

**CALIFORNIA DEPARTMENT OF
FORESTRY AND FIRE PROTECTION
OFFICE OF THE STATE FIRE MARSHAL
FIRE ENGINEERING DIVISION**

**FIREWORKS LAW
& REGULATIONS**



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California Health and Safety Code

Division 11. Explosives

Part 2 Fireworks and Pyrotechnic Devices Sections 12500-12534

Fireworks

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Chapter 1. General Provisions and Definitions

12500. This part shall be known and may be cited as the State Fireworks Law.

12501. Unless the context otherwise requires, the definitions in this chapter govern the construction of this part.

12502. “Advertise” means an announcement publicly with any sign, card, or notice, or by any other means, on which appears a person’s name or business name style offering to sell or transfer fireworks or pyrotechnic devices, or to cause a person’s name or business name style to be included in any classified advertisement or directory for the purpose of the sale or transfer of fireworks or pyrotechnic devices.

12503. “Agricultural and wildlife fireworks” means fireworks designed and intended by the manufacturer to be used to prevent damage to crops or unwanted occupancy of areas by animals or birds through the employment of sound or light, or both.

12504. “Flammable liquid” means any liquid whose flashpoint is 100 degrees Fahrenheit, or less, when tested pursuant to Standard D56-70 of the American Society for Testing and Materials.

12505. “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.

12506. “Emergency signaling device” means a pyrotechnic device designed and intended by the manufacturer to be used as such and which provides a reasonable degree of safety to the user and does not create a fire hazard when used according to the label of instructions.

12507. “End fuse” means a fuse inserted into any fireworks or pyrotechnic device at the end as distinguished from the side of such item.

12508. “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.

12509. “Exporter” means any person who sells, consigns, or delivers fireworks located within this state for delivery, use, or sale out of this state.

12510. “Fire nuisance” means anything or any act which increases, or may cause an increase of, the hazard or menace of fire, or which may obstruct, delay, or hinder, or may become the cause of any obstruction, delay, or hindrance, to the prevention or extinguishment of fire.

(Repealed and added by Stats. 1973, Ch. 1109.)

12511. “Fireworks” means any device containing chemical elements and chemical compounds capable of burning independently of the oxygen of the atmosphere and

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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" 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.

12513. "Importer" means any person who for any purpose does any of the following:

- (a) Brings fireworks into this state or causes fireworks to be brought into this state.
- (b) Procures the delivery or receives shipments of any fireworks into this state.
- (c) Buys or contracts to buy fireworks for shipment into this state.

12514. "Issuing authority" means any person who has the responsibility of evaluating the application for, and issuing, the permits required by Section 12640.

12515. "Label of registration" means the label of registration of the State Fire Marshal.

12516. "License" means any nontransferable authorization granted by the State Fire Marshal to engage in any activity regulated by this part.

12517. "Licensee" means any person 21 years of age or older holding a fireworks license issued pursuant to Chapter 5 (commencing with Section 12570).

12518. "Manufacturer" means any person who manufactures, makes, constructs, fabricates, or produces any fireworks or pyrotechnic devices, but does not include any person who assembles or fabricates any sets or mechanical pieces for public displays of fireworks, or persons operating within the scope of public display or pyrotechnic operator licenses.

12519. "Model rocket" means a toy or educational device that weighs not more than 1500 grams, including the engine and any payload, that is propelled by a model rocket motor, and that conforms to the definition of "model rocket" in the 2013 edition of the "NFPA 1122: Code for Model Rocketry," or a more recent edition as adopted by the State Fire Marshal.

12520. "Model rocket motor" means a rocket propulsion device using commercially

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manufactured solid propellant, that does not require mixing by the user, and that conforms to the definition of “model rocket motor” in the 2012 edition of the “NFPA 1125: Code for the Manufacture of Model Rocket and High Power Rocket Motors,” or a more recent edition as adopted by the State Fire Marshal.

12521. “Package” includes any case, container, or receptacle, used for holding fireworks, which is closed or sealed by tape, cordage, or by any other means.

12522. “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 having local jurisdiction or by the State Fire Marshal to a licensee for the purpose of transporting fireworks.

12523. “Person” means any person, copartnership, organization, firm, corporation, association, or any combination thereof, or any city, county, city and county, and state, and shall include any of their employees and authorized representatives.

12524. “Public display of fireworks” means an entertainment feature where the public or a private group is admitted or permitted to view the display or discharge of dangerous fireworks.

12525. “Pyrotechnic compositions” means any combination of chemical elements or chemical compounds capable of burning independently of the oxygen of the atmosphere.

12526. “Pyrotechnic device” means any combination of materials, including pyrotechnic compositions, which, by the agency of fire, produce an audible, visual, mechanical or thermal effect designed and intended to be useful for industrial, agricultural, personal safety, or educational purposes.
The term “pyrotechnic device” includes, but is not limited to, agricultural and wildlife fireworks, model rockets, exempt fireworks, emergency signaling devices, and special effects.

12527. “Pyrotechnic operator” means any licensed pyrotechnic operator, who by examination, experience, and training, has demonstrated the required skill and ability in the use and discharge of fireworks as authorized by the license granted.

12528. “Retailer” means any person who, at a fixed place of business, sells, transfers, or gives fireworks to a consumer or user.

12529. “Safe and sane fireworks” means any fireworks which do not come within the definition of “dangerous fireworks” or “exempt fireworks.”

12530. “Salesman” means any person who, as an employee of a manufacturer or wholesaler, solicits, accepts, or receives an order for fireworks for a licensee or permittee.

12531. “Sell” means any arrangement between two or more persons as a result of which there is a transfer of property for a consideration.

12532. “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, education, recreation, or entertainment purposes when authorized by the authority having jurisdiction.

12533. “Wholesaler” means any person, other than an importer, exporter, or manufacturer selling only to wholesalers, who sells fireworks to a retailer or any other person for resale. It also includes any person who sells dangerous fireworks to public display permittees.

12534. “Within this state” means within all territory within the boundaries of this state.

Chapter 2. Exceptions.

12540. The provisions of this part shall not apply to any of the following:

- (a) Explosives regulated under Part 1 (commencing with Section 12000) of Division 11.
- (b) Arms and handguns defined as firearms by the Federal Gun Control Act of 1968, as well as such devices and weapons classified under Section 16460 of the Penal Code or any provision listed in Section 16590 of the Penal Code, including blank cartridge pistols of the type used at sporting events or theatrical productions.
- (c) Research or experiments with rockets or missiles or the production or transportation of rockets or missiles by the Department of Defense of the United States, or by any agency or organization acting pursuant to a contract with the Department of Defense for the development and production of rockets or missiles.
- (d) Paper caps which contain less than 0.25 grain of pyrotechnic composition per unit load.

12541. Nothing in this part authorizes the sale, use, or discharge of fireworks in any city, county, or city and county in which the sale, use, or discharge is otherwise prohibited or regulated by law or ordinance.

12541.1.

- (a) A special district which provides fire protection, prevention, or suppression services may adopt an ordinance or regulation to prohibit or regulate the sale, use, or discharge of fireworks within that special

district.

- (b) If the county or city in which any area of the special district is located has adopted an ordinance or regulation to prohibit or regulate the sale, use, or discharge of fireworks within that county or city, the ordinance or regulation adopted by the county or city shall prevail over the ordinance or regulation adopted by the special district within any area of the special district which is within that county or city, and only the ordinance or regulation adopted by the county or city shall be operative in that area of the special district.
- (c) If any area of a special district encompasses lands which are a state responsibility area, as defined in Sections 4125 and 4126 of the Public Resources Code, any regulation or prohibition of the state with respect to the sale, use, or discharge of fireworks within the state responsibility area shall prevail over any ordinance or regulation of the special district within that area.

Chapter 3. Administration

12550. The State Fire Marshal shall enforce and administer this part.

12551. The State Fire Marshal shall appoint deputies and employees as may be required to carry out the provisions of this part, subject to approval in the annual Budget Act.

12552. The State Fire Marshal shall adopt regulations relating to fireworks as may be necessary for the protection of life and property not inconsistent with the provisions of this part. These regulations shall include, but are not limited to, provisions for the following:

- (a) Granting of licenses and permits for the manufacture, wholesale, import, export, and sale of all classes of fireworks.
- (b) Classification of fireworks and pyrotechnic devices.
- (c) Registration of employees of licensees.
- (d) Licenses and permits required for presentation of public displays.
- (e) Granting of licenses and permits for research or experimentation with experimental or model rockets and missiles.
- (f) Investigation, examination, and licensing of pyrotechnic operators of all classes.
- (g) Registration of emergency signaling devices and the classification and use of exempt fireworks.
- (h) Transportation of all classifications of fireworks, model rockets, emergency signaling devices, and exempt fireworks.

12553. The State Fire Marshal shall also adopt regulations for classification of any new type of fireworks or pyrotechnic devices which have not been classified prior to January 1, 1974 and for the regulation of such fireworks in accordance with the provisions of this part.

12554. The regulations adopted by the State Fire Marshal relating to fireworks and

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in existence on January 1, 1974 shall continue thereafter to be in effect as regulations of the State Fire Marshal until amended or repealed pursuant to the provisions of this part.

12555. The State Fire Marshal or his salaried deputies may make an examination of the books and records of any licensee or permittee relative to fireworks, and may visit and inspect any building or other premises subject to the control of, or used by, the licensee or permittee for any purpose related to fireworks of any licensee or permittee at any time he may deem necessary for the purpose of enforcing the provisions of this part.

12556. In addition to the obligations described in Section 13110.5, on or before July 1, 2008, the State Fire Marshal shall identify and evaluate methods to capture more detailed data relating to fires, damages, and injuries caused by both dangerous fireworks and safe and sane fireworks. These evaluation methods shall include a cost analysis related to capturing and reporting the data and shall meet or exceed the specificity, detail, and reliability of the data captured under the former California Fire Incident Reporting System (CFIRS). The State Fire Marshal shall furnish a copy of these evaluation methods to any interested person upon request.

12557.

- (a) The Office of the State Fire Marshal shall consult with public safety agencies and other stakeholders as deemed necessary by the State Fire Marshal and develop a model ordinance that permits local jurisdictions to adopt a streamlined enforcement and administrative fine procedures related to the possession of 25 pounds or less of dangerous fireworks. These procedures shall be limited to civil fines and as authorized pursuant to Section 53069.4 of the Government Code, and provide that the fines collected pursuant to this section shall not be subject to Section 12706. The model ordinance shall include provisions for reimbursing the Office of the State Fire Marshal for the costs associated with the disposal of seized fireworks and collecting these disposal costs as part of an administrative fine as described in subdivision (c).
- (b) An ordinance of a local jurisdiction in effect on or after January 1, 2008, that is related to dangerous fireworks and is not the model ordinance described in subdivision (a) shall, as soon as practicable, comply with all of the following:
 - (1) The ordinance shall be amended or adopted to include provisions for cost reimbursement to the Office of the State Fire Marshal and the collection of disposal costs as part of an administrative fine as described in subdivision (c).
 - (2) The ordinance shall be amended or adopted to provide that the ordinance shall be limited to a person who possesses or the seizure of 25 pounds or less of dangerous fireworks.

- (3) The ordinance shall be amended or adopted to provide that the fines collected pursuant to the ordinance shall not be subject to Section 12706.
- (c) The State Fire Marshal shall, in consultation with local jurisdictions, develop regulations to specify a procedure on how to cover the cost to the Office of the State Fire Marshal for the transportation and disposal of dangerous fireworks that are seized by local jurisdictions. The regulations shall include, but are not limited to, all of the following:
- (1) A cost recovery procedure to collect, as part of an administrative fine, the actual cost for transportation and disposal of dangerous fireworks from any person who violates a local ordinance related to dangerous fireworks.
 - (2) The method by which the actual cost for transportation and disposal by the Office of the State Fire Marshal will be calculated.
 - (3) The method, manner, and procedure the local jurisdiction is required to follow to forward the amounts collected pursuant to paragraph (1) to the State Fire Marshal.

12558. The licensee or permittee shall permit the chief of the issuing authority, or his authorized representatives, as qualified in Section 12721, to enter and inspect any building or other premises subject to the control of or used by the licensee or permittee for any purpose related to fireworks at any time for the purpose of enforcing the provisions of this part.

Chapter 4. Classification of Fireworks and Pyrotechnic Devices

12560. The State Fire Marshal shall classify all fireworks and pyrotechnic devices in accordance with the provisions of this chapter. No fireworks or pyrotechnic devices shall be imported, sold, or offered for sale prior to the examination and classification by the State Fire Marshal.

12561. All fireworks examined by the State Fire Marshal and determined by him to come within the definition of “dangerous fireworks” in Section 12505 shall be classified as dangerous fireworks.

12562. All fireworks examined by the State Fire Marshal and determined by him to come within the definition of “safe and sane fireworks” in Section 12529 shall be classified as safe and sane fireworks.

12563. All fireworks examined by the State Fire Marshal and determined by him to come within the definition of “agricultural and wildlife fireworks” in Section 12503 shall be classified as agricultural and wildlife fireworks.

12564. All fireworks examined by the State Fire Marshal and determined by him to come within the definition of “exempt fireworks” in Section 12508 shall be classified as exempt fireworks.

12565. All fireworks or toy propellant devices containing pyrotechnic compositions examined by the State Fire Marshal and found by him or her to come within the definition of “model rocket” or “model rocket motor” in Section 12519 or 12520, respectively, shall be classified as model rocket motors.

12566. All pyrotechnic devices examined by the State Fire Marshal and found by him to come within the definition of “emergency signaling devices” in Section 12506 shall be classified by the State Fire Marshal as emergency signaling devices.

12567. Those fireworks classified by the State Fire Marshal as safe and sane prior to January 1, 1974 may continue to bear that designation and may be sold as safe and sane fireworks until 12 noon on July 6, 1974. All fireworks previously designated as safe and sane which are offered for sale or sold during the 1974 retail license year and thereafter shall bear the State Fire Marshal label with the classification of safe and sane fireworks.

12568. 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.

12569. Except as provided in Section 12637 and pursuant to the provisions of Sections 12560 and 12581, fireworks or pyrotechnic devices examined and classified by the State Fire Marshal shall be submitted by manufacturers, wholesalers, and importers and exporters holding a valid license only.

Chapter 5. Licensing

Article 1. Types of Licenses

12570. The State Fire Marshal may issue any license described in this part, subject to the regulations which he may adopt not inconsistent with the provisions of this part.

12571. A manufacturer's license shall allow the manufacture of fireworks and other pyrotechnic devices of all types and the sale and transport to licensed wholesalers in California only and the sale to special effects pyrotechnic operators of materials and devices for which such pyrotechnic operators hold a valid permit.

