIS
SEAL, IT IS ILLEGAL!**

TYPE OF FIREWORKS

CSFM REGISTRATION



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POSSESSION OF DANGEROUS FIREWORKS - PENALTIES

12700 (Health & Safety Code) - (a) Except as provided in Section 12702 and subdivision (b), any person who violates any provision of this part, or any regulation issued pursuant to this part, is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than five hundred dollars (\$500) nor more than one thousand (\$1,000) or by imprisonment in the county jail for not exceeding 1 year, or by both such fine and imprisonment.

(b) A person who violates any provision of this part or any regulations issued pursuant to this part, by possessing dangerous fireworks shall be subject to the following:

(1) A person who possesses a gross weight, including packaging, of less than 25 pounds of unaltered dangerous fireworks as defined in Section 12505, is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than five hundred dollars (\$500) or more than one thousand dollars (\$1000), or by imprisonment in the county jail for not exceeding one year, or both that fine and imprisonment. Upon a second or subsequent conviction a person shall be punished by a fine of not less than one thousand dollars (\$1000) or by imprisonment in the county jail not exceeding one year or by both that fine and imprisonment. (1)

(2) A person who possesses a gross weight, including packaging, of not less than 25 pounds or more than 100 pounds of unaltered dangerous fireworks, as defined in Section 12505, is guilty of a public offense, and upon conviction shall be punished by imprisonment in the county jail for not more than one year, or by fine of not less than one thousand dollars (\$1,000) or more than five thousand dollars (\$5,000), or by both that fine and imprisonment

(3) A person who possesses a gross weight, including packaging of not less than 100 pounds or more than 5000 pounds of unaltered dangerous fireworks, as defined in Section 12505, is guilty of a public offense, and upon conviction shall be punished by imprisonment in the state prison or the county jail for not more than one year or by a fine of not less than five thousand dollars (\$5000) or more than ten thousand dollars (\$10,000), or by both that fine and imprisonment

(4) A person who possesses a gross weight, including packaging, of more than 5,000 pounds of unaltered dangerous fireworks, as defined in Section 12505, is guilty of a public offense, and upon conviction shall be punished by imprisonment in the state prison or the county jail for not more than one year, or by a fine of not less than ten thousand dollars (\$10,000) or more than fifty thousand dollars (\$50,000), or by both that fine and imprisonment.



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12702a (Health & Safety Code) - Any person who violates this part by selling, giving, or delivering any dangerous fireworks to any person under 18 years of age is guilty of a misdemeanor and upon a first conviction shall be punished as prescribed in subdivision (b) of Section 12700

12702b (Health & Safety Code) - Upon a second or subsequent conviction of the offense, the person shall be punished by an additional fine of five thousand dollars (\$5000), or by imprisonment in the county jail for up to one year or by both that fine and imprisonment. The person shall not be granted probation and the execution of the sentence imposed upon the person shall not be suspended by the court.

FIREWORKS ARE EXCLUDED FROM EXPLOSIVES LAW

12540 (Health & Safety Code)- Items classified as FIREWORKS are generally excluded from explosives law. Exception: Large firecracker items such as; M -80, M -100, M -1000, Silver Salute, Brown Bomber, 1/4 stick, 1/2 stick, full stick, etc, are considered explosives. Not legal anywhere in the U.S.

CALIFORNIA CODE OF REGULATIONS SEC. 980(F)(1)

The term "firecracker" means a device consisting of an explosive pyrotechnic in an amount not to exceed 50 milligrams (.772 grains) in weight in a fused container whose primary function is to produce an audible effect. All firecrackers are classified as "dangerous fireworks". Devices similar in construction to "firecrackers" which exceed .772 grains shall be considered as EXPLOSIVES in accordance with Health & Safety Code 12000, et seq.

OTHER APPLICABLE LAWS

12303 (Health & Safety Code) - Possession of Explosives without valid permit

12305 (Health & Safety Code) - Illegal Possession of Explosives

12301 - 12312 (Penal Code) - Destructive Device Violations

452 (Penal Code) - Reckless Burning

EXPLOSIVES- When explosives are modified, placed in a pipe or container, used for destruction of property, or to terrify or injure individuals, the charge falls under Penal Code 12303.3, destructive device. If caught and convicted there is a mandatory jail time - no probation may be granted for conviction.



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(1) Violations for possession/use of less than 25 pounds may be handled as a violation of California H&S Code § 12700(b) 1 or in accordance with local administrative fine ordinance if adopted.

For other fireworks-related information, please log on to our Web site at:

http://osfm.fire.ca.gov/strucfireengineer/strucfireengineer_fireworks.php

For information regarding this bulletin, please contact Deputy State Fire Marshal Tony Guevara, Fireworks Program Coordinator at (916) 327-8278 or by email at: tony.quevara@fire.ca.gov