

# State of New Hampshire

DEPARTMENT OF SAFETY

*Division of Fire Safety*

*Office of the State Fire Marshal*



## **FIREWORKS ENFORCEMENT AND SAFETY GUIDE FOR FIRE AND POLICE DEPARTMENTS**

2024 EDITION

**NEW HAMPSHIRE DEPARTMENT OF SAFETY**

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Commissioner

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## Introduction

This Fireworks Enforcement and Safety Guide is intended to be utilized as a reference tool for police and fire personnel relative to the State of New Hampshire's statutes and regulations when dealing with fireworks, and contains safety information for both the consumer and emergency services first responder.

The statutes and regulations references herein are summaries and may not be described in complete detail. Please review all New Hampshire Statutes, Regulations, and Administrative Rules pertaining to fireworks in complete detail prior to conducting any enforcement activities.

**THIS GUIDE IS TO BE USED AS A REFERENCE TOOL ONLY.**

# Contact Information

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(603) 223-4381 – Select option to speak with a dispatcher.

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## **United States Consumer Products Safety Commission (CPSC)**

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# Fireworks Definitions

“Commissioner” means the Commissioner of the Department of Safety.

“Consumer fireworks (RSA 160-C:1)” means consumer fireworks as defined in 27 C.F.R. section 555.11 and formerly known as class C common fireworks.

“Consumer Fireworks” means any small firework device designed to produce visible effects by combustion and which must comply with the construction, chemical composition, and labeling regulations of the United States Consumer Product Safety Commission, as set forth in Title 16 CFR Parts 1500 and 1507. Some small devices designed to produce audible effects are included, such as whistling devices, ground devices, containing 50 mg or less of explosive materials, and aerial devices containing 130 mg or less of explosive material. Consumer Fireworks are classified as Fireworks UN0336, and UN0337 by the United States Department of Transportation at 49 CFR 172.101. This term does not include fused set pieces containing components, which together exceed 50 mg of salute powder.

“Display fireworks (RSA 160-B:1)” means display fireworks as defined in 27 C.F.R. section 555.11 and formerly known as class B special fireworks.

“Display Fireworks” - large fireworks designed primarily to produce visible or audible effects by combustion, deflagration, or detonation. This term includes, but is not limited to, salutes containing more than 2 grains (130 mg) of explosive materials, aerial shells containing more than 40 grams of pyrotechnic composition, and other display pieces, which exceed the limits of explosive materials for classification as “consumer fireworks”. Display Fireworks are classified as fireworks UN0333, UN0334 or UN0335, by the United States Department of Transportation at 49 CFR 172.101. This term also includes Fused set pieces containing components, which together exceed 50 mg of salute powder.

“Fireworks” means fireworks as defined in 27 C.F.R. section 555.11.

“Permissible fireworks” means consumer fireworks, except for those items that are prohibited pursuant to RSA 160-B:16.

“Retail” means the sale to any consumer or person not engaged in the business of making sales of fireworks.

“Sale” means to sell, give, or transfer to another, with or without consideration.

“Display” means the use, explosion, activation, ignition, discharge, firing or any other activity which is intended to cause or which causes a firework to do what it is manufactured to do.

“Wholesale” means engaging in the business of making sales to any other person engaged in the business of making sales of fireworks. “Wholesale” shall not include any making of sales to consumers or persons not engaged in the business of making sales of fireworks. To constitute a wholesale sale a sale must be for a minimum amount of \$1,000. This minimum may be increased by the commissioner by rule adopted pursuant to RSA 541-A.

“Pyrotechnic Effect” - A special effect created through the use of pyrotechnic materials and devices.

“Pyrotechnic Operator” - The person actually in charge of creating the pyrotechnic effects.

“Pyrotechnic Material” - A chemical mixture used in the entertainment industry to produce visible or audible effects by combustion, deflagration, or detonation. Such chemical mixtures predominately consist of solids capable of producing a controlled, self-sustaining, and self-contained exothermic chemical reaction that results in heat, gas, sound, light or a combination of these effects. The chemical reaction functions without external oxygen.

**Permissible Fireworks**  
**Chapter 160-C**  
Summary  
(Full RSA can be found on page 16)

**RSA 160-C:2 – Sale of Permissible Fireworks, Penalty.**

- 1) No person shall sell fireworks other than a person who meets all of the following requirements:
  - a. Shall have a federal permit to sell display fireworks issued in accordance with Title 18 of the United States Code.
  - b. Shall have a state permit to sell permissible fireworks.
  - c. Shall have a local license to sell permissible fireworks.
- 2) Shall not sell fireworks to anyone that is under 21 years of age, or appears to be under the influence of drugs or alcohol. Persons 18 years of age or older who possess a valid, active military identification can purchase, possess and display permissible fireworks.

**RSA 160-C:3 – Requirements for the sale of Permissible Fireworks.**

- 1) Any person who desires to sell permissible fireworks shall apply to the municipality in which the permissible fireworks are to be sold. Such application shall be on a form prescribed by the commissioner. No permit to sell permissible fireworks shall be issued by a governing body without prior approval of the police chief, fire chief, and building inspector.
- 2) Any municipality may charge a fee for the permit or application.
- 3) Once a municipal permit to sell permissible fireworks is obtained, the person shall apply for a state license to sell permissible fireworks. Such application shall be on a form prescribed by the commissioner.
- 4) Businesses shall be located in a permanent structure.
- 5) The structure shall meet all applicable fire safety, building codes, zoning codes, and any local ordinance requirements.
- 6) No license shall be issues to a person that:
  - a. Has been convicted of an offense involving fireworks or explosives within two (2) years prior to the application.
  - b. Has been found to have violated any fireworks or explosive laws, rules, or regulations within two (2) years prior to the application.
  - c. Has been found to be under 21 years of age.
- 7) Prior to the issuance of any license, the Department of Safety may conduct an inspection of the site, including all buildings, at which permissible fireworks are to be sold or stored.
- 8) No person under the age of 21 shall be engaged in the business of handling or selling any permissible fireworks; provided, that a person less than 21 years of age but at least 18 years of age may handle and sell permissible fireworks at a licensed sales location if he or she is under the direct supervision of a person 21 years of age or older
- 9) No license shall employ a person to handle or sell fireworks who has been convicted of any offense involving fireworks or explosives within the past two (2) years or who has been found to have violated any

fireworks or explosives laws, rules, or regulations within the past two (2) years.

RSA 160-C:11 – Possession and Display of Permissible Fireworks.

- 1) Any person 21 years of age or older may possess permissible fireworks except in a municipality which has voted to prohibit possession.
- 2) Any person 21 years of age or older may display permissible fireworks on private property with the written consent of the owner, or in the owner's presence, except in a municipality which has voted to prohibit display.

## Unregulated Novelty Devices

Pursuant to NH RSA 160-B and 160-C, retail stores that do not possess a license to sell New Hampshire approved permissible consumer fireworks are only permitted to sell the following unregulated consumer firework devices that are classified as novelties:



Sparklers: A wire or stick that is coated with a pyrotechnic composition that cannot exceed 3.5 oz. per item.

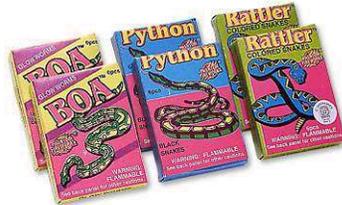
Sparklers are extremely dangerous devices that can cause severe burns, and can easily set clothing on fire. The United States Consumer Product Safety Commission documented 1,900 injuries caused by sparklers in a 30 day period ranging from June 19, 2015 to July 19, 2015. (See *Annual Fireworks Report* dated June 2016)



Party Popper: A small plastic or paper item containing not more than 0.25 grains (16 mg) of explosive composition that is friction sensitive. A string protruding from the device is usually pulled to ignite it. This item expels non-flammable paper streamers or other non-flammable novelties, or both, and produces a small report.



**Snappers:** A small, paper wrapped item containing not more than 0.02 grains (1 mg) of explosive composition coated on small bits of sand, and packaged with sawdust in individual containers of not more than 50 units. When dropped, the device explodes, producing a small report.



**Snakes:** A pressed pellet of not more than 0.07 oz. (2g) of pyrotechnic composition and packaged in retail packages of not more than 25 units that produces as the primary effect a snake-like ash upon burning. The ash expands in length as the pellet burns.

