



# COUNTY OF LOS ANGELES FIRE DEPARTMENT

## FIRE PREVENTION DIVISION

### FIREWORKS – LEGAL REFERENCES

#### **CA HEALTH & SAFETY CODE (HSC), DIV 11, PART 2 - FIREWORKS AND PYROTECHNIC DEVICES:**

#### **GENERAL PROVISIONS & DEFINITIONS**

#### **12505. DANGEROUS FIREWORKS**

“Dangerous fireworks” includes all of the following:

- (a) Any fireworks, which contain any of the following:
  - (1) Arsenic sulfide, arsenates, or arsenites.
  - (2) Boron.
  - (3) Chlorates, except:
    - (A) In colored smoke mixture in which an equal or greater amount of sodium bicarbonate is included.
    - (B) In caps and party poppers.
    - (C) In those small items (such as ground spinners) wherein the total powder content does not exceed 4 grams of which not greater than 15 percent (or 600 milligrams) is potassium, sodium, or barium chlorate.
  - (4) Gallates or Gallic acid.
  - (5) Magnesium (magnesium-aluminum alloys, called magnalium, are permitted).
  - (6) Mercury salts.
  - (7) Phosphorous (red or white except that red phosphorus is permissible in caps and party poppers).
  - (8) Picrates or picric acid.
  - (9) Thiocyanates.
  - (10) Titanium, except in particle size greater than 100-mesh.
  - (11) Zirconium.
- (b) Firecrackers.
- (c) Skyrockets and rockets, including all devices which employ any combustible or explosive material and which rise in the air during discharge.
- (d) Roman candles, including all devices which discharge balls of fire into the air.
- (e) Chasers, including all devices which dart or travel about the surface of the ground during discharge.
- (f) Sparklers more than 10 inches in length or one-fourth of one inch in diameter.
- (g) All fireworks designed and intended by the manufacturer to create the element of surprise upon the user. These items include, but are not limited to, auto-foolers, cigarette loads, exploding golf balls, and trick matches.
- (h) Fireworks known as devil-on-the-walk, or any other firework which explodes through means of friction, unless otherwise classified by the State Fire Marshal pursuant to this part.

(i) Torpedoes of all kinds, which explode on impact.

(j) Fireworks kits.

(k) Such other fireworks examined and tested by the State Fire Marshal and determined by him, with the advice of the State Board of Fire Services, to possess characteristics of design or construction which make such fireworks unsafe for use by any person not specially qualified or trained in the use of fireworks.

#### **12508. EXEMPT FIREWORKS**

“Exempt fireworks” means any special item containing pyrotechnic compositions which the State Fire Marshal, with the advice of the State Fire Advisory Board, has investigated and determined to be limited to industrial, commercial, agricultural use, or religious ceremonies when authorized by a permit granted by the authority having jurisdiction.

#### **12511. FIREWORKS**

“Fireworks” means any device containing chemical elements and chemical compounds capable of burning independently of the oxygen of the atmosphere and producing audible, visual, mechanical, or thermal effects which are useful as pyrotechnic devices or for entertainment.

The term “fireworks” includes, but is not limited to, devices designated by the manufacturer as fireworks, torpedoes, skyrockets, roman candles, rockets, Daygo bombs, sparklers, party poppers, paper caps, chasers, fountains, smoke sparks, aerial bombs, and fireworks kits.

#### **12512. FIREWORKS KIT**

“Fireworks kit” means any assembly of materials or explosive substances, which is designed and intended by the seller to be assembled by the person receiving such material or explosive substance and when so assembled, would come within the definition of fireworks in Section 12511.

#### **12516. LICENSE**

“License” means any nontransferable authorization granted by the State Fire Marshal to engage in any activity regulated by this part.

#### **12517. LICENSEE**

“Licensee” means any person 21 years of age or older holding a fireworks license issued pursuant to Chapter 5 (commencing with Section 12570).

