



Homeland Security
and Emergency Services

CONSUMER FIREWORKS In NYS

January 18, 2018





CONSUMER FIREWORKS IN NY STATE

This presentation covers....

- Definitions
- Applicable Laws and Rules
- Standards
- OFPC's Role
- DOS & AHJ's Role
- Resources



Consumer Fireworks Legislation

- Signed into Law November 21, 2014
- Third Attempt
- What Changed?
 - Penal Law
 - GBL
 - Executive Law
 - OFPC
 - DOS



Consumer Fireworks Legislation

- On 10/23/2017 the new amendment was signed into legislation.
 - This amended 270 & 405 of the Penal Law
 - It removed the requirement of counties and cities to opt in. Now it is legalized in counties unless they pass local law to opt out.

Penal Law of NY State

Penal Law Section 270

- Subdivision 1 - Definitions
 - Fireworks
 - Display Fireworks
 - Articles Pyrotechnic
 - Special Effects
 - Consumer Fireworks
 - Sparkling Devices

Display Fireworks



Articles Pyrotechnic



Special Effects



Consumer Fireworks



Sparkling Devices



The Exception!

“Except in cities with a population of one million or more, “fireworks” and “dangerous fireworks” shall not be deemed to include “sparkling devices” as defined in subparagraph (vi) of paragraph (a) of this subdivision.” The storage and retail sale of sparkling devices shall be regulated in a manner that is not in conflict with the provisions of NFPA 1124, 2006 edition

Offenses

Penal Law Section 270

- Subdivision 2 - Offenses
 - Except where a permit is obtained
 - Unlawful to sell or furnish
 - Unlawful to possess or use
 - Unlawful to offer, sell or furnish any sparkling device to anyone under age 18

Exceptions

Penal Law Section 270

- Subdivision 3 - Exceptions
 - Business entities to deal in sparkling devices in non opt-in municipalities provided they ship to legal locations
 - Possession and transport from one locale to another - State Police list on website

Legal Counties

Albany

Allegany

Cattaraugus

Chemung

Clinton

Cortland

Dutchess

Essex

Franklin

Fulton

Greene

Hamilton

Herkimer

Jefferson



Seneca

Schoharie

Schuyler

Lawrence

Ben

an

r

ren

Washington

Wayne

Wyoming

Yates

Penal Law of NY State

Penal Code Section 405

- Subdivision 5
 - County or city opt-out, all others must follow
- All jurisdictions must remain consistent with the Penal Code and NFPA

Laws Establishing Sales Dates

GBL 392-j

Sales of Sparkling Devices

- June 1 to July 5
- December 26 to January 2

Executive Law 156-h

- Sets the temporary seasonal retailer (tents)
- June 20 to July 5
- December 10th to January 2nd

Executive Law of NY State

Executive Law Article 6-C Section 156-H - Subdivision 20 – Registration

“Register the manufacturers, distributors, wholesalers, retailers and seasonal retailers of sparkling devices who wish to do business within the state.”

Executive Law

Executive Law Article 6-C Section 156-H
Registration of entities wishing to deal in
Sparkling Devices

- OFPC is charged with developing a registration and enforcement process
 - Issuance of Certificates of Registration
 - Collect fees
 - Review records
 - Enforcement

Executive Law

Executive Law Article 6-C Section 156-H

- Registration

Manufacturer

Distributor

Wholesaler

Retailer – Specialty, Permanent, Temporary

Seasonal Temporary Seasonal Retailers may only sell

June 20 – July 5 **OR** December 10 – January 2

Executive Law

Executive Law Article 6-C Section 156-H

- Fees
 - Range from \$200 to \$5000
 - No jurisdiction shall charge any fee or require a permit
- Records and Reports
 - Made available to OFPC for inspection
- Rules
 - Part 225

Department of State

Part 1228.3 of Title 19 NYCRR

- Scope
- Definitions
- Applicable laws
- Hazardous conditions
- Use of devices near buildings
- Retail Sales
- Storage and quantity limits
- Records
- Manufacture, assembly and testing
- Referenced publications

DOS 1228.3 And The AHJ

Part 1228.3 of Title 19 NYCRR

- Scope
- Definitions
- Applicable laws
- Hazardous conditions

DOS 1228.3 And The AHJ

Part 1228.3 of Title 19 NYCRR

- Use of devices near buildings
- Retail Sales
- Storage and quantity limits
- Records
- Manufacture, assembly and testing
- Referenced publications

NFPA 1124

Code for the Manufacture, Transportation,
Storage, and Retail Sales of Fireworks and
Pyrotechnic Articles (2006)

- Strong enforcement tool
- Deserves it's own educational
component
- Highlights

NFPA 1124

- 1 Administration
- 2 Referenced Publications
- 3 Definitions
- 4 Manufacturing Operations
- 5 Storage of Display Fireworks
- 6 Storage of Consumer Fireworks
- 7 Retail Sales of Consumer Fireworks
- 8 Transportation on Public Highways

NFPA 1124

- 1.3.3 This code shall not apply to the use of consumer fireworks by the general public.