## Approved Permissible Consumer Fireworks



Those consumer fireworks approved as “permissible fireworks” by RSA 160-C. Smoke devices containing not more than 100 G or pyrotechnic composition are now considered permissible.

## Consumer Safety Tips for Permissible Fireworks

1. Follow your local and state laws regarding the display and possession of fireworks. Make certain to read and follow all directions, caution labels and warning labels on each individual firework device.
2. Never allow children to handle, play with and/or light any type of fireworks.
3. Do not consume alcohol while handling fireworks.
4. Always display fireworks in a clear, open area free of overhead objects.
5. Always provide for a safe distance between buildings and any viewing audience.
6. Always light fireworks on a hard, flat and level surface to insure stability of the device.
7. Never extend any part of your body over the top of any device.
8. Always ignite one device at a time.
9. Never attempt to re-ignite, alter or fix any fireworks device that has failed to fire.
10. Always have a form of fire suppression nearby. (fire extinguisher, hose or bucket of water)
11. Be cautious of igniting aerial devices during high wind conditions.
12. Never aim, point, throw or shoot fireworks at another person.
13. Always store fireworks in a cool, dry place and dispose of properly.

### Types of Safety Equipment



Safety Glasses



Gloves



Water Bucket



Fire Extinguisher



Lighting Punk



Safety Fuse

A Permissible Fireworks Safety Brochure is also available on our website at the following link:

<https://www.firemarshal.dos.nh.gov/sites/g/files/ehbemt421/files/inline-documents/sonh/celebrate-safely-fireworks-brochure.pdf>

## NH Code of Administrative Rules, Saf-C 2600

### Saf-C 2607.04 Use of Permissible Fireworks by Consumer.

- (a) Permissible fireworks shall be used in accordance with RSA 160-C.
- (b) Permissible fireworks shall be used in accordance with all safety information and instructions provided on or with each device.
- (c) Permissible fireworks shall not be altered, modified, or tampered with in any manner from their original or intended design and use.

### Saf-C 2607.03 Fire Danger Due to Weather.

(a) The local fire chief, in conjunction with the local forest fire warden, or the marshal, in conjunction with the director of forest and lands in the department of resources and economic development, may prohibit the use of permissible fireworks during periods of “high”, “very high”, or “extreme” fire danger due to weather, as determined by the department of resources and economic development, division of forest and lands, bureau of forest protection, when outside burning has also been prohibited.

(b) When the local fire chief and local forest fire warden, or the marshal and the director of forest and lands prohibit the use of permissible fireworks pursuant to (a) above, they shall immediately notify the public of such prohibition through a public announcement. Prohibitions made by the marshal and the director of forest and lands in the department of resources and economic development shall also be posted, in a prominent place, on each agencies website.

(c) Once the prohibition of the use of permissible fireworks has been lifted by the local fire chief and local forest fire warden, or the marshal and the director of forest and lands, they shall immediately notify the public that such use can be resumed through a public announcement, which shall be made in the same manner as the original announcement.

(d) If such prohibition involves the state or a large geographical area of the state, the announcement pursuant to (b) and (c) above, shall be posted in a conspicuous place in all licensed retail sales establishments.

## Storage of Consumer Fireworks

Saf-C 2607.02 – Storage of Permissible Fireworks. *(this section does not apply to a consumer)*

(a) For other than a consumer, all permissible fireworks shall be stored in accordance with the state building code, RSA 155-A, and the state fire code Saf-C 6000.

(b) Trailers, semi-trailers or metal storage containers may be used to store permissible fireworks after obtaining approval from the commissioner.

(c) At least 30 business days prior to using a trailer(s), semi-trailer(s) or metal storage container(s) pursuant to (b) above, the person shall submit in writing the following:

(1) Documentation that the trailer, semi-trailer or storage container complies with the state building code and state fire code; and

(2) Documentation that all local approvals have been obtained from the local fire official, local building official, and local planning, zoning, or land use board, as applicable.

(d) The commissioner shall approve a request pursuant to (c) above so long as the storage container, trailer, or semi-trailer:

(1) Complies with the state building code and state fire code; and

(2) All local approval has been obtained from the local fire official, local building official, and local planning, zoning, or land use board, as applicable.

(e) No later than 10 business days after the removal of any trailer(s), semi-trailer(s) or metal storage container(s), the person shall notify the commissioner.

## Use of Consumer Fireworks by Other than a Consumer

Saf-C 2602.07 "Consumer" means a person who is the final user of products, or both, purchased from a retail establishment. The term does not include anyone who is hired, contracted or compensated in any manner, or donates their services.

Saf-C 2607.06 Use of Permissible Fireworks by Other Than a Consumer. Any person, other than a consumer, conducting a permissible fireworks display shall:

(a) Comply with all ordinances and requirements established by the local fire chief, and on state lands and in unincorporated areas the department.

(b) Notify the local fire chief, in writing, at least 5 business days prior to the date of the permissible fireworks display;

(c) Obtain written permission from the property owner to conduct the permissible firework display;

(d) Provide the local fire chief and the department with written proof of appropriate liability insurance for the permissible fireworks display being conducted;

(e) Notify the department, electronically or in writing, at least 3 business days prior to the date of the permissible fireworks display with the following information:

(1) Date and time of the permissible fireworks display;

(2) Physical location of the permissible fireworks display; and

(3) An inventory list of all devices to be used during the permissible fireworks display;

(f) Locate the display at least 200 feet from any audience member, building or tent/canvas structure, unless the permissible fireworks display has been approved in accordance with Saf-C 6900; and

(g) Prior to any discharge of permissible fireworks, erect a physical boundary or clearly delineated safety zone surrounding the discharge area to ensure that an audience member or vehicle will not enter the discharge site.

# Permissible Fireworks

## Chapter 160-C

### RSA 160-C:2 – Sale of Permissible Fireworks; Penalty.

I. No person shall sell fireworks other than a person who meets all of the following requirements:

- (a) Has a federal permit to sell display fireworks issued in accordance with Title 18 of the United States Code.
- (b) Has a state license to sell permissible fireworks issued pursuant to RSA 160-C:3.
- (c) Has a local permit to sell permissible fireworks issued pursuant to RSA 160-C:3.

II. No person shall sell permissible fireworks:

- (a) To any person less than 21 years of age, unless the person is between 18 and 21 years of age and is on active duty with the United States Armed Forces or has been called to active service as a member of the State Guard; or
- (b) To any person who appears to be under the influence of alcohol or drugs.

III. Any person who violates the provisions of this section shall be guilty of a misdemeanor.

### RSA 160-C:3 – Requirements for the Sale of Permissible Firework.

I. Any person who desires to sell permissible fireworks shall apply to the municipality in which the permissible fireworks are to be sold. Such application shall be in a form prescribed by the commissioner. The licensing board of any municipality or, if one does not exist, the governing body may issue a permit to sell permissible fireworks to a person who applies, provided that the person has a valid permit for the sale of fireworks issued pursuant to Title 18 of the United States Code. No permit to sell permissible fireworks shall be issued by the governing body without the prior approval of the police chief, fire chief, and building inspector, if any, of the municipality. The municipality may charge a fee for the permit or application for permit under this section.

II. After the person has obtained a municipal permit to sell permissible fireworks, the person may apply for a state license to sell permissible fireworks. Upon application of any person, the commissioner or designee may issue a license authorizing the applicant to sell or market permissible fireworks in this state, provided the person has first obtained a permit to sell fireworks pursuant to RSA 160-C:3, I. The license shall bear the name, address, description, and signature of the licensee. The license shall be displayed at all times, openly and publicly, at the licensee's place of business. The license shall be valid for not more than one year from the date of issue and may be renewed on May 1 of the following year. The initial license fee shall be pro-rated to correspond with the initial date of issue.

II-a. Persons seeking a state license shall file an application with the commissioner, which is in such form and contains such information as the commissioner may establish by rule, consistent with the purposes of this chapter.

II-b. Only individuals lawfully residing in the United States, or partnerships or limited liability companies organized under the laws of this state or authorized to transact business within the state, or corporations organized under the laws of one of the United States and currently registered to do business in New Hampshire shall be licensed under this chapter.