#### **12522. PERMIT**

“Permit” means the nontransferable permission granted by the public agency having local jurisdiction to a licensee for the purposes of establishing and maintaining a place where fireworks are manufactured, constructed, produced, packaged, stored, sold, exchanged, discharged, or used, or the nontransferable permission granted by the public agency



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having local jurisdiction or by the State Fire Marshal to a licensee for the purpose of transporting fireworks.

## **12529. SAFE AND SANE FIREWORKS**

“Safe and sane fireworks” means any fireworks which do not come within the definition of “dangerous fireworks” or “exempt fireworks.”

### **EXCEPTIONS**

#### **12540. APPLICATION OF PROVISIONS**

12540 states that this part (Part 2 - Fireworks and Pyrotechnic Devices) of Division 11 of the HSC does not pertain to "high explosives", which are addressed and regulated in Part 1 (High Explosives) of Division 11. High explosives must meet more, and stricter, regulations. Examples of high explosives include large firecracker items such as a so-called M-80, M-100, M-1000, Silver Salute, Brown Bomber, 1/4 stick, 1/2 stick, and full stick.

#### **12541 AND 12541.1 PROHIBITION OR REGULATION BY LAW OR ORDINANCE**

Sections 12541 and 12541.1 provide for the abilities of counties, cities, and special districts to adopt an ordinance or regulation to prohibit or regulate the sale, use, or discharge of fireworks.

### **CLASSIFICATION OF FIREWORKS**

#### **12568. CATEGORIZATION; SAFE AND SANE OR DANGEROUS**

The manufacturer, importer, or wholesaler shall stamp or label each case or carton of dangerous fireworks offered for sale, sold, consigned, or delivered within the state for sale or use within this state as dangerous fireworks. Each package of safe and sane fireworks shall be marked as safe and sane fireworks and shall bear the State Fire Marshal’s classification label and licensee’s registration number.



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

TYPE OF FIREWORKS  
CSFM REGISTRATION

### **LICENSES - TYPES**

#### **12574. RETAIL SALES**

A retail sales license allows the retail sale of safe and sane fireworks for private use.

### **LICENSES – ISSUANCE/ REVOCATION/ RENEWAL**

#### **12580. ISSUER; ACTIVITIES REQUIRING LICENSES**

The State Fire Marshal may issue and renew licenses for the manufacture, import, export, sale, and use of all fireworks and pyrotechnic devices in this state.

#### **12581. APPLICATION FOR**

Any person who desires to manufacture, import, export, sell or use fireworks, shall first make written application for a license to the State Fire Marshal on forms provided by him. Such application shall be accompanied by the annual license fee as prescribed in this chapter.

#### **12599. RETAIL PERIOD ALLOWED; MAXIMUM**

A retail license shall authorize a retail sale of safe and sane fireworks within this state only during the period of 12 noon on the 28th of June through 12 noon on the 6th of July of the same calendar year and such license shall expire at the end of such period. No retail license shall be issued for the license period defined in this section unless the application for such license is received by the State Fire Marshal on or before June 15 preceding the license period. A new retail sales license shall be required annually for the period specified in this section.

### **PERMITS**

#### **12640. ACTIVITIES REQUIRED FOR**

In any case in which this chapter requires that a permit be obtained from the State Fire Marshal, or in any case in which the public agency having local jurisdiction requires pursuant to this chapter that a permit be obtained, a licensee shall possess a valid permit before performing any of the following:

...

- (b) Manufacturing, importing, exporting, storing, or selling at wholesale or retail safe and sane fireworks or transporting safe and sane fireworks, except that a transportation permit shall not be required for safe and sane fireworks possessed by retail licensees.

...

### **VIOLATIONS**

#### **12670. ADVERTISING INVOLVING FIREWORKS OR PYROTECHNIC DEVICE**

It is unlawful for any person to advertise that he is in any business or venture involving fireworks or pyrotechnic devices or shall cause his name or business name style to be included in any classified advertisement or directory under a classification which includes the word fireworks, unless he is licensed pursuant to this part.