12572. A wholesaler's license allows the sale and transportation of all types of fireworks to licensed retailers, or retailers operating under a permit, licensed public display operators, and other licensed wholesalers in California only and sale to special effects pyrotechnic operators holding a valid permit and sale of exempt fireworks to those industrial and commercial concerns that possess a valid permit from the local agency having jurisdiction in the area where such fireworks are to be used or stored.

12573. An importer's and exporter's license shall allow fireworks to be imported into and exported from the state. Import activity shall be limited to the sale of fireworks to licensed wholesalers and licensed manufacturers only. Export activity shall be limited to the sale of fireworks to persons outside of the state. Holders of this type of license shall not be issued or possess a public display license of any type without first securing a wholesaler's license. This section shall not require a license for a motion picture production company to transport or deliver special effects from within the state to a destination outside the state.

12574. A retail sales license allows the retail sale of safe and sane fireworks for private use.

12575. A public display (special) license allows the holding and conducting at various times of public displays of dangerous fireworks at a single location only.

12576. A public display license (general) allows the holding and conducting of public displays of dangerous fireworks at various locations and at various times.

12577. A public display license (limited) allows the performance of a single public display action of a single nature with dangerous fireworks at one location to be executed at one or more performances or exhibitions.

12578. The State Fire Marshal shall adopt regulations that identify and specify the scope of each class of pyrotechnic operator license. A pyrotechnic operator

license shall allow the licensee to handle, supervise, or discharge dangerous fireworks at public displays of all types, and to handle, supervise, or discharge rockets and special effects pyrotechnic devices which produce an audible or visual effect in connection with group entertainment or motion picture productions which may or may not be held before live audiences.

12579. All licensees may transport the class of fireworks for which they hold a valid license as provided in Section 12651.

Article 2. Issuance, Revocation and Renewal

12580. 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. 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.

12582. The application for a license shall be signed by the applicant. If the application is made by a partnership, it shall be signed by each partner of the partnership. If the application is made by a corporation, it shall be signed by an officer of the corporation and bear the corporation's seal.

12583. The authorization to engage in the particular act or acts conferred by a license to a person shall extend to salesmen or other employees of such person who are registered with the State Fire Marshal. The sales personnel and other employees of licensed retailers, however, need not be registered with the State Fire Marshal. No person under the age of 18 shall sell, or handle for sale, any classification of fireworks.

12585. Any applicant may withdraw his application for a license or renewal of a license and the State Fire Marshal may allow the withdrawal when he has determined that it is in the best interest of public safety or the administration of this part.

12586. The suspension, expiration, or forfeiture by operation of law of a license issued by the State Fire Marshal, or its suspension, forfeiture, or cancellation by order of the State Fire Marshal or by a court of law, or its surrender to the State Fire Marshal shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the State Fire Marshal of his authority to institute or continue disciplinary action against the licensee upon any ground provided by law, or to enter an order suspending or revoking a license or otherwise taking disciplinary action against the licensee on any such ground.

12587. A written report by the State Fire Marshal, any of his deputies, or salaried assistants, or by the chief of any city or county fire department or fire protection district or their authorized representatives, disclosing that the applicant for a license or for renewal of a license does not meet, or the premises for which the license is required do not meet, the qualifications or conditions for such license as required by this part or regulations adopted pursuant to this part, may constitute grounds for denial of any application for the license or renewal of the license.

12588. The State Fire Marshal may deny, without hearing, an application for a license or renewal of a license, if within one year prior to the date of application, the State Fire Marshal has denied or revoked a license after proceedings conducted in accordance with the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code for the same applicant on the ground of violation of this part.

12589. The application for any license shall become void when any of the following occurs:

- (a) The State Fire Marshal has notified the applicant to appear for examination and the applicant fails to appear or fails to submit a written statement of just cause for not appearing.
- (b) The applicant fails to achieve a passing score on a required examination. A minimum qualifying score shall be established by regulations pursuant to this part.
- (c) The applicant has not submitted documentary evidence of his qualifications as required by regulations adopted pursuant to this part.
- (d) The applicant has failed to submit evidence of insurability as required by this part.
- (e) The applicant withdraws his application prior to an investigation by the State Fire Marshal to determine if the license shall be issued.
- (f) The license is denied after a hearing is conducted as provided by this part.
- (g) The applicant has made misrepresentations or filed false statements.

12590. The State Fire Marshal may deny or revoke any license issued pursuant to this part if the State Fire Marshal finds any of the following conditions has occurred:

- (a) The licensee has failed to pay the annual renewal license fee provided in this chapter.
- (b) The licensee or license applicant has violated any provisions of this part or any regulations adopted by the State Fire Marshal pursuant to this part.
- (c) The licensee or license applicant has created or caused a fire nuisance.
- (d) The licensee has failed to keep full, complete, and accurate records or failed to file any required reports.
- (e) Any fact or condition exists which, if it had existed at the time of the original application for the license reasonably would have warranted

the State Fire Marshal in refusing originally to issue the license.

- (f) The permit issued under Section 12640 has been rescinded or revoked by the issuing authority.
- (g) Any licensee or license applicant has refused to make available to the State Fire Marshal full, complete, and accurate records.

12591. The State Fire Marshal may, upon three days notice, suspend any license for a period not exceeding 30 days pending investigation of any violation of the provisions of this part.

12592. Any applicant who has been denied a license or renewal of a license, or any licensee who has had a license suspended, shall be entitled to a hearing in accordance with the provisions of this part.

12593. Except where otherwise provided in this part, all hearings under this part shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

12594. Reports on fireworks transactions or the payment of license fees or penalties required by this part shall be deemed to have been made or paid at the time they are filed with, or paid to, the State Fire Marshal, or, if sent by mail, on the date shown by the United States postmark on the envelope containing the report or payment.

12595. Except as otherwise provided in Section 12599, on and after July 1, 1974, the original and annual license fee shall be for the fiscal year beginning July 1 and ending June 30 of the following year, or for the remaining portion of such fiscal year if the license is issued after the beginning of that fiscal year.

12596. Any person or organization may obtain any license required by this part between January 1, 1974, and June 30, 1974, to be effective for that period only.

12597. Application for renewal of a license shall be made during the license renewal period in the current license year in order to renew a license for the next following license year. The license renewal period shall begin on January 1 and end May 1 preceding the license year for which renewal is requested. A penalty of 50 percent of the basic license fee shall be assessed in all cases where the renewal fees are not paid on or before May 1, preceding the license year for which renewal is requested. This section shall not apply to retail sales licenses.

12598. Every licensee who fails to renew his or her license by the time the license expires shall surrender the license to the State Fire Marshal within 10 days after the license expires.

12599. 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.

12600. Except as provided in Section 12583, the authority to perform any acts permitted by a license issued under this part shall be limited to the licensee and shall not be transferable.

12601. Except as provided in Section 12599, any license not renewed in accordance with the provisions of this part shall automatically expire at 12 midnight on June 30 of each year.

12602. A license shall not be required for the retail sale, use, or discharge of agricultural and wildlife fireworks, model rocket motors, or emergency signaling devices.

12603. No person or employee holding a pyrotechnic license shall be required to obtain a manufacturer's license to design, assemble, compound, use, discharge, fabricate, construct, or erect any fireworks of any class or any combination thereof when such person or employee of such person is engaged in the business of producing television, motion picture, theater, or opera productions if the fireworks are for a specific use in a particular production or are used to maintain a reasonable inventory of special effects by a special effects independent contractor.

12604. Following the revocation or voluntary surrender of a license, or failure to renew his license, any person in lawful possession of lawfully acquired fireworks for which a license is required may sell or otherwise dispose of such fireworks only under supervision of the State Fire Marshal and in such a manner as he shall provide by regulations and solely to persons who are authorized to buy, possess, sell, or use such fireworks. Such disposal shall be accomplished not later than 90 days from the legal revocation, voluntary surrender, or day that the license expires. Any person possessing fireworks pursuant to this section shall report the disposition of such fireworks to the local authority who issued the storage permit within the time period specified by this section.

12605. Any person found guilty of violating any of the provisions of this part is not eligible to apply for a new license, apply for a renewal of a license, or take an examination for any license for a period of one year from the date of any conviction. The State Fire Marshal may waive the provisions of this section when he finds the granting of a license will not endanger public safety.

12606. Any charges against applicants for a license or against licensees which would be cause for the State Fire Marshal to initiate proceedings for revocation or denial of a license shall be filed with the State Fire Marshal within three years of the alleged act or omission.

12606.1. (a) If the State Fire Marshal or his or her designee determines that the public interest and public welfare will be adequately served by permitting a person licensed under this chapter to pay a monetary penalty to the State Fire Marshal in lieu of an actual license suspension, the State Fire Marshal or his or her designee may stay the execution of all or part of the suspension if all of the following conditions are met:

- (1) The violation that is the cause for the suspension did not pose, or have the potential to pose, a significant threat or risk of harm to the public.
- (2) The licensee pays a monetary penalty.
- (3) The licensee does not incur any other cause for disciplinary action within a period of time specified by the State Fire Marshal or his or her designee.

In making the determination, the State Fire Marshal or his or her designee shall consider the seriousness of the violation, the violator's record of compliance with the law, the impact of the determination on the licensee, the licensee's employees or customers, and other relevant factors.

- (b) The State Fire Marshal or his or her designee may exercise the discretion granted under this section either with respect to a suspension ordered by a decision after a contested hearing on an accusation against the licensee or by stipulation with the licensee after the filing of an accusation, but prior to the rendering of a decision based upon the accusation. In either case, the terms and conditions of the disciplinary action against the licensee shall be made part of a formal decision of the State Fire Marshal or his or her designee.
- (c) If a licensee fails to pay the monetary penalty in accordance with the terms and conditions of the decision of the State Fire Marshal or his or her designee, the State Fire Marshal or his or her designee may, without a hearing, order the immediate execution of all or any part of the stayed suspension in which event the licensee shall not be entitled to any repayment nor credit, prorated or otherwise, for money paid to the State Fire Marshal under the terms of the decision.
- (d) The amount of the monetary penalty payable under this section shall not exceed two hundred fifty dollars (\$250) for each day of suspension stayed nor a total of ten thousand dollars (\$10,000) per decision regardless of the number of days of suspension stayed under the decision.
- (e) Any monetary penalty received pursuant to this section shall be deposited in the State Fire Marshal Licensing and Certification Fund.

- (f) On or before March 1 of each year, the State Fire Marshal shall make available to the public data showing the percentage of enforcement actions taken that resulted in license suspension or the assessment of monetary penalties pursuant to this section.

12607. The State Fire Marshal may deny the application for a license or the application for renewal of a license filed by any person who has been convicted of a felony involving explosives or dangerous fireworks or who has been convicted as a principal or accessory in a crime against property involving arson or any other fire-related offense contained in Chapter 1 (commencing with Section 447a) of Title 13 of Part 1 of the Penal Code.

12608. The authority to perform those acts conferred upon the employee of a licensee as provided for in Section 12583 may be denied to any person who has been convicted of a felony.

Article 3. Insurance

12610. Notwithstanding any of the provisions of the law which may require a certificate of insurance as a condition for a permit to hold a general, special, or limited public display, any person, firm, or corporation applying for a public display license shall furnish to the State Fire Marshal a policy of public liability and property damage insurance, with limits, as determined by the State Fire Marshal, which are reasonably necessary to cover possible liability for damage to property and bodily injury or damage to persons which may result from, or be caused by, the public display of fireworks, or any negligence on the part of the licensee or his or her or its agents, servants, employees, or subcontractors presenting the public display.

12611. The certificate of insurance shall provide all of the following:

- (a) That the insurer will not cancel the insured's coverage without 15 days' prior written notice to the State Fire Marshal.
- (b) That the duly licensed pyrotechnic operator required by law to supervise and discharge the public display, acting either as an employee of the insured or as an independent contractor and the State of California, its officers, agents, employees, and servants are included as additional insureds, but only insofar as any operations under contract are concerned.
- (c) That the state shall not be responsible for any premium or assessments on the policy.

Article. 3 Reports

12615. All licensees, except retailers, shall maintain and make available to the State Fire Marshal full and complete, true, and accurate records showing all production, imports, exports, purchases, sales, or other disposition or consumption of fireworks by kind and class whether dangerous, safe and sane, or agricultural and wildlife fireworks.

12616. The licensees shall report any theft or loss of fireworks to the State Fire Marshal within 24 hours after the discovery of theft or loss. The report shall show the quantity, type and kind, classification of fireworks and the location where the loss occurred.

12617. In the event of the theft or loss of any fireworks or pyrotechnic devices, the State Fire Marshal shall notify the fire authorities in the location where the theft or loss occurred and the fire authorities shall cooperate with the State Fire Marshal in conducting a joint investigation of the circumstances.

12618. Each bill of lading, manifest, and invoice issued to cover the sale and shipment of fireworks shall bear the license number of both the seller or shipper and buyer or receiver.

12619. All import and export licensees shall file a notice with the State Fire Marshal prior to the arrival of any class of fireworks subject to the license he holds. The notice shall state all of the following:

- (a) Estimated date of arrival.
- (b) Type, kind, and quantity of fireworks.
- (c) Name of carrier.
- (d) Point of origin and bill of lading number.
- (e) Name and address of consignee.
- (f) Load number or other identification carton marks.

12620. In addition to the report required under this part, the State Fire Marshal may by regulation require such additional reports from licensees or permittees as are necessary to carry out the purposes of this part, and prescribe the form, including verification of the information to be given when filing such additional reports.

Article 5. Fees

12630. The State Fire Marshal shall establish and collect the original and annual renewal fees for fireworks licenses required by this chapter. The fees shall not exceed the amount necessary to cover the costs incurred in the administration and enforcement of this part.

12631. The original and annual renewal license fee to manufacture, import, export, or wholesale, or any combination thereof, agricultural and wildlife fireworks shall be established and collected by the State Fire Marshal.

12632. The original and annual renewal license fee to manufacture, import, export, or wholesale, or any combination thereof, model rocket motors shall be established and collected by the State Fire Marshal.

12633. The original and annual renewal application for registration of each model

of emergency signaling devices shall be made to the State Fire Marshal. A registration fee established and collected by the State Fire Marshal for each model of signaling device shall accompany each application.

12634. When a license to manufacture, wholesale, or import and export fireworks has been issued pursuant to Section 12571, 12572, or 12573, respectively, a separate license for the same person to manufacture, wholesale, import, or export agricultural and wildlife fireworks or model rocket motors pursuant to Section 12631 or 12632 shall not be required where the license allows the activity with respect to other fireworks.

12635. All of the moneys collected pursuant to this part shall be deposited in the State Fire Marshal Licensing and Certification Fund established pursuant to Section 13137 and shall be available, when appropriated by the Legislature, to the State Fire Marshal to carry out this part.

12636. Except as otherwise provided by law, the State Fire Marshal shall charge a fee in the amount of five dollars (\$5) for each certified copy of any record, document, or paper in his custody, or for certification of any document representing the content of any such record, document, or paper.