II-c. All license applications shall be made in the name of the proposed licensee and shall be signed and sworn to by the proposed licensee. In the case of a partnership, limited liability company, or corporate applicant, the

application shall be signed and sworn to by all partners or an officer of the proposed licensee, or in the case of a limited liability company by each member if a natural person, or by a duly appointed representative of the membership if any other person, or by the manager of the limited liability company who must submit a copy of the written authorization of the limited liability company membership to sign the application.

II-d. An applicant intending to employ a trade name in the proposed business shall submit evidence with its application which demonstrates that the trade name is currently registered in New Hampshire.

II-e. A separate license application shall be filed with respect to each place of business sought by a single licensee.

II-f. The commissioner shall receive and evaluate sufficient information to identify and to evaluate the qualification of all persons with the de jure or de facto right to control the operations and policies of the proposed licensee. Among other things, license applications shall disclose fully and accurately:

- (a) The applicant's identity, the applicant's permanent residence address in the case of an individual, and the applicant's principal place of business.
- (b) The names and addresses of any persons who own or have the right to control an interest in the proposed licensee.
- (c) Any agency agreement or other contract between the applicant and third persons intended to affect the operation of the proposed business, and the identity of the third party involved.
- (d) The applicant's other business interests.
- (e) The name, location, physical layout, and nature of the proposed business.
- (f) All licenses issued to and all other license applications filed by the applicant and its principal owners pursuant to this chapter during the previous 5 years.
- (g) The name and address of the actual manager of the proposed business and his or her qualifications to perform such work.

II-g. Corporate applicants shall disclose the names and permanent addresses of all directors, officers, and shareholders, except that corporations with more than 20 shareholders may disclose only those persons owning or controlling 5 percent or more of the outstanding shares. Limited liability company applicants shall disclose the names and permanent addresses of all members. Partnership applicants shall disclose the names and addresses of all partners, except that partnerships with more than 20 partners may disclose only those persons who are managing partners and those persons who own or control a partnership share of 5 percent or more. If the principal controlling shareholders, members, or partners are themselves owned or controlled by other persons, then the information required by this paragraph shall also be furnished for each such person until the person or persons with the ultimate legal right to control the applicant's proposed business have been fully identified. No license shall be issued under this section to any person who has been convicted of a felony, or to any partnership, limited liability company, or corporation when a partner, director, officer, member, or any other person with a controlling interest in the operation of the business has been convicted of a felony.

II-h. The commissioner shall not issue a license under this section unless the commissioner is satisfied that:

- (a) The application is complete in all respects.
- (b) The applicant, and any principal controlling owners, directors, or natural persons who are members of any business entity, or officers disclosed pursuant to paragraphs II-f and II-g, are at least 21 years of age.

(c) In the case of corporate, limited liability company, or partnership applicants controlled by persons who do not reside in the United States, the proposed business would not be managed in a manner which would unduly hinder the commissioner from exercising the commissioner's regulatory responsibilities. Inaccessibility of relevant records or unresponsiveness to inquiries which result from foreign control shall be grounds for revoking or suspending a license which has already been granted.

III. The state license may be issued to an applicant who, at the time such license is issued, possesses a permit issued in accordance with the provisions of Title 18, United States Code, governing fireworks, and a permit issued pursuant to RSA 160-C:3, I. No license shall be issued for the sale of permissible fireworks unless the applicant establishes that it will locate its business in a permanent structure which meets all applicable fire safety codes, building codes, zoning codes, and the requirements of local ordinances. No license for the sale of permissible fireworks shall be issued to any person who has been convicted of any offense involving fireworks or explosives within the 2-years prior to the application or who has been found to have violated any fireworks or explosives laws, rules, or regulations within the 2 years prior to the application. No license shall be issued to any person under 21 years of age.

IV. Buildings used for the sale of permissible fireworks shall be dedicated solely to the sale and storage of permissible fireworks and items relating to the sale and promotion of fireworks provided for in rules adopted by the commissioner pursuant to RSA 541-A and shall comply with the applicable requirements of the state fire code adopted pursuant to RSA 153:5.

V. Prior to the issuance of a state license, the department of safety may conduct a background investigation of the applicant and may conduct an inspection of the site, including all buildings, at which the permissible fireworks are to be sold or stored.

VI. If the application for a state license is denied, the reasons for such denial shall be stated in writing, in duplicate, the original of which shall be delivered to the applicant, and the copy thereof kept in the office of the department of safety.

VI-a. Any applicant denied a license under this chapter shall be granted a hearing by the commissioner, upon the applicant's request.

VII. The fee for a license for each location shall be \$1,500 per year, payable annually to the department of safety for deposit into the fire standards and training and emergency medical services fund established in RSA 21-P:12-d for the purpose of funding the fireworks inspection program.

VIII. No person under the age of 21 shall be engaged in the business of handling or selling any permissible fireworks; provided, however, that a person less than 21 years of age but at least 18 years of age may handle and sell permissible fireworks at a licensed sales location if he or she is under the direct supervision of a person 21 years of age or older.

IX. Any person who knowingly provides false information to the department on an application for the sale of permissible fireworks as provided in this section shall be guilty of a misdemeanor.

X. No licensee shall employ a person to handle or sell fireworks who has been convicted of any offense involving fireworks or explosives within the past 2 years or who has been found to have violated any fireworks or explosives laws, rules, or regulations within the past 2 years.

XI. Nothing in this section shall preclude the sale of permissible fireworks to any other person engaged in the business of selling permissible fireworks.

RSA 160-C:4 – Rule Making.

The commissioner shall adopt rules pursuant to RSA 541-A relative to:

I. The procedure and reasons for denying, suspending, or revoking an application or a license issued pursuant to RSA 160-C:3.

II. Insurance or other evidence of financial responsibility to be required of any person licensed under this chapter, except that no bonding requirement shall be imposed on retail sellers of permissible fireworks.

III. Forms for applications and local permits to sell permissible fireworks.

IV. Forms for applications and state licenses to sell permissible fireworks.

V. Requirements for the safe use, handling, and storage of permissible fireworks.

RSA 160-C:5 – Enforcement.

Upon application, the superior court or district court is authorized to permit the law enforcement officials or certified fire citation officers of the state, counties, or any city or town to seize, take, remove, or cause to be removed at the expense of the owner all stocks of permissible fireworks offered or exposed for sale, stored, or held in violation of this chapter. Nothing in this section shall be construed to restrict or limit any other authority granted by law to law enforcement officials or certified fire citation officers.

RSA 160-C:6 – Local Option.

Any municipality in the state, by action of its local legislative body or local governing body, may vote to allow or to prohibit, within that municipality, the issuance of permits or licenses to sell permissible fireworks or the display or possession of permissible fireworks. If the municipality has voted to prohibit the issuance of permits or licenses or the display or possession of permissible fireworks prior to the effective date of this section, such decision shall remain in effect unless subsequent action is taken under this section.

RSA 160-C:7 – Civil Liability.

In addition to any other penalties imposed under this chapter, any person who violates the provisions of this chapter shall be liable, in any civil action, to any person for damages resulting from the illegal sale or use of permissible fireworks, and neither assumption of risk nor contributory negligence shall be a defense for such violator.

RSA 160-C:8 – Immediate Suspension Authority.

Notwithstanding any other provision of law to the contrary, the commissioner may immediately suspend a license issued pursuant to RSA 160-C:3 if the commissioner has evidence that the licensee is selling fireworks contrary to any of the provisions of RSA 160-C or any rules adopted under this chapter. Any person whose license is suspended pursuant to this section shall be given the opportunity for a hearing within 10 days of the suspension. Any person found to be selling permissible fireworks after the person's license has been suspended pursuant to this section shall not have the license reinstated for a minimum of one year from the date of suspension.

RSA 160-C:9 – Advertising.

I. No person shall advertise permissible fireworks by means of radio, television, newspaper, flyer, catalog, billboard, mobile or stationary sign, or any other means in such a way as to confuse or mislead the public about:

- (a) The conditions under which fireworks may be purchased.
- (b) The conditions under which fireworks may be used.
- (c) The requirements contained in RSA 160-B, 160-C, or any other provision of state or federal law, or regulations.

II. Any person who violates the provisions of this section shall be guilty of a misdemeanor.

III. Any advertisement for the sale of permissible fireworks shall at a minimum contain the words: "Check with your local fire department to see if permissible fireworks are allowed in your community."