#### **12671. UNCLASSIFIED & UNREGISTERED FIREWORKS**

It is unlawful for any person to sell, offer for sale, use, discharge, possess, store, or transport any type of fireworks within this state unless the State Fire Marshal has classified and registered such fireworks.

#### **12672. SAFE & SANE FIREWORKS; TIME OF SALE**

It is unlawful for any person to sell, or offer for sale, safe and sane fireworks at any time outside of the period specified in Section 12599.



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#### **12673. STORAGE OF FIREWORKS**

It is unlawful for any person to store any fireworks without having in his possession a valid permit as required by this part.

#### **12674. REVOKED OR SURRENDERED LICENSES STORAGE OR POSSESSION OF FIREWORKS**

It is unlawful for any person to store or possess any fireworks for which a license is required and which has been revoked or surrendered or any license which has not been renewed and such storage or possession is held beyond the period provided for in Section 12604.

#### **12675. FAILURE TO RECORD LICENSE NUMBER ON SALES & SHIPMENTS**

It is unlawful for any person to fail to record on each bill of lading, manifest or invoice issued to cover the sale or shipment of fireworks, the license number of both the seller or shipper and the buyer or receiver, unless the sale or shipment is made to nonlicensees in accordance with the provisions of his license.

#### **12676. DANGEROUS FIREWORKS; SALE OR TRANSFER TO ONE NOT A PERMITTEE**

It is unlawful for any person to sell, transfer, give, deliver, or otherwise convey title of any dangerous fireworks, including fireworks kits, to any person in this state who does not possess and present to the seller or donor for inspection at the time of transfer, a valid permit to receive, use, or transport dangerous fireworks as provided in this part.

#### **12677. POSSESSION OF DANGEROUS FIREWORKS WITHOUT A PERMIT**

It is unlawful for any person to possess dangerous fireworks without holding a valid permit.

#### **12678. USE OR DISCHARGE OF AGRICULTURAL & WILDLIFE FIREWORKS WITHOUT A PERMIT**

It is unlawful for any person to use or discharge agricultural and wildlife fireworks without first securing a permit as provided in this part.

#### **12679. STORAGE, SALE, OR DISCHARGE OF FIREWORKS NEAR FLAMMABLE LIQUIDS**

It is unlawful for any person to store, sell, or discharge any type of fireworks in or within 100 feet of a location where gasoline or any other flammable liquids are stored or dispensed.

#### **12680. DISCHARGE OF FIREWORKS WHERE LIKELIHOOD OF INJURY TO OTHER PERSON**

(a) Except as provided in subdivision (b) or (c), it is unlawful for any person to place, throw, discharge or ignite, or fire dangerous fireworks at or near any person or group of persons where there is a likelihood of injury to that person or group of persons or when the person willfully places, throws, discharges, ignites, or

fires the fireworks with the intent of creating chaos, fear, or panic.

(b) Subdivision (a) does not apply to a person described in Section 12517 who uses special effects. For purposes of this subdivision, "special effects" means articles containing any pyrotechnic composition manufactured and assembled, designed, or discharged in connection with television, theater, or motion picture productions, which may or may not be presented before live audiences, and any other articles containing any pyrotechnic composition used for commercial, industrial, educational, recreational, or entertainment purposes when authorized by the authority having jurisdiction.

(c) Subdivision (a) does not apply to a person holding a fireworks license issued pursuant to Chapter 5 (commencing with Section 12570).

#### **12681. SAFE & SANE FIREWORKS; SALE; PLACE OF BUSINESS**

It is unlawful for any person to sell or transfer any safe and sane fireworks to a consumer or user thereof other than at a fixed place of business of a retailer for which a license and permit has been issued.