12637. All fireworks or pyrotechnic devices intended for sale in this state, which are products of nonlicensed manufacturers, shall be examined and classified by the State Fire Marshal upon written application on forms provided by him. Such application shall be accompanied by a fee as follows:

- (a) Ten dollars (\$10) for each label of an item of identical size and design of a given lot or batch, provided that the lot or batch is identifiable by a code, serial number, shipment lot, case cargo number, etc.

A separate application and fee shall be submitted for each lot or batch. The State Fire Marshal seal and the wholesalers or importers registration number shall not be imprinted on the label until the lot or batch has been examined and classified.

Chapter 6. Permits

12640. 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:

- (a) Manufacturing, importing, exporting, storing, possessing, or selling dangerous fireworks at wholesale.
- (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.
- (c) Manufacturing, importing, exporting, possessing, storing, transporting,

using, or selling at wholesale or retail, those fireworks classified by the State Fire Marshal as agricultural and wildlife fireworks.

- (d) Manufacturing, importing, exporting, possessing, storing, or selling at wholesale or retail, model rocket motors.
- (e) Discharging dangerous fireworks at any place, including a public display.
- (f) Using special effects.

12641. A permit, as provided in this part, shall not be required of any person to transport, purchase at retail, or use safe and sane fireworks, or to purchase at retail, use, or transport registered emergency signaling devices.

12642. The effective period of the permit shall be defined in the permit and in no case shall the period of the permit exceed the valid period of the license. This section shall not prohibit the revocation of the permit by the issuing authority for just cause where a fire nuisance exists or where personal injury may occur.

12643. Any licensee desiring to do any act specified in Section 12640 shall first make written application for a permit to the chief of the fire department or the chief fire prevention officer of the city or county, or to such other issuing authority which may be designated by the governing body of the city or county. In the event there is no such officer or person appointed within the area, application shall be made to the State Fire Marshal or his deputy. Applications for permits shall be made in writing at least 10 days prior to the proposed act.

12644. The issuing authority shall not accept an application for a permit from any person who does not possess, and present at the time of application, evidence of a valid license to perform those acts specified on the application for the permit. When a license is not required for specific acts, the issuing authority may prescribe such reasonable conditions to qualify the applicant to receive a permit and provide for the public safety.

12645. The officer to whom the application for a permit is made shall undertake an investigation and submit a report of his findings and his recommendation concerning the issuance of the permit, together with his reasons therefor, to the governing body of the city or county. The applicant for a permit to conduct a public display shall file a certificate evidencing the possession of a valid public display license with the officer making the investigation.

12646. The governing body may grant or deny the permit, subject to such reasonable conditions, if any, as it shall prescribe.

12647. The governing body may delegate the power to grant or deny the permit to the issuing authority to whom the application is made. In such case, the governing body shall also provide for a hearing by the governing body by which an applicant may appeal a denial of the permit. The governing body may, after such a hearing, reverse, modify, or sustain the denial.

12648. The officer to whom the application for a permit for a public display of fireworks is made shall make an investigation to determine whether such a display as proposed will be of such character or so located that it may be hazardous to property or dangerous to any person. He shall, in the exercise of reasonable discretion, recommend granting or denying the permit, subject to such conditions as he may prescribe.

12649. The applicant for a permit for any public display of fireworks shall, at the time of application, submit his license for inspection and furnish proof that he carries compensation insurance for his employees as provided by the laws of this state.

12650. When a permit for the public display of fireworks is granted, the sale, possession, transportation, and use of fireworks for the public display is lawful for that purpose only. The permit to hold a public display shall authorize the transportation of public display fireworks between the approved routes, as specified in Section 12651, and the public display site.

12651. Any person holding a valid license for the manufacture, wholesale, or import and export of dangerous fireworks or pyrotechnic devices may transport any class of fireworks or pyrotechnic devices authorized by such license. Persons holding a special effects pyrotechnic operators license may transport special effects fireworks, but the transportation of fireworks by all other pyrotechnic operator licensees shall not be permitted. The authority granted to the licensee to transport fireworks is limited to traveling upon the approved routes for the transportation of explosives designated as provided in Section 31616 of the Vehicle Code. The licensee shall also comply with Section 27903 of the Vehicle Code and equip and maintain any vehicle used to transport fireworks as required by Section 31610 of the Vehicle Code. It is the intent of the Legislature by this section to require the maximum use of the approved routes in the delivery of fireworks to the point of destination.

12652. When traveling between the approved routes, as specified in Section 12651, and the point of destination the licensee shall possess a transportation permit from the local fire authority having jurisdiction over the boundaries in which the off-route travel occurs. A transportation permit is not required for public display fireworks as provided in Section 12650.

12653. The application for a transportation permit shall be submitted to the State Fire Marshal for the transportation of any quantity of fireworks where such transportation is outside the boundaries of the issuing authority having jurisdiction at the point of origin or such shipment originates within this state and is transported out of this state. The application for a transportation permit as required by this section shall be approved by the issuing authority having jurisdiction at the place where the shipment originates before the State Fire Marshal shall issue such transportation permit. No further permits shall be required by issuing authorities other than the authority at the point of origin where the State Fire Marshal has issued a permit pursuant to this section.

12654. A transportation permit shall not be required by this part for public carriers or private carriers who each hold a valid license or permit issued pursuant to the provisions of Division 14 (commencing with Section 31600) of the Vehicle Code or Division 11 (commencing with Section 12000) of the Health and Safety Code.

Chapter 7. Violations

12670. 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. 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. 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.

12673. It is unlawful for any person to store any fireworks without having in his possession a valid permit as required by this part.

12674. 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. 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. 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. It is unlawful for any person to possess dangerous fireworks without holding a valid permit.

12678. 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. 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.

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

12684. 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. It is unlawful for any person to conduct a public display without possessing a valid permit for this purpose.

12686. It is unlawful for any person to use any special effects fireworks unless he possesses a pyrotechnic operator license.

12687. 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. 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.

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

12692. 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.

CHAPTER 8. Penalties

12700.

- (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 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 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.

12701. A person is guilty of a separate offense for each day during which he or she commits, continues, or permits a violation of this part, or any order or regulation issued pursuant to this part.

12702. Notwithstanding the provisions of Section 12700:

- (a) A 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.

12703.

- (a) The State Fire Marshal shall, in conjunction with the Department of Motor Vehicles, develop regulations and procedures to temporarily suspend the commercial motor vehicle license of a person who is operating a commercial motor vehicle while transporting unaltered dangerous fireworks, as defined in Section 12505, having a gross weight, including packaging, of 10,000 pounds or more.
- (b) A driver of a commercial motor vehicle shall not operate a commercial motor vehicle for three years if the driver is convicted of transporting unaltered dangerous fireworks, as defined in Section 12505, having a gross weight, including packaging, of 10,000 pounds or more, as described in Section 15301 of the Vehicle Code.
- (c) This section 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.

12704. The State Fire Marshal, at least once a year and in consultation with the Attorney General, shall serve notice to any individual or business known to supply fireworks that any unauthorized shipments of fireworks into California will result in an immediate report to federal authorities with a request for any relevant federal prosecution.

12706. Notwithstanding Section 1463 of the Penal Code, all fines and forfeitures imposed by or collected in any court of this state, except for administrative fines described in Section 12557, as a result of citations issued by a public safety agency, for any violation of subdivision (b) of Section 12700 or of any regulation adopted pursuant to subdivision (b) of Section 12700, shall be deposited, as soon as practicable after the receipt of the fine or forfeiture, with the county treasurer of the county in which the court is situated. Amounts deposited pursuant to this section shall be paid at least once a month as follows:

- (a) Sixty-five percent to the Treasurer, by warrant of the county auditor drawn upon the requisition of the clerk or judge of the court, for deposit in the State Fire Marshal Fireworks Enforcement and Disposal Fund, as described in Section 12728, on order of the Controller. At the time of the transmittal, the county auditor shall forward to the Controller, on the form or forms prescribed by the Controller, a record of the imposition, collection, and payments of the fines or forfeitures.

- (b) Thirty-five percent to the local public safety agency in the county in which the offense was committed to reimburse the local public safety agency for expenses, including, but not limited to, the costs for handling, processing, photographing, and storing seized dangerous fireworks.

Chapter. 9 Remedies

12720. Any threatened violation of any provision of this part or of any order or regulation of the State Fire Marshal issued pursuant to this part may be enjoined in a civil action brought in the name of the people of the State of California. Such actions may be instituted by the Attorney General or the district attorney of the county in which the act, practice, or transaction is about to be committed.

12721. 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. The following fireworks may be seized pursuant to Section 12721:

- (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.
- (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.

12723.

- (a) 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.
- (b) This section shall become operative on January 1, 2016.

12724.

- (a) Any person whose fireworks are seized under the provisions of this chapter may, within 10 days after seizure, petition the State Fire Marshal to return the fireworks seized upon the ground that the fireworks were illegally or erroneously seized. Any petition filed pursuant to this section shall be considered by the State Fire Marshal within 15 days after filing or after a hearing granted to the

petitioner, if requested. The State Fire Marshal shall advise the petitioner of his or her decision in writing. The determination of the State Fire Marshal is final unless within 60 days after seizure an action is commenced in a court of competent jurisdiction in the State of California for the recovery of the fireworks seized pursuant to this part, except as provided in subdivision (b).

- (b) The determination of the State Fire Marshal is final in the case of the seizure of dangerous fireworks, unless within 20 days after the notice of the determination is mailed to the petitioner an action is commenced in a court of competent jurisdiction in the State of California for the recovery of the fireworks seized pursuant to this part.

12725. The State Fire Marshal, his salaried deputies, or any chief or his authorized representatives as qualified in this chapter may prevent, stop, or cause to be stopped, any public display in progress, or any proposed public display, when the location, discharge, or firing of such public display is determined by him to be hazardous to property or dangerous to the public.

12726.

- (a) The dangerous fireworks seized pursuant to this part shall be managed by the State Fire Marshal in the manner prescribed by the State Fire Marshal and in accordance with subdivision (b) at any time after the final determination of proceedings under Section 12724, or upon final termination of proceedings under Section 12593, whichever is later. If no proceedings are commenced pursuant to Section 12724, the State Fire Marshal shall manage the dangerous fireworks in a manner prescribed by the State Fire Marshal and in accordance with subdivision (b).
- (b)
 - (1) The State Fire Marshal shall ensure that any dangerous fireworks seized pursuant to this part that are identified by the State Fire Marshal as hazardous waste are managed in accordance with California and federal hazardous waste laws and regulations. The State Fire Marshal shall ensure that this hazardous waste is shipped only by registered hazardous waste transporters and treated, stored, or disposed of only by authorized hazardous waste facilities.
 - (2) When managing fireworks seized pursuant to this part, the State Fire Marshal shall not repurpose, transfer, or sell the seized fireworks for purposes of retail sale.
 - (3) Management of fireworks seized pursuant to this part shall only involve the following actions:
 - (A) Use by fire and law enforcement agencies for safety, education, training, testing, and enforcement purposes.
 - (B) Use by the Office of the State Fire Marshal and the federal Consumer Product Safety Commission for regulatory compliance testing and comparison.

- (C) Held for testing, comparison, or disposal in the interest of public safety, if identified and seized pursuant to a recall issued by the federal Consumer Product Safety Commission.
 - (D) Reclassification by the Office of the State Fire Marshal from a consumer product to a hazardous waste, and disposed of in accordance with applicable laws governing hazardous waste.
 - (E) Deconstruction or alteration by the arson and bomb unit of the Office of the State Fire Marshal, local public safety bomb squads, the federal Bureau of Alcohol, Tobacco, Firearms and Explosives, or the Federal Bureau of Investigations, for purposes of testing, as it relates to the investigation of criminal, terrorist, or civil disobedience acts.
 - (F) Held for investigation, as it relates to counterfeit or illicit seals of the State Fire Marshal, product packaging, labeling, coding, inspection labeling, manufacturer labeling, or importer or exporter labeling.
 - (G) Held by the Office of the State Fire Marshal as evidence for local, state, or federal criminal prosecution.
 - (H) Use by the arson and bomb unit of the Office of the State Fire Marshal for fireworks education, testing, disposal, enforcement, and investigations not addressed in subparagraphs (A) to (G), inclusive.
- (c) If dangerous fireworks are seized pursuant to a local ordinance that provides for administrative fines or penalties and these fines or penalties are collected, the local government entity collecting the fines or penalties shall forward 65 percent of the collected moneys to the Controller for deposit in the State Fire Marshal Fireworks Enforcement and Disposal Fund, as described in Section 12728.

12727.

- (a) The State Fire Marshal shall establish regulations pursuant to the requirements and procedures established with the Office of Administrative Law to assess fees on all import and export, wholesale, and retail fireworks licensees in California to be deposited in the State Fire Marshal Fireworks Enforcement and Disposal Fund.
- (b) In determining the appropriate amount of the fees described in subdivision (a), the State Fire Marshal shall consult with the fireworks industry and import and export, wholesale, and retail fireworks licensees.
- (c) The total amount of the fees collected shall not exceed the reasonable costs of the statewide programs described in subdivision (c) of Section 12728.

12728.

- (a) The State Fire Marshal Fireworks Enforcement and Disposal Fund is hereby established in the State Treasury.
- (b) All of the moneys collected pursuant to Section 12706 shall be deposited in the fund and shall be available, upon appropriation by the Legislature, to the State Fire Marshal for the exclusive use in statewide programs for the enforcement, prosecution related to, disposal, and management of seized dangerous fireworks, and for the education of public safety agencies in the proper handling and management of dangerous fireworks.
- (c) All of the moneys collected pursuant to Section 12727 shall be deposited in the fund and shall be available, upon appropriation by the Legislature, to the State Fire Marshal for the exclusive use in statewide programs for all of the following:
 - (1) To further assist in statewide programs for the enforcement, prosecution related to, disposal, and management of seized dangerous fireworks.
 - (2) The education of public safety agencies in the proper handling and management of dangerous fireworks as well as safety issues involving all fireworks and explosives.
 - (3) Assist the State Fire Marshal in identifying and evaluating methods to capture more detailed data relating to fires, damages, and injuries caused by both dangerous and safe and sane fireworks, and to assist with funding the eventual development and implementation of those methods.
 - (4) To further assist in public safety and education efforts within the general public as well as public safety agencies on the proper and responsible use of safe and sane fireworks.

California Code of Regulations, Title 19

Chapter 6. Fireworks

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Article 1. Jurisdiction

979. Jurisdiction

For the purposes of this chapter, the California State Fire Marshall shall be the primary enforcement authority for these regulations in all state-owned or state-occupied buildings. This authority shall extend to those premises leased by the state of California.