RSA 160-C:10 – Sales of Permissible Fireworks Allowed; Penalty.

I. Any person who sells permissible fireworks shall post in a conspicuous place on the sales premises a list, prepared by the commissioner, of all municipalities in the state where the display or possession of permissible fireworks is prohibited.

II, III. Repealed.

IV. Any person who violates the provisions of this section shall be guilty of a violation if a natural person, or guilty of a class B misdemeanor if any other person.

RSA 160-C:11 – Possession and Display of Permissible Fireworks; Penalty.

I. Notwithstanding RSA 160-B:4, a person who is 21 years of age or older may possess permissible fireworks except in a municipality which has voted to prohibit possession pursuant to RSA 160-C:6. A person who is 21 years of age or older may display permissible fireworks on private property with the written consent of the owner or in the owner's presence, except in a municipality which has voted to prohibit display of permissible fireworks pursuant to RSA 160-C:6.

II. Any person who violates the provisions of this section shall be guilty of a violation if a natural person, or guilty of a class B misdemeanor if any other person.

RSA 160-C:12 – Distribution of Pamphlet Required.

Any person engaged in selling permissible fireworks shall make available to the purchaser a pamphlet, approved by the commissioner, detailing the appropriate and safe use of the permissible fireworks being sold.

RSA 160-C:13 – Permissible Fireworks Advisory Committee.

I. There is hereby established a permissible fireworks advisory committee. The composition of this committee shall be as follows: one senator, appointed by the senate president; one representative, appointed by the speaker of the house of representatives; the state fire marshal, or designee; the director of the division of state police, or designee; and 3 public members, 2 of whom shall be engaged in the retail sale of consumer fireworks in New Hampshire and one of whom shall be a regular purchaser of consumer fireworks, appointed by the governor. No vote of the committee shall take place unless 3 members of the committee are present. The term of office of each member appointed by the governor shall be 2 years and until a successor is appointed and qualified. The other members of the committee shall serve terms coterminous with their terms in office. Vacancies shall be filled in the same manner for the unexpired terms. Members shall serve without compensation, except that the legislative members shall receive mileage at the legislative rate. The committee shall elect a chairperson annually.

II. The committee shall meet at least once per calendar year, prior to October 1, and within 30 days of any emergency removal from retail sale of permissible fireworks pursuant to RSA 160-C:16. The purpose of the meeting following the emergency removal of permissible fireworks shall be to review the basis for the commissioner's decision and to make a recommendation to the commissioner as to whether the items are properly classified pursuant to 27 C.F.R. section 555.11.

III. The committee shall review the rules and standards of the Consumer Product Safety Commission regarding consumer fireworks so as to provide information and advice to the commissioner on the application and enforcement of the state's fireworks laws.

IV. On or before December 1, 2011, and each December 1 thereafter the committee shall make a report of the committee's activities and any recommendations for legislation to the commissioner, the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, and the state library.

RSA 160-C:14 – Transportation.

It shall not be unlawful for a person who has legally purchased permissible fireworks to transport them from the point of purchase to a municipality that has not prohibited the possession of permissible fireworks pursuant to RSA 160-C:6.

RSA 160-C:15 – Permissible Fireworks List.

[Repealed 2011, 160:6, III, eff. June 14, 2011.]

RSA 160-C:16 – Emergency Removal from Retail Sale of Permissible Fireworks.

I. (a) The commissioner may, upon the recommendation of the state fire marshal or the director of state police, at any time and with notice to the permissible fireworks advisory committee, suspend from retail sale or otherwise order the removal from retail sale of any permissible firework item that poses an imminent threat to life and property.

(b) The commissioner shall, within 15 days of action taken pursuant to this paragraph, file a report and request a finding from the federal Consumer Product Safety Commission, a determination on the legal status of the permissible consumer firework item being suspended or removed by the commissioner from retail sale.

(c) The commissioner's suspension or removal of any such firework items shall continue in force and effect until such time as a determination can be made and shall not supersede any finding by the Consumer Product Safety Commission pursuant to the commissioner's report and request.

II. Upon notification by the commissioner or designee that a permissible firework is prohibited from being sold, a person licensed to sell permissible fireworks shall remove the item from the public sales area and shall not sell the item to any person.

III. Any person who sells a permissible firework item after being notified by the commissioner or designee that the item is prohibited from being sold shall be guilty of a class B misdemeanor. In addition, the commissioner may revoke the violator's license for a minimum period of 10 consecutive days, but not to exceed 30 days. On the third violation of this section, the commissioner shall revoke the license for the remainder of the licensure term.

IV. Any license holder aggrieved by the action of the commissioner pursuant to this section may appeal pursuant to RSA 541.

RSA 160-C:17 – Fireworks Inspector.

There is hereby established in the office of the state fire marshal the full-time classified position of fireworks inspector. The fireworks inspector shall be under the direction and supervision of the state fire marshal and shall:

I. Inspect fireworks sales outlets.

I-a. Inspect sites and facilities for the display or storage of display fireworks, as defined in RSA 160-B:1, X.

I-b. Coordinate enforcement activities relative to illegal sales, including the disposal or proper storage of illegal fireworks.

IV. Develop an informational booklet on fireworks to be issued to police and fire agencies throughout the state.

V. Coordinate media releases and public education efforts concerning fireworks.

## Fireworks

### Chapter 160-B

#### RSA 160-B:2 – Sale; Penalty.

I. No person shall sell fireworks other than a person who meets all of the following requirements:

- (a) Has a federal permit to sell fireworks issued in accordance with title 18 of the United States Code.
- (b) Has a state license to sell display fireworks and consumer fireworks issued pursuant to RSA 160-B: 6.
- (c) Has a local permit to sell display and consumer fireworks issued pursuant to RSA 160-B: 6.

II. No person shall sell fireworks other than either:

- (a) To a person who presents a certificate of competency issued pursuant to RSA 160-B: 7 and RSA 158:9-f and leaves a copy of such certificate and who presents a permit to display issued pursuant to RSA 160-B: 7 and leaves a copy of such permit; or
- (b) To a person who possesses and shows a license for the storage of class B fireworks issued pursuant to RSA 158:9-f; or
- (c) At wholesale to a person engaged in the sale of fireworks meeting all the specifications in RSA 160-B: 6, VII.

III. Any person who violates the provisions of this section shall be guilty of a misdemeanor.

#### RSA 160-B:3 – Display; Penalty.

I. No person shall display fireworks other than a person who meets all of the following requirements:

- (a) Has obtained a certificate of competency issued pursuant to RSA 158:9-f which shall be in such a person's possession at the time of display and which has not been revoked or suspended.
- (b) Has obtained a municipal permit to display issued pursuant to RSA 160-B: 7, which shall be in such a person's possession and which has not been revoked or suspended.

II. Any person who violates the provisions of this section by displaying display fireworks shall be guilty of a misdemeanor.

III. Any person who violates the provisions of this section by displaying consumer fireworks shall be guilty of a violation for the first offense and a misdemeanor for any subsequent offense.

#### RSA 160-B:4 – Possession; Penalty.

I. No person shall possess fireworks other than the following:

- (a) A person who has in the person's possession a certificate of competency issued pursuant to RSA 158:9-f and a valid permit to display issued pursuant to RSA 160-B: 7.

- (b) A person who has a federal permit to sell display fireworks issued in accordance with title 18 of the United States Code, a state license issued pursuant to RSA 160-B: 6 and a municipal permit issued in accordance with RSA 160-B: 6, or an employee of such a person. For the purposes of this subparagraph, "employee" shall be limited to a person who is reported as an employee for state and federal tax purposes and for unemployment compensation purposes.
- (c) A common carrier, which is in possession of a bill of lading indicating that fireworks are being shipped to or from a licensed and permitted seller or a person who, has a certificate of competency and permit to display.
- (d) Any manufacturer or common carrier shipping fireworks in interstate commerce through the state of New Hampshire which are not being delivered or received in this state.
- (e) A person who has a licensed facility for the storage of display fireworks pursuant to RSA 158:9-c.

II. Any person who violates the provisions of this section shall be guilty of a violation unless the person possesses with the intent to sell, in which case such person shall be guilty of a misdemeanor.

RSA 160-B:5 – Issuance of Permit; Penalty.