#### **12682. FIRE NUISANCE**

It is unlawful for any person to allow or permit a fire nuisance, as defined in Section 12510, to exist on any premises where any fireworks are manufactured, sold, assembled, discharged, packaged, stored, or distributed. The authority to determine that a fire nuisance exists shall be vested in those officers identified in Section 12721.

#### **12683. UNREGISTERED EMERGENCY SIGNALING DEVICE SALE OR USE**

It is unlawful for any person to sell, use, or discharge any emergency signaling device not registered by the State Fire Marshal.

#### **12684. USE OF EMERGENCY SIGNALING DEVICES**

It is unlawful for any person to use or discharge any registered emergency signaling device in any manner other than that permitted by the instructions for use.

#### **12685. PUBLIC DISPLAY; PERMIT REQUIRED**

It is unlawful for any person to conduct a public display without possessing a valid permit for this purpose.

#### **12686. SPECIAL EFFECTS FIREWORKS; USE**

It is unlawful for any person to use any special effects fireworks unless he possesses a pyrotechnic operator license.

#### **12687. SPECIAL EFFECTS FIREWORKS; SALE OR TRANSFER**



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It is unlawful for any person to sell, transfer, give, or deliver any special effects fireworks to any person not licensed as a pyrotechnic operator.

#### **12688. ADVERTISING TO SELL OR TRANSFER FIREWORKS**

It is unlawful for a person to advertise to sell or transfer any class of fireworks, including agricultural and wildlife fireworks or model rocket motors, unless he or she possesses a valid license or permit.

#### **12689. SALE OR DELIVERING TO PERSONS UNDER 18 YEARS OF AGE**

- (a) It is unlawful for any person to sell, give, or deliver any dangerous fireworks to any person under 18 years of age.
- (b) It is unlawful for any person who is a retailer to sell or transfer any safe and sane fireworks to a person who is under 16 years of age.
- (c) Except as otherwise provided in subdivision (d), it is unlawful for any person who is a retailer to sell or transfer to a person under the age of 18 any rocket, rocket propelled projectile launcher, or similar device containing any explosive or incendiary material whether or not the device is designed for emergency or distance signaling purposes. It is also unlawful for a minor to possess such a device unless he or she has the written permission of, or is accompanied by, his or her parent or guardian while it is in his or her possession.
- (d) Model rocket products including model rockets, launch systems, and model rocket motors designed, sold, and used for the purpose of propelling recoverable model rockets may be sold or transferred pursuant to regulations, adopted by the State Fire Marshal which the Fire Marshal determines are reasonably necessary to carry out the requirements of this part.

#### **12690. EXPIRED LICENSE OR PERMIT**

It is unlawful for any person to perform any act, or transact or attempt to transact any business, with an expired license or an expired permit where a license or permit is required for the performance of such act or transaction.

#### **12691. REGULATIONS ADOPTED BY STATE FIRE MARSHAL; VIOLATIONS OF**

It is unlawful for any person to violate any provision of any regulation adopted by the State Fire Marshal pursuant to this part.

#### **12692. OPERATIONS OR FUNCTIONS OF LICENSED PYROTECHNIC OPERATOR HOLDING SPECIAL EFFECTS LICENSE**

This chapter shall not prohibit the operations or functions of a licensed pyrotechnic operator holding a special effects license when the operations or functions are a necessary

part of the production and are performed pursuant to a valid permit issued by the authority having jurisdiction.

### **PENALTIES**

#### **12700. OFFENSES; PUNISHMENT**

- (a) Except as provided in Section 12702 and subdivision (b), a person who violates any provision of this part, or any regulations 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) or more than one thousand dollars (\$1,000), or by imprisonment in the county jail for not exceeding one year, or by both that 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 (\$1,000), 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 (\$1,000) or by imprisonment in a county jail not exceeding one year or by both that fine and imprisonment.