Authority cited: Section 13108(c), Health and Safety Code. Reference: Sections 13100 and 13108, Health and Safety Code.

Article 2. Definitions

980. Definitions

(a) "A" Definitions.

- (1) Aerial Shell. A cylinder or spherical cartridge containing a burst charge and pyrotechnic or non-pyrotechnic effects, a fuse, a black powder lift charge and is fired from a mortar.
- (2) ASTM. The American Society of Testing and Materials, a national organization publishing standards for all types of materials and products.

(b) "B" Definitions.

- (1) Barrage. A rapidly fired sequence of effects.
- (2) Batten. A strip of wood to which pyrotechnic devices are attached for support.
- (3) Binary Low Explosive Compounds. Special effects materials in which fuel and an oxidizer are mixed together to produce a pyrotechnic composition.
- (4) Blank Cartridge. A cartridge constructed from either metal or plastic casing, with a center or rim fire primer filled with various amounts of pyrotechnic compositions measured by loads.
- (5) Blasting Galvanometer. An electrical resistance measuring device designed specifically and approved for testing of electric firing circuits.
- (6) Bottle Rocket. A pyrotechnic device containing a maximum of 20 grams of pyrotechnic composition, which rises into the air upon ignition. A stick is used for guidance and stability, and a burst of color or noise, or both, is produced at height of flight.
- (7) Break. An individual burst from an aerial shell, producing either a visible or audible effect or both, and may consist of a single burst or multiple effects.
- (8) Bullet Effect. The discharge of the pyrotechnic or explosive bullet hit.

(9) Bullet Hit. A device containing various levels and amounts of pyrotechnic composition, whose purpose is to create the illusion of a bullet impact.

(c) "C" Definitions.

(1) California Candle. Hand held heavy paper or cardboard tube emitting showers of sparks.

(2) Comet. A pyrotechnic device launched from a mortar that produces an ascending burning effect, is self-consuming, and may or may not contain a burst charge or stars.

(d) "D" Definitions.

(1) Darts. To move suddenly and swiftly from one place to another.

(2) Detonator. Any device containing a detonating charge that is used for initiating detonation in an explosive. The term includes, but is not limited to, electric blasting caps of instantaneous and delay types, detonating cord delay connectors, and nonelectric instantaneous and delay blasting caps.

(3) D.O.T. means U.S. Department of Transportation.

(4) Dud. A pyrotechnic item which leaves the mortar and returns to earth without producing the intended burst or effect. See also Misfire.

(e) "E" Definitions.

(1) Electric Firing. A technique used to discharge fireworks in which an electric match or squib and a source of electric current are used to ignite fuses or lift charges.

(2) Electric Match. An electric device containing a pyrotechnic compound which ignites when sufficient current flows through the leads.

(3) Experimental High Power Rocket. Non-professional rockets which are propelled by commercially manufactured high-power solid propellant rocket motors.

(4) Experimental High Power Rocket Motor. A State Fire Marshal approved, commercially manufactured rocket propulsion device containing a solid propellant charge wherein all the ingredients are pre-mixed and which produces more than 160 Newton-seconds (36 lb.-seconds) but shall not exceed 10,240 Newton-seconds (2302.2 lb.-seconds) of total impulse.

(f) "F" Definitions.

(1) 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.

(2) Flash Paper. Treated paper which is extremely sensitive to heat and creates a brief flash of fire upon ignition.

(3) Flash Powder. Pyrotechnic composition intended for use in firecrackers and salutes, and often used for "flash"-type effects on stage and in productions involving special effects. Flash powder produces an audible report and a flash of light when ignited. Typical flash powder compositions contain potassium chlorate or potassium perchlorate, sulfur or antimony sulfide, and powdered aluminum.

(4) Flower Pot. A shell (not the lifting charge) that explodes at or near the bottom of a mortar blowing a shower of stars and burning material into the air.

(5) Fountain. See Gerb.

(g) "G" Definitions.

(1) Gerb. (also known as a Fountain). A device that, when ignited, emits a shower of sparks into the air at various altitudes.

(2) Ground Spinning Device. Also known as a Ground Spinner. A pyrotechnic device that discharges sparks as it spins across the surface upon which it is placed.

(h) "H" Definitions.

(1) HDPE Mortar. Also known as a High Density Polyethylene Mortar, is a mortar constructed of high density polyethylene which is certified and labeled as meeting one or more of the following ASTM standards, which are hereby incorporated by reference: ASTM D 3350, or ASTM F 714.

(i) "I" Definitions.

(1) Ignitor. An electric, chemical or mechanical device used to initiate burning or pyrotechnic or propellant materials.

(j) "J" Definitions. None.

(k) "K" Definitions. None.

(l) "L" Definitions.

(1) Lance. A thin cardboard tube packed with a color-producing pyrotechnic composition.

- (2) License. "License" means any nontransferable authorization granted by the State Fire Marshal to engage in any activity regulated by this part.
- (3) Licensee. "Licensee" means any person 21 years of age or older holding a fireworks license issued pursuant to Chapter 5 (commencing with Section 12570), of the Health and Safety Code.
- (4) Loader. A person who places shells into mortars.
- (5) Low Burst or Low Break. The result of a shell exploding below its prescribed height.

(m) "M" Definitions.

- (1) Magazine Tender. Person who distributes pyrotechnic items to the loader during the show.
- (2) Match. A fuse made of string or thread impregnated with black powder.
- (3) Meteoric Shower. A self-contained cardboard tube mounted on a plastic base emitting a shower of stars into the air.
- (4) Mines or Mine Bags. A device contained within a reusable or disposable tube, where upon ignition stars, firecrackers, salutes, whistles or other devices are propelled into the air, with the tube remaining on the ground.
- (5) Misfire. A pyrotechnic item which fails to function as designed after initiation. See also Dud.
- (6) Model Rocket Motor. The same as a model rocket engine, as defined in Health and Safety Code Section 12520. Model rocket motors shall not produce more than 160 Newton-seconds of total impulse power.
- (7) Monitor. Person responsible for watching for pyrotechnic items which do not perform properly.
- (8) Mortar. A cylinder that is used to hold and fire public display or special effects pyrotechnic items or compositions as defined in Section 999 of this subchapter.
- (9) Mortar Box. Also known as a Trough. A portable wooden structure used for the placement of mortars.
- (10) Mortar Rack. A wooden rack holding closely spaced HDPE or paper mortars. Mortar racks are limited to 10 tubes per individual rack.
- (11) Multiple Break Shell. Aerial shell which has two or more breaks.
- (12) Muzzle Burst. The process of an aerial shell breaking or bursting just as it leaves the mortar, scattering stars and burning material.

(n) "N" Definitions.

(1) N.F.P.A. The National Fire Protection Association.

(2) Non-metallic Mortar. See HDPE and Paper Mortar definition.

(o) "O" Definitions. None.

(p) "P" Definitions.

(1) Pan Type Mortar. A shallow metal container that is used to hold and fire special effect pyrotechnic compositions.

(2) Paper Mortar. A mortar constructed of spiral or convolute wound paper or chipboard.

(3) Party Popper. "Party Popper" also known by other names such as Champagne Party Poppers, Party Surprise Popper and Hot Shot Poppers, is a pyrotechnic device which contains less than 0.25 grain of pyrotechnic composition per unit load, designed to be held in the hand and when fired propels soft paper, cloth inserts or other similar fill material into the air.

(4) Pigeons. Also known as line rockets. Pyrotechnic items using mechanical devices to control the effect of flight movement.

(5) Public Display of Fireworks. "Public display of fireworks" means an entertainment feature where the public or a private group is admitted or permitted to view the display or discharge of dangerous fireworks, as defined in Section 12505 of Health and Safety Code.

(q) "Q" Definitions. None.

(r) "R" Definitions.

(1) Report. A detailed written account of all events involving pyrotechnic materials, devices, and operations in which a fire, injury, or death occurs, or in which any violation of the laws or regulations takes place.

(2) Retailer. Any person who, at a fixed place of business, sells, transfers, or gives fireworks to a consumer or user.

(3) Roman Candle. A heavy paper or cardboard tube containing pellets of pyrotechnic composition which, when ignited, are expelled into the air at several-second intervals.

(s) "S" Definitions.

(1) Salute. An aerial shell as well as other pyrotechnic items whose primary effects are detonation and flash of light.

(2) Set Piece. Also known as ground display piece, mechanical piece. A pyrotechnic device or series of devices that while on the ground or elevated produces a visual and/or audible effect. These devices may employ fountains, roman candles, wheels, and lances.

- (3) Shunt. A deliberate short-circuit of an electrically fired pyrotechnic device or a means contained within its firing system to protect it from accidental ignition by extraneous electricity.
- (4) Single Break Shell. Aerial shell having one or more effects within a cylindrical or spherical casing.
- (5) Snap Cap. Also known by other names such as, but not limited to, Snappers, Pop Pop Snappers, Fun Snaps and Bang Snaps. It is a pyrotechnic device that typically contains less than .20 grams, but shall not contain more than .25 grams, of gravel impregnated with not more than one milligram of pyrotechnic composition. Each unit consists of a small, roughly spherical paper parcel, approximately one-quarter (1/4) inch in diameter with a twisted paper tail. Each unit, when dropped against a hard surface, produces a small, toy cap-like report.

Note: Studies are conducted annually by the Office of State Fire Marshal which will determine whether or not there are adverse consequences from the regulation of snap caps.

- (6) Soft Detonator. A detonator in which the explosive or pyrotechnic material is encased in a non-metallic container.
- (7) Sparkler. A Stick or wire coated with a pyrotechnic composition that produces a shower of sparks upon ignition.
- (8) Squib. See Electric Match. See also Detonator and Soft Detonator.

(t) "T" Definitions.

- (1) Travel. To move from point of ignition either vertically or horizontally.
- (2) Trough. Also known as a Mortar Box. A portable wooden structure used for the placement of mortars.

(u) "U" Definitions. None.

(v) "V" Definitions. None.

(w) "W" Definitions.

- (1) Wheel Driver. A heavy paper or cardboard tube emitting a shower of sparks from a very small orifice, similar to a propellant motor.
- (2) Within This State. "Within this state" means all territory within the boundaries of this state.

(x) "X" Definitions. None.

(y) "Y" Definitions. None.

(z) "Z" Definitions. None.

Authority cited: Sections 12505 and 12552, Health and Safety Code. Reference: Sections 12505 and 12552, Health and Safety Code.

981. General (a) No person shall engage in any type of fireworks activities without having submitted an application for and having obtained a license from the State Fire Marshal in accordance with the provisions of this chapter. Licenses shall be processed in accordance with Title 19, California Code of Regulations, Section 3.33.

Exceptions:

(1) Licensed Pyrotechnic Operators Basic Commercial, Restricted Commercial and Rockets, First Class may employ unlicensed assistants.

Unlicensed assistants shall perform only when under the direct, immediate and constant supervision of the licensee when handling fireworks and pyrotechnic compositions.

(2) Licensed special effects and theatrical pyrotechnicians may employ unlicensed assistants. Unlicensed assistants shall perform only when under the direct, immediate and constant supervision of the licensee when handling fireworks and pyrotechnic compositions.

(3) A license shall not be required for the use or discharge of safe and sane fireworks.

Authority cited: Section 12552, Health and Safety Code. Reference: Section 12552, Health and Safety Code. 1. Amendment filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

981.1 Cause for Denial. The use of any false or misleading statement or misrepresentation offered or used to secure any fireworks license, permit, classification, registration, or any other official fireworks document is a violation of these regulations, and shall be cause for denial of the license, permit, classification, registration or other official fireworks document.

Notes Cal. Code Regs. Tit. 19, § 981.1 Note: Authority cited: Section 12552, Health and Safety Code. Reference: Section 12552, Health and Safety Code. 1. Amendment filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

981.2 Misuse or Alteration of License. All fireworks licensees as set forth in this chapter shall be prohibited from giving or permitting any other person to use such license for any purpose whatsoever.

Any license issued under this chapter found to be altered shall be confiscated by the authority examining the license. The authority confiscating the license

shall notify the State Fire Marshal immediately, and shall cooperate with the State Fire Marshal in all matters relating to an investigation of the incident.

Authority cited: Section 12552, Health and Safety Code. Reference: Sections 12583, and 12600, Health and Safety Code. 1

981.3 License Fees.

(a) Every license fee required in accordance with this section shall be paid by check or money order made payable to the "CDF/State Fire Marshal."

(b) Every required fee shall be paid at or mailed to the office location designated by the State Fire Marshal.

(c) The original and annual renewal fee for a license shall be for the fiscal year or portion thereof beginning July 1 and ending June 30 of the following year, except that the fee for a Retail License shall be for the period of noon on the 28th of June through noon on the 6th of July, of the same calendar year.

(d) The original and annual renewal fees shall be as follows:

- (1) Manufacturer \$2,320.00
- (2) Wholesaler \$4,635.00
- (3) Importer & Exporter \$6,950.00
- (4) Retailer \$150.00
- (5) Public Display (special) \$540.00
- (6) Public Display (limited) \$310.00
- (7) Public Display (general) \$2,320.00
- (8) Pyrotechnic Operator:
 - Unrestricted \$1,000.00
 - Basic Commercial \$250.00
 - Restricted Commercial \$100.00
 - Rockets, 1st Class \$50.00
 - Rockets, 2nd Class \$50.00
 - Rockets, 3rd Class \$50.00
 - Special Effects, 1st Class \$500.00
 - Special Effects, 2nd Class \$400.00
 - Special Effects, 3rd Class \$200.00

Theatrical \$400.00

Theatrical Trainee \$200.00

Performer \$250.00

(9) Manufacture, import, export, or wholesale, or any combination thereof; agricultural and wildlife fireworks \$775.00

(10) Manufacture, import, export, or wholesale, or any combination thereof; model rocket motors \$775.00

(11) Registration or classification fee for each model of emergency signaling device \$250.00

(12) Party Popper/Snap Cap Distributor Permit \$1,160.00

(13) Manufacture, import, export, wholesale, or any combination thereof high power or experimental high power rockets and motors \$2,320.00

(14) Retailer (high power rocket) \$775.00

(f) For applicants of a pyrotechnic operators license, a Request for Live Scan Service from the Department of Justice, as provided by the OSFM shall also be completed. The applicant is responsible for any fees necessary for the completion of this form.

(g) Per Health and Safety Code section 12636, a \$5 fee shall be charged to maintain the Fingerprint Background Check record furnished by Department of Justice in addition to the fee prescribed in Section 981.3(e).

(h) Required fees shall be submitted jointly with the appropriate application. Fees are non-refundable.

(i) Replacement permit or license (issued only if the original is lost or destroyed) is \$25.00.

(j) Service fee for a returned or dishonored check pursuant to Government Code, Section 6157(b) is \$30.00.

Authority cited: Sections 12552 and 12631- 12633, Health and Safety Code.