I. No person shall issue a permit or license to display fireworks contrary to this chapter.

II. Any person who violates the provisions of this section shall be guilty of a misdemeanor.

RSA 160-B:6 – Requirements for Sale of Fireworks.

I. Any person who desires to sell display fireworks and consumer fireworks as limited by RSA 160-B:2 may apply to the municipality in which such person desires to sell fireworks. Such application shall be in a form prescribed by the commissioner. The licensing board of any municipality or, if one does not exist, the governing body may issue a permit to sell display and consumer fireworks to a person who applies, provided that the person has a valid permit for the sale of fireworks issued pursuant to title 18 of the United States Code. No permit to sell fireworks shall be issued by the governing body without prior approval of the police chief and fire chief, if any, of the municipality. The municipality may charge a fee for the permit or application for permit under this section.

II. After the person has obtained a municipal permit to sell display and consumer fireworks, such person may apply for a state license to sell display and consumer fireworks. Upon application of any person, the commissioner, or a person designated by the commissioner, may issue a license authorizing the applicant to sell or market display and consumer fireworks in this state for not more than one year from the date of issue, provided the person has first obtained a permit to sell display and consumer fireworks pursuant to RSA 160-B: 6, I. The license shall bear the name, address, description, and signature of the licensee. The license shall be displayed at all times, openly and publicly, at the licensee's place of business. The license shall be issued within a reasonable time after application.

III. The state license may be issued to an applicant who, at the time such license is issued, possesses a permit issued in accordance with the provisions of title 18, United States Code, governing fireworks, and a permit issued pursuant to RSA 160-B: 6, I. No License shall be issued for the sale of display and consumer fireworks unless the applicant establishes that it will locate its business in a permanent structure which meets all applicable fire safety codes, building codes, zoning codes, and the requirements of local ordinances. No license for the sale of display and consumer fireworks shall be issued to or held by any person who has been convicted of a felony if the felony has not been annulled by a court of record. No license shall be issued to any person under 21 years of age.

III-a. Buildings used for the sale or storage of display and consumer fireworks shall be dedicated solely to the sale or storage of display and consumer fireworks and items relating to the sale and promotion of fireworks provided for in the rules adopted by the commissioner pursuant to RSA 541-A and shall comply with the applicable requirements of the state fire code adopted pursuant to RSA 153:5.

III-b. Prior to the issuance of a state license, the department of safety may conduct a background investigation of the applicant and may conduct an inspection of the site, including all buildings, in which the display and consumer fireworks are to be sold or stored.

IV. If the application for a state license is denied, the reasons for such denial shall be stated in writing, in duplicate, the original of which shall be delivered to the applicant, and the copy thereof kept in the office of the department of safety.

V. The fee for a license for each location shall be \$1,500 per year, payable annually to the department of safety for deposit into the general fund.

VI. A person who has a federal permit issued in accordance with the provisions of title 18, United States Code, governing fireworks, a state license issued pursuant to this section, and a local permit issued pursuant to this section may sell display and consumer fireworks; however, such a person shall only sell display fireworks to a person who shows a certificate of competency issued pursuant to RSA 158:9-f, or who shows a license for the storage of display fireworks issued pursuant to RSA 158:9-c, or a license to sell display and consumer fireworks pursuant to this chapter. Any sale which the seller makes shall be recorded, and the record, at a minimum, shall contain a copy of the purchaser's certificate of competency and display permit and, in the case of a wholesale, the purchaser's retail number from the state of residence, IRS tax identification number or such other information as the commissioner shall specify by rule adopted pursuant to RSA 541-A.

VII. A wholesale sale shall not be made to a person or corporation which resides in New Hampshire other than to a person or corporation licensed to sell fireworks pursuant to paragraphs I-III of this section. Any wholesale shall be shipped by common carrier or by the wholesaler making the sale. For the purposes of this shipment the wholesaler shall not be authorized to make any person an agent for the limited purpose of transporting fireworks.

VIII. The only retail sale allowed shall be a sale to a person who possesses a certificate of competency and a display permit and leaves a copy of such certificate and display permit with the seller.

IX. No person under the age of 21 shall be engaged in the business of handling or selling any display or consumer fireworks; provided, however, that a person less than 21 years of age but at least 18 years of age may handle and sell display or consumer fireworks at a licensed sales or storage location or may handle display or consumer fireworks at a permitted display site if he or she is under the direct supervision of a person 21 years of age or older.

X. Any person who knowingly provides false information to the department of safety on an application for the sale of fireworks as provided in this section shall be guilty of a class A misdemeanor.

#### RSA 160-B:7 – Requirements for Display of Fireworks.

I. The commissioner may issue a certificate of competency to display fireworks as provided in RSA 158:9-f to a person who meets the requirements established under this section.

II. Any municipality, fair association, amusement park or other organization may apply for a permit to display fireworks and shall include in the application the name of a person who has been issued a certificate of competency who shall be responsible for conducting the display and a copy of that individual's certificate.

III. The chief of police, licensing board, or governing body of the municipality, after an inspection has been conducted by the fire chief, may issue a permit to display fireworks. The permit shall specify the date on which the display is to be conducted and any other conditions that may be imposed.

IV. The display shall be of such a character, and so located and displayed, as in the opinion of the chief of the fire department or fire ward, after proper inspection, that it shall not be hazardous to property or endanger any person.

V. An application for a display permit shall be made in writing at least 15 days in advance of the date of display. The town, city, or village district may charge a reasonable fee for a permit to display fireworks. No display permit granted under this section shall be transferable, and each display permit shall be valid for only one display to be held on the date permitted. If, in the opinion of the chief of the fire department, conditions deteriorate during the 15 days before the date for which such permit is granted so that a fire hazard exists, the chief may revoke the permit.

#### RSA 160-B:8 – Rule Making.

The commissioner shall adopt rules pursuant to RSA 541-A relative to:

- I. The procedure and reasons for suspending or revoking a license issued pursuant to RSA 160-B: 6.
- II. Increasing the amount of sale necessary to constitute a wholesale sale, to account for inflation or other economic factors.
- III. Expanding the definition of fireworks to cover any other devices used for the purpose of producing a visible or an audible effect by combustion, deflagration, or detonation which are not covered by federal regulations governing display and consumer fireworks but which are deemed by the commissioner to constitute a threat to public safety.
- IV. Insurance, bonding, or other evidence of financial responsibility to be required of any person licensed under this chapter.
- V. Forms for application and local permits to sell fireworks and forms for applications and local permits to display fireworks.
- VI. All matters necessary to implement the provisions of RSA 160-B:12, relative to exceptions
- VII. Forms for applications and state licenses to sell fireworks.
- VIII. Requirements for the safe use, handling, and storage of fireworks.

#### RSA 160-B:9 – Enforcement.

Upon application, the superior court or district court is authorized to permit law enforcement officials or certified fire citation officers of the state, counties, or any city or town to seize, take, remove, or cause to be removed at the expense of the owner all stocks of fireworks offered or exposed for sale, stored or held in violation of this chapter. Nothing in this section shall be construed to restrict or limit any other authority granted by law to law enforcement officials or certified fire citation officers.

RSA 160-B:11 – Civil Liability.

In addition to any other penalties imposed under this chapter, any person who violates the provisions of this chapter shall be liable, in any civil action, to any person for the damages resulting from the illegal sale or use of fireworks, and neither assumption of risk nor contributory negligence shall be a defense for such violator.

RSA 160-B:12 – Exceptions.

The commissioner may issue permits granting exceptions to the provisions of this chapter to persons who intend to use fireworks for agricultural, railroad, or military purposes, provided that the type of fireworks to be used are designed in such a way as to accomplish the purpose for which the permit is sought and provided that the person who applies for the exception has first received approval by the appropriate local official.

RSA 160-B:13 – Appeal.

Any person aggrieved by a decision of the commissioner pursuant to this chapter may appeal pursuant to RSA 541.

RSA 160-B:16 – Certain Sparklers Prohibited; Penalties.

I. Notwithstanding any law to the contrary, the sale, possession or display of class

“C” sparklers or those consisting of a wire or stick which contain chlorates or perchlorates is prohibited.

II. Any person who sells or possesses with intent to sell class “C” sparklers or sparklers consisting of a wire or stick which contain chlorates or perchlorates shall be guilty of a misdemeanor.