- (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 a county jail for not more than one year, or by a 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 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 pursuant to subdivision (h) of Section 1170 of the Penal Code or a county jail for not more than one year, or by a fine of not less than five thousand dollars (\$5,000) 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



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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 pursuant to subdivision (h) of Section 1170 of the Penal Code, or a 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.

(c) Subdivision (b) shall not apply to a person who holds and is operating within the scope of a valid license as described in Section 12516 or valid permit as described in Section 12522.

#### **12702. SALE OR DELIVERY OF DANGEROUS FIREWORKS TO PERSONS UNDER 18 YEARS OF AGE; PENALTY.**

(a) 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.

(b) Upon a second or subsequent conviction of the offense, the person shall be punished by an additional fine of five thousand dollars (\$5,000), or by imprisonment in a 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.

#### **SEIZURE**

#### **12721. SEIZURE**

The State Fire Marshal, his or her salaried deputies, or any chief of a fire department, or his or her authorized representatives, any fire protection agency, or any other public agency authorized by statute to enforce the State Fire Marshal's regulations, may seize any fireworks described in this part. The State Fire Marshal, any chief of a fire department, any fire protection agency, or any other public agency authorized to enforce the State Fire Marshal's regulations may charge any person, firm, or corporation, whose fireworks are seized pursuant to this section, an amount which is sufficient to cover the cost of transporting, storing, and handling the seized fireworks. When the State Fire Marshal, other enforcing officer or agency described in this section, or a court determines that a person's, firm's, or corporation's fireworks are illegally or erroneously seized, or if legal proceedings do not result in a conviction for violation of any provision of this part, any funds collected pursuant to this section shall be refunded, or if charged but unpaid, canceled.

#### **12722. FIREWORKS SUBJECT TO SEIZURE**

The following fireworks may be seized pursuant to Section 12721:

[HSC Link](#) / [CCR TILE 19 Link](#)

(a) Those fireworks that are sold, offered for sale, possessed, stored, used, or transported within this state prior to having been examined, classified, and registered by the State Fire Marshal, except those specific items designated as samples pending examination, classification, and registration by the State Fire Marshal where the licensee provides documentary evidence that the action by the State Fire Marshal is pending.

(b) All imported fireworks possessed without benefit of the filing of notices as required by this part.

(c) Safe and sane fireworks stored in violation of the conditions required by the permit as provided in this part.

(d) Safe and sane fireworks sold or offered for sale at retail that do not bear the State Fire Marshal label of registration and firing instructions.

(e) Safe and sane fireworks sold or offered for sale at retail that are in unsealed packages or containers that do not bear the State Fire Marshal label of registration and firing instructions.

(f) Safe and sane fireworks sold or offered for sale at retail before 12 noon on the 28th day of June or after 12 noon on the sixth day of July of each year.

(g) Each safe and sane fireworks item sold or offered for sale at retail that does not have its fuse or other igniting device protected by a cap approved by the State Fire Marshal, or groups of fireworks with exposed fuses that are not enclosed in sealed packages that bear the State Fire Marshal label of registration. The State Fire Marshal shall approve the caps as he or she determines provide reasonable protection from unintentional ignition of the fireworks.

(h) Dangerous fireworks, including fireworks kits, used, possessed, stored, manufactured, or transported by a person who does not possess a valid permit authorizing an activity listed in this part.

(i) Fireworks stored or sold in a public garage or public oil station, or on any premises where gasoline or any other class 1 flammable liquids are stored or dispensed.

(j) Fireworks still possessed by a person who has just thrown any ignited fireworks at a person or group of persons.

(k) Model rocket motors or model rockets with motors possessed by a person who does not hold a valid permit.



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(l) An emergency signaling device sold, offered for sale, or used that does not bear the State Fire Marshal label of registration as required by this part.

(m) Fireworks or pyrotechnic device offered for sale by a person violating this part.

(4) In, on, or near any aircraft, railway passenger train, car, cable road, cable car, or vessel engaged in carrying passengers for hire.