Reference: Sections 12552 and 12630- 12633, Health and Safety Code.

981.4 Duplicate License. In the event a valid license is lost or destroyed, a duplicate license will be issued upon written notice from the licensee to the State Fire Marshal and the submission of a \$25.00 fee.

Authority cited: Sections 12552 and 12580, Health and Safety Code. Reference: Sections 12630, 12631 and 12632, Health and Safety Code.

981.5 License Scope.

(a) Model Rockets. A Model Rocket License authorizes the manufacture, import,

export or wholesale or any combination thereof.

(b) Pyrotechnic Operator. A Pyrotechnic Operator's License authorizes and places the responsibility for the handling, supervision and discharge of any fireworks item or pyrotechnic device and establishes that the operator is responsible for the training of his or her assistants in the safe handling, supervision, and discharge of these items and devices, in accordance with the following:

- (1) Pyrotechnic Operator -Unrestricted may conduct and take charge of all fireworks activities in connection with every kind of public fireworks display, whether commercial entertainment, experimental and other types of rockets, special effects in motion picture, theatrical and television production.
- (2) Pyrotechnic Operator -Basic Commercial may conduct and is restricted to all fireworks activities in connection with a commercial fireworks public display, including the determination that all mortars, set pieces, rocket launchers and rockets are properly installed and that the proper safety precautions have been taken to insure the safety of persons and property. Such operator shall have charge of all activities directly related to handling, preparing and firing all fireworks at the public display, including the fixing of lifting charges and quick match as needed for aerial shells.
- (3) Pyrotechnic Operator -Restricted Commercial may conduct and is restricted exclusively to the use and discharge of firecrackers and the use of other exempt fireworks in religious ceremonies.
- (4) Pyrotechnic Operator -Rockets First Class may conduct and is restricted to all activities in connection with research experiments, production, transportation, fuel loading and launching of all types of experimental rockets. Such operator shall also be responsible for the actions and conduct of all assistants. Operators licensed under subsection (b) are also required to obtain a local permit from the authority having jurisdiction prior to all launches.
- (5) Pyrotechnic Operator -Rockets Second Class may conduct and is restricted to all activities in connection with research experiments, production, transportation, fuel loading and launching of all types of solid fuel experimental rockets only. Such operator shall also be responsible for the actions and conduct of all assistants. Operators licensed under subsection (b) are also required to obtain a local permit from the authority having jurisdiction prior to all launches.
- (6) Pyrotechnic Operator -Rockets Third Class may purchase, transport, store, and launch high power rockets. Experimental high power rocket motors may only be imported, exported, and wholesaled by individuals or companies holding valid import, export, or wholesale licenses. Pyrotechnic Operators -Third Class may only purchase high powered rocket motors from licensed wholesalers. Operators licensed under subsection (b) are also required to obtain a local permit from the authority having jurisdiction prior to all launches.

- (7) Pyrotechnic Operator -Special Effects First Class may conduct and is restricted to the use, preparation for transportation and the preparation and use of all types of fireworks and special effects pyrotechnics, for the sole purpose of producing a visible or audible effect where and when such use is a necessary part of motion picture, television, theatrical or operatic production, as permitted by the fire authority having jurisdiction.
- (8) Pyrotechnic Operator -Special Effects Second Class may conduct and is restricted to the use of special effects, the loading of blank cartridges, colored fire, flash paper, smoke composition, the preparation and use of binary A and B Flash composition and such other fireworks of whatever kind and class as may be permitted by the authority having jurisdiction, under a special permit in connection with television and motion picture production.
- (9) Pyrotechnic Operator -Special Effects Third Class authorizes the loading of blank cartridge shells, and use of special effects when under the direct supervision and control of a Pyrotechnic Operator -Special Effects First or Second Class.
- (10) Pyrotechnic Operator -Theatrical authorizes the use of special effects, blank cartridges, colored fire, flash paper, flash, smoke composition, and the preparation and use of binary A and B Flash composition in stage or theatrical productions only.
- (11) Pyrotechnic Operator -Theatrical Trainee authorizes the conducting of procedures permitted a Pyrotechnic Operator -Theatrical when under the direct supervision and control of a licensed Pyrotechnic Operator -Theatrical.
- (12) Pyrotechnic Operator -Performer is restricted to persons who perform before an audience, directly or indirectly, and may include magicians, comedians, still photographers, and others whose primary interest is in other than pyrotechnics. Such license is restricted to the use of blank cartridges, colored fire, flash paper, sparklers, and smoke composition in connection with the production of theatricals and operas before live audiences in theaters, opera houses, television studios, night clubs, and similar occupancies, or by the use of a still photographer.
- (c) Separate License Not Required. A separate license shall not be required of licensed manufacturers, wholesalers, or importer-exporter to manufacture, wholesale, import or export agricultural and wildlife fireworks or model rocket engines.
- (d) Explosive Materials Not Included in Scope of License. The license scope as defined in this section is restricted to the use of materials defined as "fireworks" (as defined in Health and Safety Code Section 12511) and in no way confers authority for the use or discharge of explosive materials defined in Health and Safety Code Sections 12000, et seq.

Authority cited: Section 12552, Health and Safety Code. Reference: Sections

12552, 12578 and 12580, Health and Safety Code.

982. Local Permit, Application For.

- (a) When applying for a permit under Health and Safety Code section 12640(e), an applicant shall submit the following information and evidence to the authority having jurisdiction:
- (1) The name of the organization sponsoring the display, together with the names and license numbers of persons actually in charge of the display.
 - (2) The date and time of day the display is to be held.
 - (3) The exact location planned for the display.
 - (4) The size and number of all fireworks to be discharged including the number of set pieces, shells, and other items. Shells shall be designated by diameter specifying single, multiple break or salute.
 - (5) The manner and place of storage of all fireworks prior to, during, and after the display.
 - (6) Diagram of the grounds on which the display is to be held showing the point at which the fireworks are to be discharged, the location of all buildings, roads, and other means of transportation, the lines behind which the audience will be restrained, the location of all nearby trees, telegraph or telephone lines, or other overhead obstruction.
 - (7) Proof that satisfactory workers' compensation insurance is carried for all employees in compliance with Labor Code Section 3700.
 - (8) If the permit is for a public display or special effects, documentary proof of conformance with sections 12610 and 12611, Health and Safety Code.
 - (9) A State Fire Marshal's license for the public display of fireworks, under Health and Safety Code Sections 12575, 12576, or 12577. No permit for a public display of any type shall be granted unless a public display license general, special, or limited has been first obtained from the State Fire Marshal.
 - (10) The name and license number of the wholesaler who supplied all items used in the display.
- (b) Permittee shall be responsible for compliance with the provisions under which a public display permit has been granted.

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

984. General.

- (a) Test and Examination. Every applicant for a pyrotechnic operator's license shall

take and pass a written examination administered by the State Fire Marshal in accordance with the provisions of this chapter. The applicant shall submit evidence attesting to the qualifications and experience required by this Article for the type of license for which application has been submitted.

(1) Pyrotechnic Operator -Unrestricted shall require a minimum amount of experience as indicated for each of the following types of licenses. Such experience shall be in the actual discharge of fireworks and pyrotechnic devices for the types indicated.

(A) Pyrotechnic Operator -Basic Commercial 2 years.

(B) Pyrotechnic Operator -Rockets First Class 2 years.

(C) Pyrotechnic Operator -Special Effects First Class 2 years.

Under the provisions of this section, not less than 6 years total experience is required.

(2) Pyrotechnic Operator -Basic Commercial shall require a minimum of 2 years of active work as an unlicensed assistant to either a licensed Pyrotechnic Operator -Unrestricted, or Basic Commercial. This time requirement may be reduced by 1 year through the successful completion of a State Fire Marshal approved training course or through exceptional work experience as evidenced by log entries or work records. Notwithstanding the 2 year requirement, the applicant shall have participated in the firing of not less than 8 different public displays.

(3) Pyrotechnic Operator -Special Effects First Class shall require a minimum of 2 years of active work as a Pyrotechnic Operator -Special Effects Second Class. This time requirement may be reduced by 1 year through the successful completion of a State Fire Marshal approved training course or through exceptional work experience as evidenced by log entries or work records.

(4) Pyrotechnic Operator -Special Effects Second Class shall require a minimum of 2 years of active work as a Pyrotechnic Operator -Special Effects Third Class. This time requirement may be reduced by 1 year through the successful completion of a State Fire Marshal approved training course or through exceptional work experience as evidenced by log entries or work records.

(5) Pyrotechnic Operator -Special Effects Third Class. No experience required.

(6) Pyrotechnic Operator -Theatrical shall require a minimum of 2 years of active work as a Pyrotechnic Operator -Theatrical Trainee. This time requirement may be reduced by 1 year through the successful completion of a State Fire Marshal approved training course or through exceptional work experience as evidenced by log entries or work records.

(7) Pyrotechnic Operator -Theatrical Trainee. No experience required.

(8) Pyrotechnic Operator Performer. No experience required.

(b) Qualifications. Adequate qualification for the issuance of the requested license shall be determined by the State Fire Marshal. It shall be incumbent upon the applicant to present to the State Fire Marshal evidence of such qualifications which may include a physical demonstration of knowledge and ability.

(c) Experience. The required experience for issuance of a pyrotechnic operator's license shall be in accordance with this section. In addition, applications shall be accompanied by the names and complete addresses of not less than five persons as reference who are not a relative, and who can attest to the applicant's experience, integrity and training. The references shall be licensed pyrotechnic operators of a class equal to or greater than the class applied for and shall have been licensed for at least one year.

Authority cited: Section 12552, Health and Safety Code. Reference: Sections 12552, 12580, 12589, 12603 and 12607, Health and Safety Code.

984.1 Examinations. The written examination required for pyrotechnic operators shall consist of at least three parts, one pertaining to laws relating to fireworks, one pertaining to regulations relating to fireworks and one relating to the practices and procedures of the license scope.

Authority cited: Section 12552, Health and Safety Code. Reference: Sections 12552 and 12580, Health and Safety Code.

984.2. Examination Process.

(a) To satisfactorily pass the written examination, the applicant must obtain a minimum grade of seventy percent (70%) in each part.

(b) Every person taking an examination for pyrotechnic operator shall have the right to contest the validity of individual questions of such examination.

(c) Every objection as to the validity of individual questions of an examination shall be made in writing within 5 days after taking said examination. Objections shall state the reasons for each objection.

(d) The decision as to the action to be taken on the submitted objection(s) shall be by the State Fire Marshal and such decision shall be final.

(e) The decision made by the State Fire Marshal and the action taken shall be reflected in all future examinations but shall not affect the grades established in past examinations.

(f) Any applicant failing the examination may reapply and take another examination not less than 15 days from the date of the previous examination.

(g) Applicants applying to take repeat examinations shall file a new application. An additional fee is not required in those instances where the applicant has taken a test and failed it.

(h) The State Fire Marshal may require a reexamination of any licensee. This examination may be of any type permitted by these regulations. A fee shall not be required for a reexamination.

(i) Any applicant found using any extrinsic aids during the examination shall automatically fail the examination, and shall forfeit admission to future examinations for a period of one year.

Authority cited: Section 12552, Health and Safety Code. Reference: Sections 12552, 12580 and 12589, Health and Safety Code.

984.3 Application Period. An original pyrotechnic operator's license shall not be issued for the month of June of any fiscal year unless the application has been received in the office of the State Fire Marshal on or before the preceding May 15.

Authority cited: Section 12552, Health and Safety Code. Reference: Sections 12552, 12580, 12589, 12595 and 12597, Health and Safety Code.

984.4. Investigation and Letters of Reference. Applicants for a pyrotechnic operator's license are subject to an investigation by the State Fire Marshal. The investigation is intended to determine, but will not be limited to, compliance with State laws and regulations, and competency of applicant to perform in a safe manner. To assist in this investigation five letters of reference in conformance with Section 984(c) shall be submitted with this application. Additionally, a review of the applicant's log or journal detailing the kind of materials used, the quantity, how fired, date, time and location, and name and license number of the supervising pyrotechnician shall be conducted.

Authority cited: Section 12552, Health and Safety Code. Reference: Sections 12552, 12580, 12587, 12590 and 12615, Health and Safety Code.

Application for renewal of a license shall be made by the person to whom the license was issued. In all cases, applicants for license renewal shall pass an examination as required for an original application in accordance with the provisions of this chapter every four years.

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

984.5. Renewal Applications Application for renewal of a license shall be made by the person to whom the license was issued. In all cases, applicants for license renewal shall pass an examination as required for an original application in accordance with the provisions of this chapter every four years.

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

Article 6 Classification of Fireworks

986. Classification.

(a) Fireworks or pyrotechnic devices that are to be used or sold for use in this state and found by the State Fire Marshal to come within the definition of "party poppers", "snap caps", "safe and sane", "agricultural and wildlife", "model rocket motors", "high power rocket motors", "emergency signaling device" or "exempt" fireworks shall be classified as such by the State Fire Marshal.

Exception: Special Effects items developed and compounded on location for single time usage.

(b) The classification of an item shall not be construed as conferring classification to any similar item without the approval of the State Fire Marshal. The trade name of an item shall not be changed without notifying the State Fire Marshal 30 days prior to such change.

Authority cited: Sections 12552 and 12553, Health and Safety Code. Reference: Sections 12560- 12569 and 12671, Health and Safety Code

986.1. Sparklers. Sparklers, which are defined as a stick or wire coated with a pyrotechnic composition that produces a shower of sparks upon ignition, are classified as dangerous fireworks under the authority of Health and Safety Code section 12505(k).

Authority cited: Section 12552, Health and Safety Code. Reference: Sections 12505(k), 12552, 12560 and 12561, Health and Safety Code.

986.2. Test Samples.

(a) Undischarged samples of each item of fireworks which are to be examined, classified and labeled as "Party Poppers", "Snap Caps," or "safe and sane" must be submitted to the State Fire Marshal for testing. The number of samples necessary shall be determined by the State Fire Marshal and in no case shall be less than ten (10).

(b) Undischarged samples of each item which is to be examined, classified, and labeled as "agricultural wildlife", "emergency signaling devices", "model rocket engine", and "high-power rocket engine" shall be submitted to the State Fire Marshal for testing. The number of undischarged samples necessary for each test shall be determined by the State Fire Marshal and in no case shall be less than three (3).

Authority cited: Sections 12552 and 12553, Health and Safety Code. Reference: Sections 12560- 12569 and 12671, Health and Safety Code.

986.3. Chemical Analysis. The request for classification of all fireworks as "safe and sane" fireworks or any item as a "party popper" or "snap caps", shall be accompanied by a qualitative chemical analysis showing every chemical and substance used in the manufacture of such fireworks, "party poppers" or "snap caps". Such qualitative analysis shall be made by the manufacturer, and shall include the total pyrotechnic weight of each item.

