



LEGAL FIREWORKS IN MICHIGAN WHO CAN SELL THEM AND WHO CAN USE THEM

In January 2012 the state legislature passed a law allowing the sales and use of consumer grade fireworks here in Michigan. There are some considerations the public and those intending to sell fireworks should understand before getting involved with them. In an effort to answer questions the public may have, the Coldwater Fire Department has developed this guide for the public on sales and use of consumer grade and low impact grade fireworks.

The law allowing consumer grade fireworks to be sold and used by the public is **Michigan Fireworks Safety Act (Public Act 256 of 2011)**. All information related to the law and how someone can get approved to sell consumer fireworks can be found at the State of Michigan Bureau of Fire Services website:

http://www.michigan.gov/lara/0,1607,7-154-28077_42271---,00.html

Sales of Consumer Fireworks

Before an individual or facility can be approved by the state Bureau of Fire Services to sell consumer fireworks, they must apply and be registered for a fireworks certificate and pay all applicable fees to the state in addition to providing their proof of insurance for \$10,000,000.00 [MCL 28.455 (3)]. The State Bureau of Fire Services will send a state inspector to inspect the facility or site selling the materials to verify compliance with the law. Persons found in violation of the law will be subject to citation and fines as established in the law. All consumer fireworks **MUST** be labeled by federal regulation Title 16, CFR 1500.121 to indicate:

- What the product does;
- The common or usual name, or chemical name, of the hazardous substance;
- The name and place of business of the manufacturer, packer, distributor, or seller; statements of precautionary measures to follow;
- Instructions, when appropriate, for special handling and storage;
- Warnings and Instructions

- Persons selling illegal fireworks could be fined up to \$2500.00 [MCL 28.455 (2)]
- Retailers must show or display a Michigan Consumer Fireworks Certificate or provide proof of application to the State of Michigan Bureau of Fire Services in accordance with [MCL 28.454 (7)]
- Retail locations must be located and of the type in accordance with [MCL 28.455 Section 5 (b)] "Permanent or Temporary"

Note: Recent state legislation is being proposed to raise fines and penalties!

Use of Consumer Fireworks

Before the public involves themselves with using a dangerous and hazardous material they should know the dangers and potential liability one may have. The Coldwater Fire Department urges the public to enjoy fireworks at a safe distance and to leave the firing of these dangerous devices to highly trained professionals. **Consumer fireworks are not the same material as Display fireworks that may be sold in other states to consumers. Display fireworks remain illegal for persons to sell and use in the State of Michigan.** Some of the safety concerns the public should know follow:

Facts & figures *(Source: National Fire Protection Association NFPA)*

- In 2009, fireworks caused an estimated 18,000 reported fires, including 1,300 total structure fires, 400 vehicle fires, and 16,300 outside and other fires. These fires resulted in no reported civilian deaths, 30 civilian injuries and \$38 million in direct property damage.
- In 2009, U.S. hospital emergency rooms treated an estimated 8,800 people for fireworks related injuries; 53% of 2009 emergency room fireworks-related injuries were to the extremities and 42% were to the head.
- The risk of fireworks injury was highest for children ages 10-14, with more than twice the risk for the general population.
- On Independence Day in a typical year, far more U.S. fires are reported than on any other day, and fireworks account for almost half of those fires, more than any other cause of fires.

<http://www.nfpa.org/categoryList.asp?categoryID=297&URL=Safety%20Information/For%20consumers/Holidays/Fireworks>

What you need to know:

- 1) Consumer fireworks single or multiple shells must be no greater than (1.75 inch) and contain no more than (60 g) of explosive composition material.
- 2) Persons violating the act or using or storing illegal fireworks causing damage to property could face imprisonment not more than 90 days and or fined up to \$5000.00. [MCL 28.468 (1) (b)]
- 3) Persons violating the act causing serious impairment of a body function of another person could face imprisonment of not more than 5 years and or fined \$5000.00. [MCL 28.468 (1) (c)]
- 4) Persons violating the act causing serious impairment of a body function of another person could face imprisonment of not more than 15 years and or fined \$10,000.00. [MCL 28.468 (1) (d)]
- 5) Persons using fireworks could be held civilly liable for damages caused by fireworks to others or other property.
- 6) Persons using fireworks should follow all instructions on the labeling of the fireworks.
- 7) Persons firing fireworks should establish safe distances of up to 150 radius for aerial devices being fired [NFPA 1123 Table 5.1.3.1 for < 2 inch aerial devices]
- 8) Local ordinances may not regulate the use of consumer fireworks on the day preceding, the day of, or the day after a national holiday. [MCL 28.457 (2)]

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Examples of Legal Consumer Fireworks



Aerials



Roman Candles (20g)



Reloadable Shell Device (60g)

Shells no greater than 1.75 inches and each shell no greater than (60g) of explosive composition!

Examples Continued



Bottle Rockets/ Sky Rockets (20g)



Firecrackers (50 mg)



Helicopter/ Aerial Spinners (20g)



Missile Type Rockets (20g)



Single Tube Device with Report 1.75 inch (60g)

Examples of Legal Low Impact Fireworks



Sparklers & Sparkler Trees



Cylindrical



Cone

Examples Continued



Sparkling Wheel Devices



Ground Sparking Devices



Smoke Devices

Further questions may be directed to the
State of Michigan Bureau of Fire Services (517) 241-1044