NFPA 1124

Definitions can be tricky

- Consumer Fireworks Retail Sales
 - CFRS Facility
 - CFRS Store
 - CFRS Area

NFPA 1124

- Chapter 7 Retail Sales of Consumer Fireworks

Applicability

7.1.1.1 New Facilities

CFRS Facilities and Stores shall be considered new if sales have not been conducted within one year prior to the date of this code

NFPA 1124 7.3.1

- Exempt amounts
 - 125 lbs. or less in un-sprinkled buildings
 - 250 lbs. or less in sprinkled buildings
- So....how much have I got????
 - 25% of the packaged weight =
pyrotechnic composition

NFPA 1124

- General Requirements for Retail Sales

7.3.6 Automatic sprinkler system shall be provided in new buildings greater than 6000 square feet.

Resources

DOS Codes Part 1228.3

<http://www.dos.ny.gov/DCEA/pdf/SparklerText20150506.pdf>

OFPC Sparkling Devices Information

<http://www.dhses.ny.gov/ofpc/news/sparklingdevices.cfm>

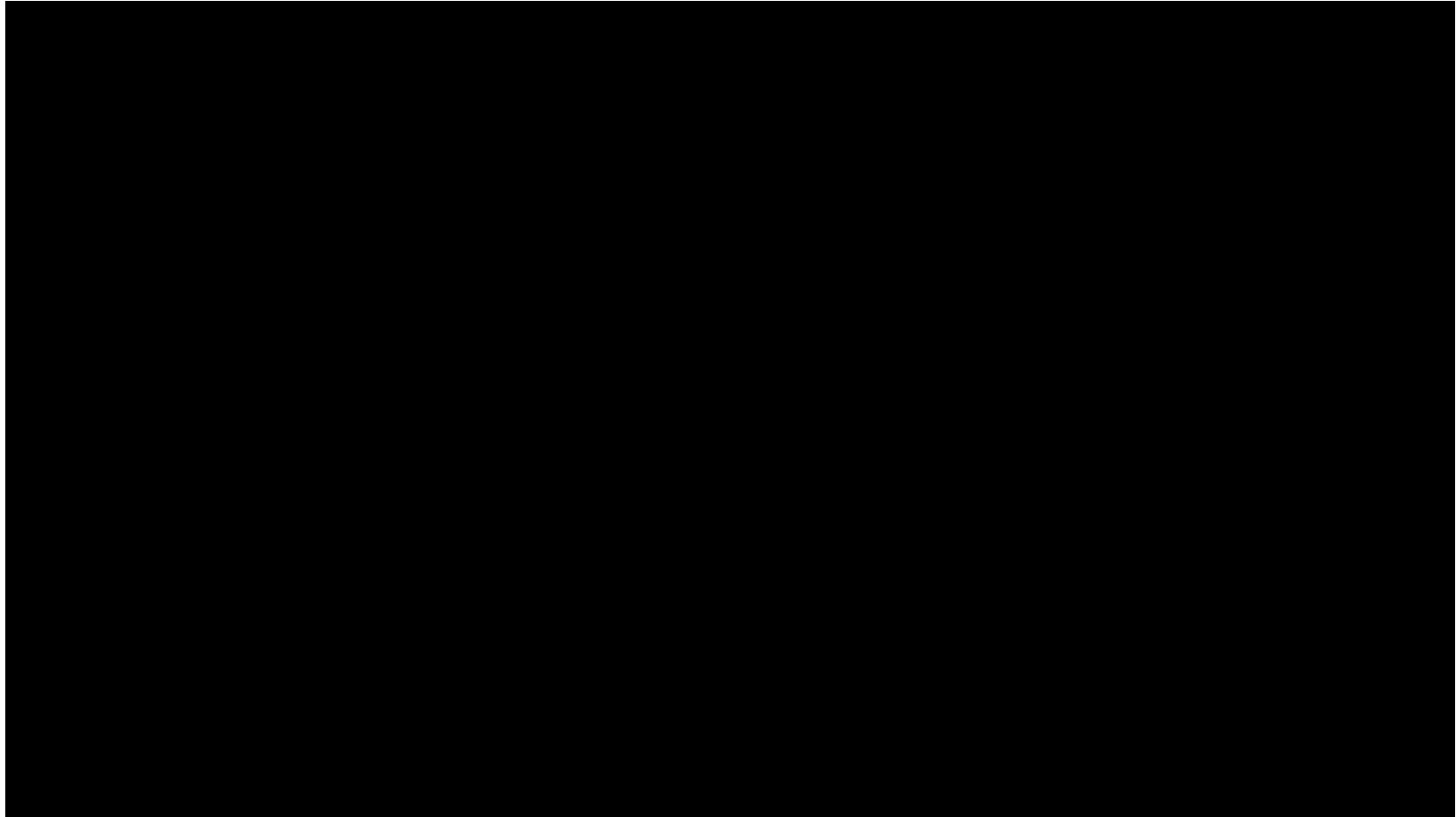
NFPA

<http://nfpa.org>

Centers For Disease Control 2013 Fireworks Annual Report

<http://www.cpsc.gov/PageFiles/169197/2013FireworksReport.pdf>

Sparkling Devices Movie



Consumer Fireworks in NY State

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