Authority cited: Sections 12552 and 12553, Health and Safety Code. Reference: Sections 12560- 12569 and 12671, Health and Safety Code.

986.4. Re-Tests. Licensees shall advise the State Fire Marshal of any change in quality, content, or construction of any fireworks article classified by the State Fire Marshal and shall resubmit such articles for re-test and classification.

Authority cited: Sections 12552 and 12553, Health and Safety Code. Reference: Sections 12560- 12569 and 12671, Health and Safety Code.

986.5 Revocation. The classification may be revoked by the State Fire Marshal if he or she finds that the material being marketed is not the same as that submitted for classification or when such fireworks or their labeling does not conform to the provisions of this chapter.

Authority cited: Sections 12552 and 12553, Health and Safety Code. Reference: Sections 12560- 12569 and 12671, Health and Safety Code.

986.6. Specifications for Safe and Sane Fireworks. The provisions of this section shall apply to all handle goods, stick, dowel, spike and California candle fireworks having a stick dowel or inside diameter greater than 1/8 inch and other devices as noted.

Handle goods are exempt from compliance with the provisions of subsections (a), (d) and (e) of this section if they incorporate all of the following features:

- (1) a soft, crushable type paper tube,
- (2) an inside diameter of 3/8 inch or less,
- (3) 3 inches or less of combustible chemical composition, and having an overall length not exceeding 12 inches without any choke or other muzzle restriction.

- (a) The chemical composition tubes or cases of all stick or handle fireworks items, whether spike or dowel, except flares, shall not exceed 9 inches in length or have an inside diameter greater than 5/8 inch and shall be convolute or spiral wound of chip board or other paper having equivalent strength and shall be well glued. The above dimensions do not include the stick, dowel or tubular handles of such items.

The chemical composition tubes in all fireworks items shall be sealed in a manner that prevents leakage of the pyrotechnic composition during shipping, handling, or normal operation and shall be constructed in a manner to allow functioning without burnout or blowout.

- (b) The use of any choke or other muzzle restriction in any stick or handle fireworks item, whether spike or dowel or California candle is prohibited.
- (c) Compositions in all devices shall be designed and manufactured to prevent loosely compacted charges. Pyrotechnic compositions shall not discharge a flame longer than 8 inches or throw sparks further than 10 feet from the composition tube muzzle. Handle goods shall not throw sparks further than 6 feet from the composition tube muzzle.
- (d) Clay base shall have a minimum finished thickness of 1/2 inch and shall be formed in place inside the tube. In no case shall the final composition charge and the clay be formed in a combined operation. All clay used as clay base

shall be sufficiently moistened to insure permanent effective adhesion to the inside of the tube or case.

- (e) Fireworks devices which are intended to be hand-held and are so labeled shall incorporate a handle at least 4 inches in length. Handles shall remain firmly attached during transportation, handling and full operation of the device, or shall consist of an integral section of the device at least 4 inches below the pyrotechnic chamber.

Spikes and dowels shall be inserted into the chemical composition tubes a minimum distance not less than 25% of the length of tubes 6 inches or less in length and not less than 2 inches into tubes over 6 inches long. They shall be cemented firmly in place against the clay base. There shall be no void space within the chemical composition tube.

Spikes provided with fireworks devices shall protrude at least 2 inches from the base of the device and shall have a blunt tip not less than 1/8 inch in diameter or 1/8 inch square.

- (f) All fuses of every type and kind of fireworks items shall be securely fixed in contact with the composition charge to insure against accidental loss. Each fuse shall be capable of either supporting the combined weight of the fireworks item plus eight ounces dead weight, or double the weight of the item without separation from the fireworks article.

Fuses on all items shall burn for not less than 3 seconds but not more than 6 seconds.

Fuses on all items shall be treated or coated in such a manner as to reduce the possibility of side ignition. The fuse on devices such as "ground spinners" that require a restricted orifice for proper thrust and contain less than 6 grams of pyrotechnic composition are exempt from this requirement.

Fireworks items sold or offered for sale at retail which are not enclosed in sealed packages, shall have their fuses or other igniting means covered in a manner approved by the State Fire Marshal to provide reasonable protection from unintentional ignition.

- (g) All pyrotechnic devices having a base shall provide stable support to maintain the item in a vertical position when firing. When bases are added to the device, they shall be firmly glued in place.

The base or bottom of fireworks devices having a base or fireworks devices that operate in a standing upright position shall have the minimum horizontal dimensions or the diameter of the base equal to at least one-third (1/3) of the height of the device including any base or cap affixed thereto.

- (h) The appearance of any fireworks items resembling those articles classified by statute as "dangerous fireworks" shall constitute sufficient grounds for their classifications, by the State Fire Marshal, as "dangerous fireworks." Special reference is intended, though not by way of limitation, to cherry bombs and sky rockets and other fireworks which normally explode or rise in the air during discharge.

- (i) Pinwheels shall be limited to a maximum overall diameter of 15 inches, shall be substantially constructed and all driver gerbs, firepots and other elements shall be firmly fixed to the wheel.

Drivers shall be securely attached to the device so that they will not come loose in transportation, handling, and normal operation. Wheel devices intended to operate in a fixed location shall be designed in such a manner that the axle remains attached to the device during normal operation.

(j) Smoke devices shall conform to the following:

- (1) Smoke devices shall be so constructed that they will neither burst nor produce external flame (excluding the fuse and first fire upon ignition).
- (2) Smoke devices shall not be of such color or configuration so as to be confused with dangerous fireworks, such as firecrackers or cherry bombs.
- (3) Smoke devices shall not incorporate plastic as an exterior material if the pyrotechnic composition would come in direct contact with the plastic.

Authority cited: Sections 12552 and 12553, Health and Safety Code. Reference: Sections 12560- 12569 and 12671, Health and Safety Code; and Section 1507.4, 16 Code of Federal Regulations.

986.7. Party Poppers.

(a) General. Party Poppers, as defined in Section 980, may be sold at retail outlets without requirement of a state fireworks retailer license or other retail sales restrictions so long as these Party Poppers are units of a particular manufacturer and design which have been classified by the Office of State Fire Marshal.

- (1) Only entities or individuals maintaining a valid Office of State Fire Marshal importer/exporter's license may import Party Poppers into California and may sell Party Poppers only to entities or individuals maintaining a valid Office of State Fire Marshal wholesaler's license.
- (2) Only entities or individuals maintaining a valid Office of State Fire Marshal's wholesaler's license or Party Popper/Snap Cap Distributor permit may sell Party Poppers to a retail outlet. Entities or individuals maintaining a Party Popper/Snap Cap Distributor Permit may purchase Party Poppers only from an individual or entity maintaining a valid Office of State Fire Marshal wholesaler's license and may sell Party Poppers only to retail outlets.
- (3) Only entities or individuals maintaining either a valid Office of State Fire Marshal wholesaler's or importer/exporter's license or Party Popper/Snap Cap Distributor Permit may transport, or cause to be transported for sale, Party Poppers within California.
- (4) All wholesaler licenses and Party Popper/Snap Cap Distributor permittees must file with the Office of State Fire Marshal by the close of the month immediately following each quarter, a list of the names and addresses of all retail outlets to whom they sold Party Poppers in the preceeding quarter. Retail outlets holding valid Office of State Fire Marshal retail sales licenses for the sale of Safe and Sane fireworks within the State for the period of 12:00 noon on the 28th of June through 12:00 noon on the 6th of July of that calendar year, as required by Health and Safety Code Section 12599, need not appear on this list filed with the Office of State Fire Marshal as required by this Section.

(b) In addition to the tests required by this Section, Party Poppers shall conform to the following:

- (1) The device shall contain not more than 0.25 grains of explosive.
- (2) The device shall not contain any materials specified in Section 12505 of the Health and Safety Code.
- (3) The tube casing or body shall be constructed so as to eliminate any

emission into the hand of the user.

- (4) The streamers or other fill material shall be flame retardant when tested in accordance with this section.
 - (5) Every individual party popper item shall bear the classification label of the State Fire Marshal, including the manufacturer's and importer/exporter's registration number. The words "party poppers" shall appear in legible print on such label.
 - (6) The body of every party popper shall have, in legible print, operating instructions and warning labels as may be required by the State Fire Marshal.
- (c) The testing of Party Poppers shall require the submission of a minimum of ten (10) samples. The streamers or other fill material from all of the ten (10) samples shall be arranged in a loose pile and subjected to the flame from a common paper match for not less than 5 seconds. The test material shall not continue to burn or smolder for more than 2 seconds after the match has been removed.

If the streamers or other fill material fail the above tests, the device shall be rejected.

Note: Authority cited: Sections 12552 and 12553, Health and Safety Code.

Reference: Sections 12505, 12560- 12569 and 12671, Health and Safety Code.

986.8. Snap Caps.

- (a) General. Snap Caps as defined in Section 980, may be sold at retail outlets without requirement of a state fireworks retailer license or other retail sales restrictions so long as these Snap Caps are units of a particular manufacturer and design which have been classified by the State Fire Marshal for testing and classification in accordance with this Section.

Only entities or individuals maintaining a valid Office of State Fire Marshal importer/exporter's license may import Snap Caps into California and may sell Snap Caps only to entities or individuals maintaining a valid Office of State Fire Marshal wholesaler's license.

Only entities or individuals maintaining a valid Office of State Fire Marshal wholesaler's license or Party Popper/Snap Cap Distributor permit may sell Snap Caps to a retail outlet. Entities or individuals maintaining a Party/Snap Cap Distributor Permit may purchase Snap Caps only from an individual or entity maintaining a valid Office of State Fire Marshal wholesaler's license and may sell Snap Caps only to retail outlets.

Only entities or individuals maintaining either a valid Office of State Fire Marshal wholesaler's or importer/exporter's license or Party Popper/Snap Cap Distributor Permit may transport, or cause to be transported, for sale, Snap Caps within California.

All wholesaler licenses and Party Popper/Snap Cap Distributor permittees must file with the Office of State Fire Marshal by the close of the month immediately following each quarter, a list of the names and addresses of all retail outlets to whom they sold Snap Caps in the preceding quarter. Retail outlets holding valid Office of State Fire Marshal retail sales licenses for the sale of Safe and Sane fireworks within the State for the period of 12:00 noon on the 28th of June through 12:00 noon on the 6th of July of that calendar year, as is required by Health and Safety Code Section 12599, need not appear on this list filed with the Office of State Fire Marshal as required

by this Section.

- (b) In addition to the tests required by this Section, Snap Caps shall conform to the following:
- (1) Each device typically contains less than .20 grams, but shall not contain more than .25 grams, of gravel impregnated with not more than one milligram of pyrotechnic composition.
 - (2) Each device shall not contain any prohibited materials specified in Section 12505 of the Health and Safety Code.
 - (3) Each device shall be constructed of a paper parcel which shall be flame retardant when tested in accordance with this Section.
 - (4) The packaging for these devices shall bear the classification label of the State Fire Marshal, including the manufacturer's and importer/exporter's registration numbers. The words "Snap Caps/Snappers" shall appear in legible print on such label.
 - (5) The packaging for these devices shall have, in legible print, operating instructions and warning labels as may be required by the State Fire Marshal.
- (c) The testing of Snap Caps shall require the submission of a minimum of ten (10) samples. The paper material from all of the ten (10) samples shall be arranged in a loose pile and subjected to the flame from a common paper match for not less than five (5) seconds. The test material shall not continue to burn or smolder for more than two (2) seconds, after the match has been removed.

If the paper material fails the above test, the device shall be rejected.

Authority cited: Sections 12552 and 12553, Health and Safety Code. Reference: Sections 12560- 12569 and 12671, Health and Safety Code; and Section 1507.4, 16 Code of Federal Regulations.

986.9. Similar Devices. A firecracker, as defined in Section 980(f)1, which exceeds 50 milligrams (.772 grains) in net pyrotechnic composition weight shall be classified as explosives in accordance with Health and Safety Code Section 12000.

Authority cited: Sections 12552 and 12553, Health and Safety Code. Reference: Sections 12505(b) and (k), 12511, 12540 and 12560, Health and Safety Code.

Article 7. Seal of Registration and Labeling

987. Seal of Registration, Description.

- (a) The State Fire Marshal's Seal of Registration required by this chapter shall conform to the provisions of this article. The Seal of Registration shall be applied to all classified fireworks and pyrotechnic devices by a licensed manufacturer, importer, exporter or wholesaler, and shall indicate the classification assigned by the State Fire Marshal or any State Fire Marshal approved laboratory.
- (b) The licensee registration number shall appear in the boxes below the seal as illustrated in this article.

Authority cited: Section 12552, Health and Safety Code. Reference: Sections 12567 and 12568, Health and Safety Code.

987.1. Unlawful Use. No person or concern shall produce, reproduce or use the Seal of Registration in any manner or for any purpose except as provided in this chapter.

Note: Authority cited: Section 12552, Health and Safety Code. Reference: Sections 12567 and 12568, Health and Safety Code.

987.2. Permissive Use.

(a) Licensed manufacturers, importer/exporters, or wholesalers may, after review by the State Fire Marshal, use the Seal of Registration bearing their license registration number for any of the following:

- (1) Printed matter including advertising and copy for publication.
- (2) Letterhead, personal cards and similar stationery.
- (3) Stencils for any of the foregoing.

Authority cited: Section 12552, Health and Safety Code. Reference: Sections 12502 and 12618, Health and Safety Code.

987.3. Reproduction. No person shall reproduce the fireworks Seal of Registration unless the seal reproduction conforms to the approved copy as issued at the time the license and registration number is granted. No alteration shall be made to the original or copy, or to any reproduction of the Seal of Registration unless approved by the State Fire Marshal.

Authority cited: Section 12552, Health and Safety Code. Reference: Sections 12502 and 12618, Health and Safety Code.

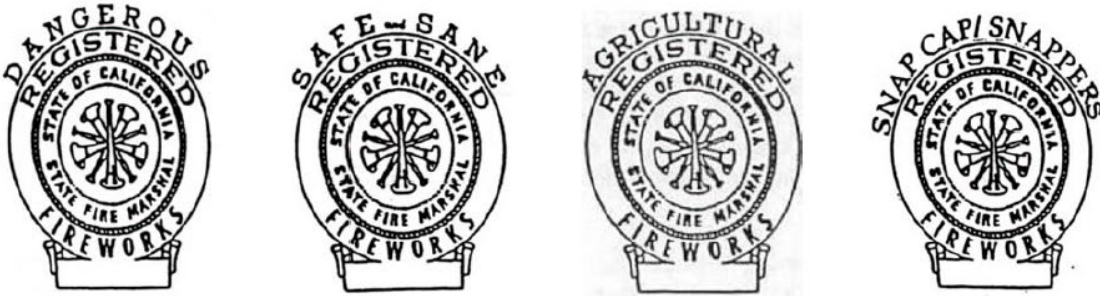
987.4. Registration Numbers. Before reproduction of the Seal of Registration, there shall be inserted in the box at the bottom of the reproduction, the registration number assigned by the State Fire Marshal to designate the category of the licensee. The category shall be designated by the capital letter proceeding the registration number as follows: "M" for manufacturing, "I/E" for importer/exporter, "W" for wholesaler. The designation for model rockets and signaling devices shall be as follows: "MR" for model rockets, "HPR" for high-power rocket motors, "L" for land signaling devices, "S" for sea signaling devices and "A" for air signaling devices. Signaling devices intended for more than one function shall use all of the appropriate letters.