III. Any person who displays or possesses without intent to sell class “C” sparklers or sparklers consisting of a wire or stick which contain chlorates or perchlorates shall be guilty of a violation.

RSA 160-B:19-a – Emergency Removal From Sale or Use of Unsafe Devices.

I. The commissioner may, upon the recommendation of the state fire marshal or the director of state police, prohibit the sale or use of any display or consumer fireworks that impose an imminent threat to life and property.

II. Upon notification by the commissioner or designee that a display or consumer firework is prohibited for sale or use, a person licensed to sell display or consumer fireworks shall remove the item from the sales area and shall not sell the item to any person.

III. Any person who sells a display or consumer firework after being notified by the commissioner or designee that an item is prohibited for sale or use shall be guilty of a class A misdemeanor for the first offense and a class B felony for the second offense. In addition, the commissioner may revoke the violator’s license for a minimum period of 30 consecutive days.

IV. Any person who uses a display or consumer firework after being notified by the commissioner or designee, or by a law enforcement officer or fire official that the item is prohibited for sale or use shall be guilty of a class A misdemeanor for the first offense and a class B felony for the second offense. In addition, the commissioner may revoke the violator’s certificate of competency for a minimum period of 30 consecutive days.

V. Any license holder or certificate holder aggrieved by the action of the commissioner pursuant to this section may appeal pursuant to RSA 541.

# Fireworks Display Inspection Check List “Display Fireworks”

(Saf-C 5000 Display Fireworks Revised March 2020)

Warning: Please ensure you are familiar with the Display Fireworks rules and all changes before conducting any inspection.

<https://www.nh.gov/safety/divisions/firesafety/special-operations/fireworks/index.html>

- Date of Inspection
- Date of Fireworks Display
- Location of Fireworks Display
- Full Name of Operator and Competency Number
- Names of All Assistants

## *PART Saf-C 5017 LOCATION OF DISPLAY*

### Saf-C 5017.01 Minimum distances:

25 feet from the nearest above ground electrical, telephone or telegraph line, tree, or overhead obstruction; measured from the outer most drip edge.  Yes  No

200 feet from the nearest public highway, railroad or other means of travel unless closed to travel during the display.  Yes  No

200 feet from the nearest building:  
*All A through G exceptions must be met to be closer than 200 feet, no closer than 25 feet .*  Yes  No

250 feet from the nearest tent or canvas shelter.  Yes  No

500 feet from the nearest hospital, penal facility or other health care or detention establishment.  Yes  No

Twice the distance of the largest shell in the display from areas containing bulk storage of a material which contains a flammability, explosive or toxic hazard.  Yes  No

Unusual or safety threatening conditions exist:  
The director shall be permitted to increase the required separation distances as deemed necessary to protect life and property.  Yes  No

### Saf-C 5017.02 Distance from Audience:

Audience shall be restrained behind lines that are at least 200 feet from the point of discharge.  Yes  No

Displays with shells of 3 inches or larger in diameter, the audience shall be restrained behind lines that are in accordance with Table 5017.1:  Yes  No

<u>Table 5017.1 Distance from Audience</u>			
Mortar Size	Secured Diameter of Site	Vertical Mortars	Special Hazards
Inches	Feet	Feet	Feet
1	400	200	400
1.5	400	200	400
2	400	200	400
2.5	400	200	400
3	420	210	420
4	560	280	560
5	700	350	700
6	840	420	840
7	980	490	980
8	1120	560	1120
10	1400	700	1400
12	1680	840	1680

Only persons the operator, authorized assistants, fire chief or the director shall be allowed inside the display site.  Yes  No

Restraining lines are erected which clearly define the restricted discharge area.  Yes  No

Saf-C 5017.03 Responsibility of Operator

Operator has determined that the discharged area is safe and that these rules are complied with.  Yes  No

All personnel in the discharge site shall wear the following (during firing operations only):  Yes  No

Hard Hat or helmet that is OSHA compliant  Yes  No

Eye protection that is OSHA compliant  Yes  No

Hearing protection  Yes  No

Foot protection  Yes  No

Gloves  Yes  No

Cotton, wool or clothing with a similar fire resistant quality  Yes  No

Clothing with long sleeves worn at full length and full length pants  Yes  No

Saf-C 5017.04 Postponement of Display

Yes  No

Postponement ordered for any violation of these rules or until such time as the violation shall have been corrected.

*PART Saf-C 5018 FIREWORKS AT THE DISPLAY SITE*

Saf-C 5018.01 Precautions

Yes  No

Upon delivery to the display site, members of the public, the audience, spectators, and any other person not authorized by the director or fire chief shall be kept at a distance not less than those specified in Saf-C 5017.01 (b) and Saf-C 5017.02 (a).

Yes  No

All display fireworks or shells are kept in their shipping containers/packaging until they are prepared, loaded, or set-up in the display.

Yes  No

Upon delivery to the display site, the display fireworks shall not be left unattended nor shall they be allowed to become wet.

Yes  No

Any shells having tears, leaks, broken fuses or showing signs of having been wet, shall be set aside and shall not be fired.

Yes  No

All shells shall be separated according to diameter and stored in tightly covered containers of metal, fire retardant wood, fire retardant plastic, or in fiber drums.

Yes  No

All cardboard containers or other combustible materials shall be removed from the shell storage reload area.

Yes  No

The shell storage area shall be located at a distance of not less than 25 feet from the discharge site.

Yes  No

During the display, except where conditions do not permit, such as on a barge or point of land, shells shall be stored upwind from the discharge site. If the wind shifts during the display, the shell storage area shall be relocated to be upwind from the discharge site.

Yes  No

Saf-C 5020.05 Mortar Rack Mounting

Each mortar shall be securely fastened to its rack

Yes  No

Each mortar rack shall be properly supported at each end.

Yes  No

Spacing between mortars shall equal  $\frac{1}{2}$  the diameter of mortars in the rack.

Yes  No

Rack shall be spaced no less than 12 inches apart. (Measured mortar to mortar on the exterior)  Yes  No

All support strapping shall be double nailed at all connecting points.  Yes  No

Mortars of various sizes shall not be intermixed.  Yes  No

Mortars of the same size shall be placed into like groups, each group shall be separated from one another.  Yes  No

Racks shall not contain any mortar larger than 6 inches.  Yes  No

#### Saf-C 5021.01 Inspection

Each mortar shall be inspected for the following; any mortar found defective shall not be used.

Dents, bent ends, cracked or broken plug  Yes  No

Any scale on the inside surface of each mortar.  Yes  No

Mortars shall be free of water and debris.  Yes  No

Single shot trenched mortars (see 5019.01)  
Single shot mortars placed in drum (see 5020.04)

For all electronically fire shows, firing control shall be a minimum of 75 feet away.  Yes  No

Combination firing (electronic & manual) 25 feet separation between methods  Yes  No

#### Saf-C 5021.02 Position of Mortars

Mortars shall be positioned to carry shells away from the audience with the shell firing as vertical as possible  Yes  No

Saf-C 5021.03 Protection from Weather

Weather resistant bags, tarps, may be used to cover the mouths of each mortar from moisture.  Yes  No

Saf-C 5022.01 Area to be Clear

The potential landing area shall be a large, clear, open area acceptable to the fire chief.  Yes  No

Spectators, vehicles, or any readily combustible materials shall not be relocated within the potential landing area during the display.  Yes  No

*PART Saf-C 5024 FIRING OF THE DISPLAY*

Saf-C 5024.01 Operator and Assistant to be on Duty During Display

At all times, there shall be at least one operator and one assistant, who is at least 18 years of age, to conduct each display of display fireworks.  Yes  No

Saf-C 5024.04 Prohibitions

Shells shall be carried only by their bodies and never by their fuses.  Yes  No

The safety cap protecting the fuse shall not be removed by the operator responsible for igniting the fuse until immediately before the shell shall be fired.  Yes  No

No smoking or open flames shall be allowed in the shell storage area if shells are present.  Yes  No

No attempt shall be made to repair a damaged shell or to attempt to dismantle a dry shell.  Yes  No

Display fireworks that have become wet shall not be utilized even if dried out.  Yes  No

Displays shall not be set up during any rain or snow storm or displayed during any electrical storm or when the wind reaches a velocity of more than 20 miles per hour. Operator shall have an appropriate wind meter at the site.  Yes  No

Saf-C 5024.06 Use of Alcohol or Drugs

No person shall handle, transport, or display fireworks or be present in the discharge site while under the influence of or having consumed, within the previous 24 hour period, alcohol or controlled substances.  Yes  No

Saf-C 5024.09 Search of Display Area

Operator completed search of display area for any un-ignited fireworks or remnants at the completion of the display  Yes  No

First available daylight search following the display.