(5) In, on, or near any other public place ordinarily passed by human beings.

#### **12723. NOTICE OF SEIZURE; DISPOSAL**

The authority seizing fireworks under the provisions of this chapter shall notify the State Fire Marshal not more than three days following the date of seizure and shall state the reason for the seizure and the quantity, type, and location of the fireworks. Fireworks, with the exception of dangerous fireworks, seized pursuant to Section 12721 shall be disposed of by the State Fire Marshal in the manner prescribed by the State Fire Marshal at any time subsequent to 60 days from the seizure or 10 days from the final termination of proceedings under the provisions of Section 12593 or 12724, whichever is later. Dangerous fireworks shall be disposed of according to procedures in Sections 12724 and 12726. Fireworks seized by any authority as defined in this chapter, other than the State Fire Marshal or his or her salaried assistants, shall be held in trust for the State Fire Marshal by that authority.

#### **OTHER HSC LAWS**

##### **HSC 12303. LAWFUL POSSESSION OF EXPLOSIVES**

Possessing explosives in accordance with the stated purpose and conditions of a valid permit obtained pursuant to the provisions of this part, unless such person is specifically excepted from the permit requirements by the provisions of this part.

##### **HSC 12305. ILLEGAL POSSESSION OF EXPLOSIVES**

Every person not in the lawful possession of an explosive who knowingly has any explosive in his possession is guilty of a felony.

#### **PENAL CODE (PEN) LAWS**

##### **PEN 450-457.1. ARSON**

##### **PEN 594-625c. MALICIOUS MISCHIEF**

##### **PEN 16460. DESTRUCTIVE DEVICE DEFINED**

##### **PEN 16510. EXPLOSIVE DEFINED**

##### **PEN 18710-19290. DESTRUCTIVE DEVICES, EXPLOSIVES, AND SIMILAR WEAPONS**

###### **PEN 18715. POSSESSION; FELONY**

(a) Every person who recklessly or maliciously has in possession any destructive device or any explosive in any of the following places is guilty of a felony:

- (1) On a public street or highway
- (2) In or near any theater, hall, school, college, church, hotel, or other public building.
- (3) In or near any private habitation.

(b) An offense under subdivision (a) is punishable by imprisonment pursuant to subdivision (h) of Section 1170 for a period of two, four, or six years.

#### **PEN 18720. POSSESSION OF COMPONENTS**

Every person who possesses any substance, material, or any combination of substances or materials, with the intent to make any destructive device or any explosive without first obtaining a valid permit to make that destructive device or explosive, is guilty of a felony, and is punishable by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years.

#### **CALIFORNIA CODE OF REGULATIONS (CCR), TITLE 19, DIV 1, CHAPTER 6 - FIREWORKS**

##### **§ 980. DEFINITIONS; FIRECRACKER**

Firecracker. A device containing explosive pyrotechnic composition in an amount not to exceed 50 milligrams (.772 grains) in total pyrotechnic weight, in a fused container whose primary function is to produce an audible effect. Note: All firecrackers are classified as “dangerous fireworks”, and pyrotechnic devices similar in construction to a “firecracker” which exceed the specified weight shall be designated explosives in accordance with Health and Safety Code Section 12000.

##### **§ 991. FIREWORKS STANDS, RETAIL SALES AND ASSOCIATED STORAGE; SAFETY INSPECTION**

Retail fireworks stands and sales areas are subject to inspection by the authority having jurisdiction. All areas where fireworks, pyrotechnic compositions or devices are used, stored or discharged shall be free from any condition which increases, or may cause an increase of, the hazard or menace of fire or explosion to a greater degree than customarily recognized as normal by persons in the public service of preventing, suppressing or extinguishing fire, or which may become the cause of any obstruction, delay or hindrance to the prevention, suppression or extinguishment of fire.

Note: Authority cited: Section 12552, Health and Safety Code.