Authority cited: Section 12552, Health and Safety Code. Reference: Sections 12502 and 12618, Health and Safety Code.

987.5. Cease Use Order. No person or concern shall continue use of the Seal of Registration in any manner or for any purpose after receipt of a notice in writing from the State Fire Marshal to discontinue such use.

Authority cited: Section 12552, Health and Safety Code. Reference: Sections 12502 and 12618, Health and Safety Code.

987.6. State Fire Marshal's Seal of Registration. The Seal of Registration shall appear in a format illustrated by the following samples below:



STATE FIRE MARSHAL'S SEALS OF REGISTRATION AND FIREWORKS CLASSIFICATION SAMPLES ABOVE, INCLUDING CLASSIFICATION

1. Enter one of the appropriate classification titles above the seal (see preceding samples) as listed below:

- (a) Dangerous
 - (b) Safe and Sane
 - (c) Agricultural/Wildlife
 - (d) Model Rocket Motor
 - (e) Emergency Signaling Device (L), (S), or (A)
 - (f) Exempt
 - (g) Party Popper
 - (h) High Power Rocket Motor
1. Snap Caps/Snappers

2. Enter the Office of State Fire Marshal manufacturer's registration number in the box at the bottom of the seal. The seal that must appear on all Party Poppers and the seal that must appear on all packaging for all Snap Caps must also include the Office of State Fire Marshal importer/exporter's registration number.

3. On or before May 15 of the first year an importer intends to distribute in California, which ever comes later, an importer of Safe and Sane fireworks shall be required to file with the Office of State Fire Marshal in Sacramento, a notarized list of all Safe and Sane firework devices which: (1) they have previously submitted for testing and which have been classified as Safe and Sane by the Office of State Fire Marshal; and (2) indicate by placing an asterisk(*) before the name of each Safe and Sane firework device they intend to distribute in California for retail sale between June 28th and July 6th of that year.

On or before May 15 of each year thereafter, each importer shall be required to file with the Office of State Fire Marshal in Sacramento, a notarized list of all Safe and Sane firework devices they intend to distribute in California for retail sales between June 28th and July 6th of that year including all new Safe and Sane firework devices which have been submitted for testing and which have been classified as Safe and Sane by the Office of State Fire Marshal since that importer filed its first list with the Office of State Fire Marshal in accordance with this Section.

These lists must include the name and address of the importer and the importer/exporter's registration number. The devices on these list must be segregated by type of device [i.e., cone fountains, base fountains, wheels, smoke items, ground spinners, hand-held items, and other devices which have been

classified as Safe and Sane by the Office of State Fire Marshal]. These firework devices must be listed by the name as it appears on each item and within each firework device category, these items must be segregated into two subcategories: (1) those items to which this importer has exclusive trademark and/or distribution rights; and (2) those items to which this importer does not have exclusive trademark and/or distribution rights.

On or by June 20 of each year, the Office of State Fire Marshal shall distribute a master list or compilation of all said individual lists, segregated by importer, to all members of the fire service in California. This list shall also include a listing of snap cap and party popper devices which have been submitted for testing and classified as a "Snap Cap" or "Party Popper" by the Office of State Fire Marshal. This listing of snap caps and party poppers must include the name and address of the importer and the importer/exporter's registration number.

On or before June 1 of each year, the Office of State Fire Marshal shall supply each importer who submitted an individual list, a draft copy of how that importer's list will appear on the forthcoming master list. That importer shall then have ten (10) business days from its receipt of this draft list to review, approve and/or request any corrections in its listing. Any request for corrections must be submitted along with appropriate documentation to the Office of State Fire Marshal in Sacramento.

The failure of an importer to timely file its individual list and/or to file a timely request for substantiated corrections to the draft copy of how that importer's list will appear on the master list, as required by this Section, shall subject any item which does not appear on the Office of State Fire Marshal's master list to immediate seizure by any law enforcement or fire service entity in California at any location where these devices are being offered for retail sale.

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

988. Labeling, General Provisions.

(a) All fireworks or pyrotechnic devices classified by the State Fire Marshal, in addition to bearing the State Fire Marshal Seal of Registration, shall be labeled in accordance with the provisions of this article. Such labeling may be by stamp, stencil or printing or by a firmly attached printed adhesive label. The entire label shall appear in legible type.

Exceptions: (1) Special Effects items developed and compounded on location for single time usage. (2) Set pieces used for public display. (3) Any device that is too small for practical single-item labeling such that it would render the label illegible, as determined by the State Fire Marshal.

Authority cited: Sections 12552 and 12553, Health and Safety Code. Reference: Sections 12560- 12569, Health and Safety Code.1.

988.1 Labeling of Dangerous Fireworks. All dangerous fireworks, in addition to bearing the State Fire Marshal's Seal of Registration showing the classification and

registration number as required in this article, shall bear a warning label with the wording: "Warning: Do Not Hold in Hand."

Authority cited: Section 12552, Health and Safety Code. Reference: Sections 12552 and 12560, Health and Safety Code.

988.2. Labeling of Agricultural and Wildlife Fireworks, Model Rocket Motors, High Power Rocket Motors, and Emergency Signaling Devices. All agricultural and wildlife fireworks, model rocket motors, high power rocket motors and emergency signaling devices offered for sale, sold or used in this state shall bear, in addition to the seal, classification, and registration number required in this article, a warning label indicating to the user where and how the item is to be used and necessary safety precautions to be taken.

Authority cited: Section 12552, Health and Safety Code. Reference: Sections 12552 and 12560, Health and Safety Code.

988.3. Instruction Labeling. Safe and Sane Fireworks.

(a) The following fireworks classified as "safe and sane" shall be labeled as indicated herein. Any "safe and sane" fireworks device not required to have a specific label as indicated below shall carry a legible warning label clearly indicating to the user where and how the item is to be used and necessary safety precautions to be observed. The use of the word "close" is optional.

(1) Fountains, Spike Fountains, and Whistles.

WARNING (OR CAUTION)
EMITS SHOWERS OF SPARKS
DO NOT HOLD IN HAND
Use only under (close) adult supervision
For outdoor use only

Place on level surface
Stick firmly in ground in an upright position (Spike items only)
Light fuse and get away

(2) Handle Fountains, California Candles

WARNING (OR CAUTION)
EMITS SHOWERS OF SPARKS
Use only under (close) adult supervision
For outdoor use only
Hold in hand at bottom of tube or handle
Point away from body so that neither ends points toward body or another person

(3) Ground Spinners or Ground Spinning Devices

WARNING (OR CAUTION) - SPINS ON GROUND
DO NOT HOLD IN HAND
EMITS SHOWERS OF SPARKS (either on the side, front, back, top, or bottom panel)
Use only under (close) adult supervision

For outdoor use only
Place on hard, flat, smooth, and level surface
Light fuse and get away

(4) Wheels-Vertical
WARNING (OR CAUTION)
EMITS SHOWERS OF SPARKS
DO NOT HOLD IN HAND
Use only under (close) adult supervision
For outdoor use only
Attach securely by means of a nail through the hole
Light fuse and get away

(5) Wheels-Horizontal
WARNING (OR CAUTION)
EMITS SHOWER OF SPARKS
Use only under (close) adult supervision
For outdoor use only
Attach string to object so that item hangs freely
Do not hold in hand
Light fuse and get away

(6) Toy smoke devices and flitter devices
WARNING (OR CAUTION)
FLAMMABLE (OR EMITS SHOWERS OF SPARKS, IF MORE DESCRIPTIVE)
Use only under (close) adult supervision
For outdoor use only
Do not hold in hand
Light fuse and get away

Authority cited: Sections 12552 and 12553, Health and Safety Code. Reference:
Sections 12562, 12567 and 12568, Health and Safety Code.

Article 8. Storage.

989. General. All magazines shall meet the requirements as set forth in the Code of Federal Regulations, Title 27, Part 55, Subpart K (Storage).

Authority cited: Section 12552, Health and Safety Code. Reference: Sections 12640, 12671, 12673, 12674, 12679 and 12722, Health and Safety Code.

989.1 Storage, General Provisions.

(a) All fireworks, pyrotechnic compositions and pyrotechnic devices shall be kept in a locked magazine and in a manner approved by the authority having jurisdiction unless they are:

- (1) In the process of being manufactured;
- (2) In the process of being used; or
- (3) Being transported to a place of storage or use by a licensee, in

accordance with the Code of Federal Regulations, Title 49, Part 173, Subpart C, and Title 13, Chapter 6, Article 3 of the California Code of Regulations.

(b) Class C Common Fireworks and those devices designated as "safe and sane" fireworks shall be stored in a manner consistent with the Code of Federal Regulations, Title 49, Section 173.88.

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

989.2 Access Roads and Signs. All magazine storage sites shall have access roads suitable for use by fire apparatus posted with the following warning sign or other sign approved by the authority having jurisdiction:

DANGER
NEVER FIGHT EXPLOSIVES FIRES
EXPLOSIVES ARE STORED ON THIS SITE
CALL _____

The sign shall be weather-resistant with a reflective surface and lettering at least two (2) inches high.

Authority cited: Sections 12081 and 12552, Health and Safety Code. Reference: Sections 12081, 12101 and 12552

989.3. Activities and Devices Prohibited. Smoking, matches, flame-producing devices, open flames, and firearms shall not be permitted inside or within fifty (50) feet of magazines.

Authority cited: Section 12552, Health and Safety Code. Reference: Section 12552, Health and Safety Code. 1.

989.4. Magazines in Dwellings Prohibited. No loaded indoor storage magazine shall be located in a residence or dwelling.

Authority cited: Section 12552, Health and Safety Code. Reference: Section 12552, Health and Safety Code. 1. Repealer and new section filed 4-14-92; operative 5-14-92 (Register 92, No. 21).

990. Transportation of Fireworks.

(a) Only fireworks and pyrotechnic devices classified by and bearing the Seal of Registration of the State Fire Marshal shall be transported within this state.

Exceptions: 1. Unclassified fireworks being transported to the State Fire Marshall for classification. 2. Unclassified fireworks being transported for verified out-of-state delivery. 3. Fireworks being imported and moving directly from the port of importation to the facilities of the licensed importer for purposes of application for the Seal of Registration for the State Fire Marshal.

(b) All fireworks and pyrotechnic devices being transported in this state, whether classified or unclassified, shall be packaged and transported in accordance with the Code of Federal Regulations, Title 49, Part 173, Subpart C, or with Health and Safety Code Sections 12650- 12654.

Authority cited: Section 12552, Health and Safety Code . Reference: Sections 12650- 12654, Health and Safety Code.

990.1. General Safety. Every vehicle transporting fireworks or pyrotechnic devices shall comply with Sections 27903, 31610, and 31616 of the Vehicle Code of the State of California.

Authority cited: Section 12552, Health and Safety Code. Reference: Section 12552, Health and Safety Code; and Section 27903, Vehicle Code.1.

Article 10. Filing Reports

990.2. Filing Reports Import/export licensees shall file written reports with the State Fire Marshal involving the importation of fireworks, in accordance with Health and Safety Code Sections 12619 and 12620.

- (1) Prior to importing fireworks, the licensee shall file a report with the State Fire Marshal. Reports shall indicate the name and address of the manufacturer and of the shipper, the type and kind of fireworks being imported, the quantity of each type and kind of fireworks, the estimated arrival time of shipment, the name of the carrier, and the load number or other identification carton marks.
- (2) Upon arrival or prior thereto, the State Fire Marshal shall be notified as to contemplated disposition of fireworks. Contemplated storage, classification, and reshipment plans shall be included in this report. Exception: Import/export licensees shall not be required to file reports as outlined in this section for pyrotechnic devices and materials used solely for special effects.

Authority cited: Sections 12552 and 12620, Health and Safety Code. Reference: Sections 12619 and 12620, Health and Safety Code. 1.

Article 13. General Safety Requirements

991. 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.

Authority cited: Section 12552, Health and Safety Code. Reference: Section 12682, Health and Safety Code.

991.1. Disposition Unsold Stock. All retail fireworks licensees shall return unsold fireworks stocks to the wholesaler from whom they were purchased. The retail licensee may store unsold stock in a place and manner approved by the fire authority having jurisdiction until stock is returned to the wholesaler. Such return of stock shall be accomplished no later than the thirty-first of July of each year.

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

991.2 Personnel The employer or permittee shall be responsible for instructing his or her personnel who handle fireworks, pyrotechnic compositions or devices in any capacity, in the hazards of and safety procedures relating to fireworks, pyrotechnic compositions or devices as contained in this chapter.

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

991.3 Smoking, Storage and Handling Facilities Smoking shall be prohibited and "No Smoking" signs posted in all portions of the premises or locations where fireworks, pyrotechnic compositions, or devices are stored, or handled.

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

991.4. Smoking, Sales Facilities Smoking shall be prohibited and signs bearing the words "No Smoking" shall be posted on and in every building, mobile facility, or structure used for the sale of fireworks. Signs shall be positioned at the entrance to and inside such buildings, mobile facilities, or structures and at such other locations as designated by the authority having jurisdiction. Lettering shall be red in color on a white background. Letters shall be at least 3 inches in height with a stroke of at least 1/2 inch.

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

991.5 Prohibited Substances. Intoxicating liquids, narcotics, and controlled substances are prohibited within the area of the firing site as determined by the authority having jurisdiction, and shall not be used by any person handling fireworks or special effects at any time during transportation, set-up, firing or removal.

Exception: Prescription drugs not impairing the motor functions and/or judgment of the persons affected by this section. Drugs must be taken as directed and specifically prescribed for the individual to be covered by this exception.

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

Article 13.5 Electrical Firing Circuits

992. Electric Firing Circuits, General Connecting any electric firing circuit to any power supply, is prohibited until all special effects devices, fireworks, and pyrotechnics in the sequence are connected to firing leads and the firing area is clear of all unauthorized personnel.

Exception: Circuit testing as described in section 992.3.

Authority cited: Sections 12552 and 12553, Health and Safety Code. Reference: Sections 12532 and 12552, Health and Safety Code.