Name of person conducting search: \_\_\_\_\_ Contact #: \_\_\_\_\_

Operator shall report all findings to the fire chief. It shall be the responsibility of the operator to dispose of any items found.

Operator shall keep a record of all shells that fail to ignite or fail to function.  Yes  No

Saf-C 5024.10 Fire Equipment

The sponsor has arranged for a fire department detail for the display.  Yes  No

Fire department detail shall be on duty from the time the fireworks are delivered at the site until the termination of the display and removal of all fireworks and debris from the site.  Yes  No

Saf-C 5024.07 Cancellation of Display

Display canceled for behavior or condition of the operator, or assistant is such to threaten the public safety.  Yes  No

*PART Saf-C 5027 Dense Pack*

1. Ground based Dense Pack 2 feet separation.  Yes  No

2. Mortars shall not exceed 6 inches in diameter.  Yes  No

- 3. Shall only be fired electronically.  Yes  No
- 4. Firing location is at least 75 feet away from Dense Pack.  Yes  No
- 5. Salute shells are prohibited to be used in Dense Pack.  Yes  No
- 6. Dense Pack shall not be reloaded.  Yes  No
- 7. Max chain size is 10 shells.  Yes  No
- 8. Trailer has been secured and leveled prior to loading mortars.  Yes  No
- 9. Vessels / platforms shall be anchored or properly moored prior to loading mortars.  Yes  No
- 10. All pods must be secured by a minimum of 2 pins on the opposite corners.  Yes  No

Weather Conditions at the Time of Inspection

Temperature: \_\_\_\_\_ Wind Speed: \_\_\_\_\_  
 Clear: \_\_\_\_\_  Cloudy: \_\_\_\_\_  Rainy: \_\_\_\_\_

Total Number of Shells: \_\_\_\_\_  
Total Number of Shells Fired: \_\_\_\_\_  
Total Number of Misfired Shells: \_\_\_\_\_

Any postponement of display:  YES  NO

Reasons Why: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Ordered By: \_\_\_\_\_

Time: \_\_\_\_\_ Date: \_\_\_\_\_

## Certificates of Competency for Display Firework Operators

### Saf-C 5003.01 Certificate Required.

No display of display fireworks shall be conducted unless at least one person with a current certificate of competency for the display of display fireworks is physically present at all times during the delivery, setting up, loading, and firing of the display. The person with a current certificate of competency shall oversee and assure that the display is being conducted in a safe and secure manner.

### Saf-C 5003.02 Certificates of Competency.

(a) For the purposes of this section, “proximate audience” means an audience closer to pyrotechnic devices than permitted by these rules.

(b) The commissioner, upon application of any natural person, shall issue a certificate of competency to such person to conduct display fireworks displays if the commissioner determines that the applicant is qualified in the safe use of display fireworks, as provided in Saf-C 5003.03.

(c) Certificates of competency for display of display fireworks shall be valid for 4 years from the date of issue unless suspended or revoked by the commissioner.

(d) Certificates of competency for conducting blasting operations issued under RSA 158:9-f and Saf-C 1604 shall not be valid for the display of display fireworks.

(e) Certificates of competency issued under this part shall not be valid for the display of pyrotechnics, flame effects, or special effects before a proximate audience, as regulated by Saf-C 6900.

(f) No certificate of competency shall be assigned or transferred.

### Saf-C 5003.03 Minimum Requirements.

(a) An applicant for a certificate of competency shall meet the following minimum requirements:

- (1) Compliance with the application procedures set forth in Saf-C 5003.04; and
- (2) Pass a written competency test administered by the commissioner.

(b) If an applicant cannot read or write English, the written competency test shall be administered orally by the commissioner.

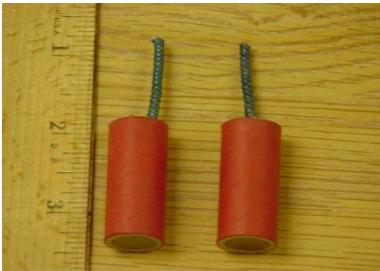
(c) The competency test cited in (a)(2) above shall test the person's knowledge of the rules and the general procedures for display of display fireworks.

(d) For the purposes of (a)(2) above, an applicant shall receive a score of 80% or higher in order to pass the test.

## Illegally Manufactured Explosive Devices

Illegally manufactured explosive devices are frequently referred to as fireworks because of their resemblance to a large firecracker. These items are commonly known as M-80's, M-100's, M-250's, M-500's, Cherry Bombs, Quarter Sticks, and Blockbusters. These devices and others of like construction are federally banned explosive devices as part of the Child Safety Act, and never should be referred to as fireworks.

- Cherry Bombs: Commonly red in color with a green fuse and approximately 1 inch in diameter.
- Silver Salute: The tube is commonly silver in color with a green fuse and approximately 1 ½ inches long with a 9/16 inch diameter.
- M-80: These devices are commonly red or brown in color with an average size of 1 ½ inches long with a 5/8 inch diameter with an average explosive composition of .12 oz. Detonation could cause injury to fingers, hands, eyes and face.
- M-100 (Silver Salute): Average size of 2 ½ inches long with a 1 inch diameter. The average explosive composition is .33 oz. Detonation can cause severe injury to the hands, arms, face, and body.
- M-250: The average size is 3 inches long with a 1 inch diameter. The average explosive composition is .48 oz. Detonation can cause crippling/disfiguring injuries or even death.
- M-1000 (Quarter Stick): The average size is 6 inches long with a 1 inch diameter. The average explosive composition is .97 oz. Detonation can cause extremely severe injuries to the body or even death.



Typical style M-80



Typical Cherry Bomb

### **WARNING**

Illegal explosive devices are not fireworks. These devices must be treated and handled as explosive devices as they are capable of causing severe injury or even death. Colors and sizes may vary from those listed above.

If you find someone in possession of and/or selling illegal explosive devices **IMMEDIATELY** notify the New Hampshire State Fire Marshal's Office 24 hours a day at (603) 223-4381, select the option to speak to a dispatcher, and request to speak with the on call State Fire Marshal.

## Proximate Audience – Pyrotechnic, Flame, or Special Effects

This category involves any use of flame, pyrotechnics, or other means of special effects for entertainment, exhibition, demonstration, simulation, or in the performing arts in conjunction with theatrical, musical, or any similar productions before an audience. These types of events could be conducted either in a building or outdoors. Events could include concerts, theatre shows, reenactments, fire performances, sporting events, television, or movie productions, etc.

*Warning: Individuals licensed as a Display Fireworks Operators are not licensed to conduct, or supervise any of the effects described in this section.*



Flame effects can involve flammable, combustible gases, or liquids in varying quantities.

Pyrotechnic effects also come in varying sizes with many different style effects.



Television or movie sets may also utilize pyrotechnics, flame effects, or even hybrid pyrotechnic / flame effects to accomplish a visual and/or sound effect for a particular production.

Sporting events are also known to use pyrotechnic or flame effects for different reasons.



In this event, the Warrior Dash wanted participants to jump over several fire obstacles. This type of event would not only require a license and a permit from the Office of the State Fire Marshal, but would also fall under the requirements for RSA 227-L for outside burning.

#### Saf-C 6906.01 License Required.

- (a) The display of pyrotechnic effects, special effects, or flame effects before a proximate audience, performers, or support personnel shall not be permitted unless the display is directly supervised by a person who has obtained a license from the state fire marshal.
- (b) The licensed operator shall ensure that the display is in compliance with the requirements of the state fire code, and shall be responsible for the safe handling and display of all pyrotechnic effects, special effects, or flame effects utilized during the event.

NFPA 160, Standard for Flame Effects Before an Audience, and NFPA 1126, Use of Pyrotechnics before a Proximate Audience are adopted pursuant to NH RSA 153:5. Violations are punishable pursuant to NH RSA 153:24.

Saf-C 6902.01 Compliance With State Fire Code.

All persons using pyrotechnic effects, special effects, or flame effects in the performing arts in conjunction with theatrical, musical, or any similar productions before a proximate audience, performers, or support personnel shall comply with the requirements of the state fire code.

RSA 153:5-c – Special Effects Permit – Required.

The commissioner of safety, in consultation with the state fire marshal, shall adopt rules, under RSA 541-A, for issuance of a permit to use flame, pyrotechnics, or other means of special effects for entertainment, exhibition, demonstration, or simulation before a proximate audience as regulated by the state fire code adopted under RSA 153:5. The rules shall establish permit criteria and procedures, and shall include a \$250 or \$400 permit fee based on the complexity of the approval process. All permit fees collected under this section shall be deposited in the fire standards and training and emergency medical services fund, established in RSA 21-P:12-d.

Saf-C 6903.01 – Permit Required.

No person shall use pyrotechnic effects or flame effects in the performing arts in conjunction with theatrical, musical, or any similar productions before a proximate audience or support personnel without having obtained a permit from the State Fire Marshal.

Saf-C 6903.03 – Permit Application and Plan.

(a) Any person who requests a permit pursuant to Saf-C 6903.01 shall submit an application on form DSFS 79, “Application for Proximate Audience Permit,” (rev. 12/21), along with a written plan, to the state fire marshal’s office, within 10 business days prior to the date of the production.

(b) An applicant shall submit a written plan, along with form DSFS 79, that includes the following:

- (1) A diagram of the grounds or facility where the production will be held, including an indication of:
  - a. The point at which all pyrotechnic effect or flame effect devices will be fired and their distance to the audience;
  - b. The fallout radius for each device used during the production;
  - c. The lines behind which the audience will be contained; and
  - d. The location of all pyrotechnic materials or other explosives stored on the premises;
- (2) The point of on-site assembly of all pyrotechnic effect or flame effect devices;
- (3) The manner and place of storage of all pyrotechnic effect or flame effect devices and materials;
- (4) Any MSDS for the effect(s) to be utilized;
- (5) Proof of insurance or financial responsibility for each event;
- (6) A detailed description of how each effect will be displayed and from what location;
- (7) A cue sheet indicating when each effect will be displayed or utilized in conjunction with the performance;
- (8) Number and types of all devices and materials to be used;
- (9) Experience of the operator with the devices and materials set forth in (b)(6) and (8) above;
- (10) A description of the general responsibilities of all apprentice(s) and assistant(s);
- (11) A copy of any licenses held by the operator, including pyrotechnic effects, flame effects, fireworks, or explosives;
- (12) A copy of the valid place of assembly permit, if the location of the production is required to be a licensed place of assembly in accordance with RSA 155:18; and
- (13) Current inspection records for the automatic fire sprinkler system and fire alarm system, if the location of the performance is within any structure or building.

(c) For the purposes of (b)(13) above, if the location of the performance or display is within a structure or building and the structure or building does not have an automatic fire sprinkler system and fire alarm system, a permit shall not be issued unless designed pursuant to an approved performance based design option, as defined in Saf-C 6901.13.

(d) Upon receipt of the application and plan, the state fire marshal shall review the information and determine if it meets the requirements of this section.

## Fire Performances

Fire performances anywhere are dangerous events, regardless of their location. The improper use, or storage of equipment, chemicals, and fuel creates a risk to individuals, the property, and the audience. It is important to remember that even in the safest of environments with all safety protocols in place there is inherent danger associated with any fire performance. The following will assist you in understanding what fire performances involve. As with any flame effect, these events require the performer to have a valid license and a permit issued by the State Fire Marshal' Office.

Fire performances are possibly the most dangerous and potentially injury causing acts in which a licensee could be involved. It is also very important to understand and remember that experimenting without the experience, or guidance from a licensed professional can result in severe injury, burns, or even death. Safety is the highest priority when it comes to Fire Performances. It is important to note that following all safety protocols does not remove all of the risks associated with any fire performance, it can however greatly reduce the possibilities of an unsafe situation that could cause a fire, injury, death, or property damage.

Fire performances involve the proper control, use and handling of fire. These performances can include, but are not limited to fire breathing, fire eating, fire sticks, juggling, poi, fans, and many other forms of fire manipulation.



Fire Breathing – The performer breathes aspirated fuel from his mouth and into a lit torch creating a breathtaking blast of flames that can reach more than 25 feet in the air.

Fire Eating – The performer places a lit torch into their mouth and then either snuffs the flame or controls the flame by using their fingers, palm, or other body parts to trail or transfer it.



Fire Staff – Metal stick with a Kevlar wick(s).

Staff: metal or wooden tube ranging in length with wicking material on both ends. They are typically used individually, in pairs and sometimes three or more, can also be known as a Dragon staff.



Juggling – Any object that can be juggled such as (not an all-inclusive list)

Fire balls, which are juggling balls that are either solid balls dipped in a fuel, or balls that are designed with the flame in the center of the ball.

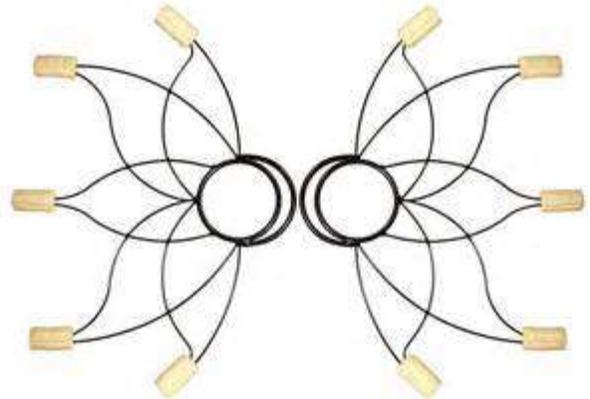
Torches made of wood and/ or metal with a wick attached at one end. The wick is saturated with a flammable liquid and ignited before use. Fire (devil) sticks: Are constructed with an aluminum core and have fuel-soaked wicks on the ends to allow them to be set on fire for visual effect.



Poi – A pair of roughly arm-length chains with handles attached to one end, and bundle of wicking material on the other.



Fans – A large metal fan with one or more wicks attached to the edges.



Ropes and Whips – Jump ropes, floggers, cracking whips, etc...

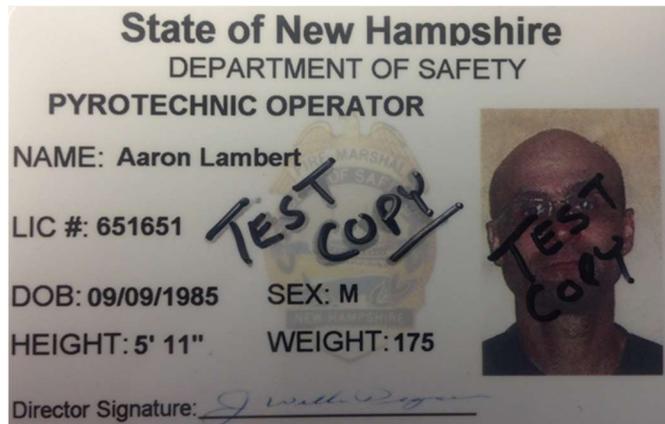
Fire Rangers – Finger attachments with wicks at the end.

Weapons – Swords / knives / spears. Some are designed to be balanced on a part of the body, or are designed for on-stage combat. Other devices also include Nunchaku (nunchucks), martial arts weapons with fire spinning wicks attached, or the Rope Dart / Javelin.

For more information about fire performances, contact the Fireworks Enforcement & Safety Unit.

## Appendix

## Certificates of Competency (Operator Licenses)



Title on the front of the license includes:

Display Fireworks Operator – Licensee is only licensed to use, handle, discharge Display Fireworks.

Proximate Audience Operator – Licensee is only licensed for proximate audience events.

Fire Producer – Performer – Issued to only fire performers under the special effects endorsement.



Endorsements on the rear of the license include license expiration dates:

Display Fireworks Operator “Display Op” – Does not cover proximate audience effects.

Proximate Audience Operator “Flame Effect” – Unrestricted

Proximate Audience Operator “Pyrotechnic” – Unrestricted

Proximate Audience Operator “Special Effect” – Restricted license (includes Fire Performers / Producers)

Proximate Audience “Apprentice” Only