992.1. Power Sources Power sources for firing special effects devices, fireworks, and pyrotechnics shall be restricted to batteries or individually isolated, ungrounded generators used for firing purposes only. Commercial or house power may be used provided the firing system is electrically isolated from the commercial or house power through the use of such items as isolation transformers. Under no condition may commercial or house power be used directly for firing purposes.

Authority cited: Sections 12552 and 12553, Health and Safety Code. Reference: Sections 12532 and 12552, Health and Safety Code.

992.2. Firing Systems Safeguards All firing systems, including battery and power circuit types, shall be designed to insure against accidental firing by providing, a shunt or other control method in which no firing power may be applied to any firing circuits unless the operator intentionally enables or arms the firing system before applying firing power.

Authority cited: Sections 12552 and 12553, Health and Safety Code. Reference: Sections 12532 and 12552, Health and Safety Code.

992.3. Circuit Tests. All electrically fired pyrotechnic circuits shall be tested with a galvanometer or other test device in which the test current is not capable of firing the pyrotechnic device being tested.

Authority cited: Sections 12552 and 12553, Health and Safety Code. Reference: Sections 12532 and 12552, Health and Safety Code.

992.4. Sight Firing Special effects devices, and pyrotechnics shall not be fired unless the area involved with the firing is in the continuously unobstructed full view of the pyrotechnic operator or his/her assistant at the time of firing.

Authority cited: Sections 12552 and 12553, Health and Safety Code. Reference: Sections 12532 and 12552, Health and Safety Code.

Article 14 Special Effects

992.5. Scope. This article shall govern all "Special Effects Devices/ Materials" including those materials which have been classified and described by the regulations of the Department Of Transportation, Title 49, parts 172, 173 and 177 as Special Fireworks Class B Explosives and Common Fireworks Class C Explosives

and such additional items as listed in Table 14A.

Authority cited: Section 12552, Health and Safety Code. Reference: Sections 12552, 12553, 12560 and 12651, Health and Safety Code.

992.6. Responsibility The company representative shall provide to the authority having jurisdiction the name and license number of the special effects operator who shall have the authority, responsibility and be in charge of handling all Special Effects Materials. The company representative shall also allocate sufficient time to the Special Effects Pyrotechnic Operator to prepare for the transportation, packing, storing, securing daily, discharging, disposing of, or otherwise handling of fireworks, pyrotechnic devices, or materials in a safe manner. Upon completion of firing, no unauthorized person shall be permitted access to the firing area until the licensed pyrotechnic operator has determined the area to be safe and secure.

Authority cited: Section 12552, Health and Safety Code. Reference: Sections 12552, 12583 and 12600, Health and Safety Code.

992.7. Orientation Meeting Prior to the activity, a discussion of the events planned and all aspects and ramifications concerning safety issues as they relate to the safe use of fireworks, pyrotechnic devices and materials shall be held among all appropriate parties, as determined by the authority having jurisdiction.

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

992.8. Special Effects Materials

(a) Materials described in this chapter as Special Effect Materials can be used as Special Effects. Other hazardous materials may be used when so authorized by the authority having jurisdiction.

Authority cited: Section 12552, Health and Safety Code. Reference: Sections 12532, 12578 and 12603, Health and Safety Code.

992.9. Storage and Working Supplies

(a) Special Effects Materials storage facilities shall be used exclusively for the storage of Special Effects Materials. Storage facilities shall not be used for the assembling, compounding, or manufacture of Special Effects Materials or any other item of fireworks. Magazines shall be kept locked at all times except when supplies are being withdrawn or replenished. Special Effects Materials shall be stored in accordance with the Code of Federal Regulations, Title 27, Part 55, Subpart K.

Note: Authority cited: Sections 12552 and 12553, Health and Safety Code. Reference: Sections 12532, 12578 and 12603, Health and Safety Code.

992.10. Quantities

(a) The quantities of special effects materials removed from magazines shall be limited to the amount necessary for immediate use. Under no condition shall any surplus or excess be permitted to remain outside a magazine, unless under the direct supervision of a licensed pyrotechnic operator.

Note: Authority cited: Sections 12552 and 12553, Health and Safety Code. Reference: Section 12552, Health and Safety Code.

992.11. Equipment All tools, scoops and devices used in loading and handling Special Effects Materials shall be made of non-sparking materials.

Note: Authority cited: Sections 12552 and 12553, Health and Safety Code. Reference: Section 12552, Health and Safety Code.

992.12. Mixing No persons shall mix any Special Effects Material except a licensed manufacturer or a licensed Special Effects Pyrotechnic Operator -First Class. All mixing, assembling, or compounding when done by other than a licensed manufacturer shall be conducted in accordance with the applicable provisions of this chapter and with approval of the authority having jurisdiction.

Exception: Binary A & B Flash composition pre-packaged by a licensed manufacturer may be mixed and utilized according to manufacturer's instructions by a Pyrotechnic Operator, Special Effects -Second Class, or Pyrotechnic Operator, Theatrical.

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

992.13. Special Effects All special effects devices and explosive charges set in or on the surface of water, either salt or fresh, or any other liquid, shall be fired by a separate, individual, ungrounded, and uncommon two-wire circuit.

Note: Authority cited: Sections 12552 and 12553, Health and Safety Code. Reference: Section 12552, Health and Safety Code.

992.14. Special Effects Not Allowed To Be Carried in Wearing Apparel No Special Effects Materials other than blank cartridges may be carried within the wearing apparel of a person. This shall not apply to actors portraying a scene in a theatrical, television, or film production.

Note: Authority cited: Sections 12552 and 12553, Health and Safety Code. Reference: Section 12552, Health and Safety Code.

992.15 Special Effect Packaging All Special Effects Materials shall be packaged in accordance with Department of Transportation standards as contained in Title 49 of the Code of Federal Regulations, parts 172, 173 and 177, and shall remain in the prescribed containers until used or placed in a magazine.

Note: Authority cited: Sections 12552 and 12553, Health and Safety Code. Reference: Section 12552, Health and Safety Code.

992.16. Special Effects Mortars Mortars and other items used to hold special effects, pyrotechnic or explosive materials during discharge shall be made of a material having a thickness proportional to the strength of the explosive or pyrotechnic material being used, and in every case sufficient to prevent distortion in service. Tubular

mortars for firing aerial pyrotechnic and fireworks shells shall conform to the requirements of article 15 of this chapter.

Note: Authority cited: Sections 12552 and 12553, Health and Safety Code. Reference: Section 12552, Health and Safety Code.

992.17. Flash Powder Mortars The use of special effects flash powder mortars consisting of converted switch boxes, sockets, or similar components is prohibited.

Note: Authority cited: Sections 12552 and 12553, Health and Safety Code. Reference: Section 12552, Health and Safety Code.

992.18. Special Effects Reports

(a) Verbal reports shall be made to the State Fire Marshal within 24 hours after a firing under this article when either of the following events occur:

- (1) Injury or death to the public or the crew as a result of the firing.
- (2) Fires requiring emergency action or response.

(b) Within ten (10) working days following an incident giving rise to a verbal report, the licensed pyrotechnician in charge of the activity shall submit a complete, accurate and factual report directly to the State Fire Marshal on the episode.

Authority cited: Sections 12552 and 12553, Health and Safety Code. Reference: Section 12552, Health and Safety Code.

TABLE 14A Special Effects Materials

The following materials, when used in the motion picture/television/theatrical industry by licensed special effects pyrotechnicians and when permitted by the authority having jurisdiction, are to be regulated under this chapter as fireworks, pyrotechnic materials and devices and not as explosives under Health and Safety Code Section 12000.

BULK POWDER COMPOSITIONS AND DEVICES

Black Powder Smokeless Powder Smoke Flash Compositions Common Photo Flash Compositions Illuminating Compositions Atomized Flash Compositions Two Component Flash Powder Flash Paper Flash Cotton Flash Powder Simulated Phosphorus Sparking Granules Lifters

SMOKE POWDER COMPOSITION AND DEVICES

All Colors Smoke Compositions Smoke Pellets Smoke Granules Smoke Candles Smoke Cookies Smoke Grenade Smoke Pots Smoke Signals

MATCHES AND FUSES

Quick Match Black Match Arcing Match Silver Match Cannon Fuse Safety Fuse Thermalite Instantaneous Fuse Igniter Cord

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SQUIBS AND DETONATORS

Bullet Hits Electric Match Soft Detonators Squibs Detonators Igniters

FIREWORKS

Common Class C Safe and Sane Fireworks Common Class C Dangerous Fireworks

Special Class B Fireworks

OTHER MATERIALS

Primacord or Detonating Cord Exploding Bolts and Cable Cutters Non Electric Fuse

Shape Charges Trick Noise Makers

Authority: Section 12552, Health and Safety Code Reference: Section 12552, Health and Safety Code

Article 15. Public Display

993. Insurance.

(a) Any person, firm, or corporation applying for a public display license shall furnish to the State Fire Marshal a policy of public liability and property damage insurance. The policy may have a deductible not to exceed fifteen thousand dollars (\$15,000). The policy shall provide limits of bodily injury and property damage liability of not less than one million dollars (\$1,000,000.00) combined single limits for each occurrence annually as payment for damages to persons or property which may result from or be caused by such public display of fireworks, or any negligence on the part of the licensee or his or its agents, servants, employees, or subcontractors presenting such public display.

Exception: A deductible in excess of fifteen thousand dollars (\$15,000) may be permitted provided a security deposit, such as, but not limited to a surety bond, pledge of assets or bank letter of credit covering the value of the excess, is approved by the State Fire Marshal.

(b) The certificate of insurance shall provide all of the following:

- (1) That the insurer will not cancel the insured's coverage without 15 days prior written notice to the State Fire Marshal.
- (2) That the duly licensed pyrotechnic operator required by law to supervise and discharge the public display, acting either as an employee of the insured or as an independent contractor and the State of California, its officers, agents, employees, and servants are included as additional insurers, but only insofar as any operations under this chapter are concerned.
- (3) That the State shall not be responsible for any premium or assessments on the policy.

Note: Authority cited: Section 12552, Health and Safety Code. Reference: Sections 12552 and 12610, Health and Safety Code.

993.1. Reports General public display and special public display licensees shall report to the State Fire Marshal prior to date of each display all public displays of fireworks contemplated under their license. Licensee must report to the State Fire Marshal at least 72 hours prior to each display on state-owned or state-occupied property. Applicants for limited public display licenses shall report at the time of

applying for their license. The report shall contain the information set forth in Section 982.

Exception: A general public display licensee conducting special effects activities for motion picture, television, and theatrical productions need not comply with any of the above reporting requirements.

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

997. Pyrotechnic Operators, Basic Commercial, Responsibilities

- (a) No basic commercial public display permit shall be granted unless there is a licensed basic commercial pyrotechnic operator and at least one additional experienced person present. Pyrotechnic Operators, Basic Commercial, shall:
- (1) Be responsible for and have control over on-site unloading, storing, and security of all fireworks;
 - (2) Be responsible for placement of mortars, set pieces, and all other fireworks on-site as approved by the authority having jurisdiction. No fireworks shall be discharged over areas occupied by spectators;
 - (3) Insure that no person under the age of 18 is in the firing or fireworks storage sites;
 - (4) Be in possession of a current basic commercial license at the time of display; and
 - (5) Be responsible for and have control over the safe return of all unfired fireworks, misfires and duds.

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

999. Mortars, Aerial Shells.

- (a) General.
- (1) Electric firing shall be required for all mortars eight inches (8 ") or greater in diameter.
 - (2) Multiple-break shells that include a salute as one of the breaks shall be fired in HDPE mortars only.
- (b) Steel Mortars.
- (1) Steel Mortars shall be constructed of commercially manufactured, first quality electric resistance weld (ERW) or drawn over mandrel (DOM) steel tubing conforming to ASTM Standard A135-83, which is incorporated by reference. Mortars constructed of cast iron, other fragmenting types of steel, and all other types of metal are prohibited. Salutes shall not be fired from metallic mortars.
 - (2) Steel mortars shall have a base plate the same thickness of the mortar wall, welded continuously around its perimeter.
 - (3) The inside length of steel mortars shall meet the minimum specifications set forth below:

Shell Size	Inside Length
1.99 inches or less	8 inches

2 inches	13 inches
2 1/2 inches	13 inches
3 inches	15 inches
4 inches	20 inches
5 inches	25 inches
6 inches	30 inches
7 inches	32 inches
8 inches	32 inches
10 inches	40 inches
12 inches	40 inches
16 inches	64 inches
24 inches	96 inches

(4) Mortars shall not have any visible cracks in the body of the tube, nor any cracks or voids in the weld around the base plug. Mortars shall not be dented or distorted beyond the point that such distortion interferes with the smooth and unimpeded travel of the shell throughout the entire length of the mortar.

(c) Paper Mortars.

(1) Reusable paper mortars shall be of spiral or convolute wound kraft paper or chipboard, and shall meet the minimum specifications set forth below:

Shell Size	Wall Thickness	Inside Length	Base Plug*
Less than			
2 inches	1/8 inch	8 inches	1 inch
2 inches	1/4 inch	13 inches	2 inches
2 1/2 inches	3/8 inch	13 inches	3 inches
3 inches	3/8 inch	15 inches	3 inches
4 inches	1/2 inch	20 inches	3 inches
5 inches	1/2 inch	25 inches	4 inches
6 inches	1/2 inch	30 inches	4 inches
7 inches	3/4 inch	32 inches	4 inches
8 inches	3/4 inch	32 inches	4 inches

*Sizes for base plugs are nominal.

(2) Base plugs for paper mortars shall be wooden and securely glued, as well as nailed, screwed or bolted to the base of the mortar. Base plugs shall be discarded and replaced when damaged. Minor cracks and checks are acceptable.

(3) Multiple-break shells shall not be fired from paper mortars.

(d) HDPE Mortars. High Density Polyethylene (HDPE) mortars shall meet the minimum specifications set forth below:

Shell Size	Wall Thickness	Inside Length	Base Plug*
Less than 2 "	1/8 inch	10 inches	1 inch
2 inches	1/4 inch	13 inches	2 inches
2 1/2 inches	1/4 inch	13 inches	3 inches
3 inches	1/4 inch	15 inches	3 inches
4 inches	1/4 inch	20 inches	3 inches

5 inches	1/4 inch	25 inches	4 inches
6 inches	3/8 inch	30 inches	4 inches
7 inches	3/8 inch	32 inches	4 inches
8 inches	3/8 inch	32 inches	6 inches

*Base plug sizes are nominal.

HDPE Mortars shall not be reloaded for a period of at least one (1) hour after use. All base plugs for HDPE mortars shall be wooden, and securely glued, as well as nailed, screwed, or bolted to the base of the mortar. Base plugs shall be discarded and replaced when damaged. Minor cracks and checks are acceptable.

- (e) Other Materials. Recognizing that new materials for the construction of mortars may be developed, such materials may be used when specifically approved by the State Fire Marshal. Persons wishing to use material not specifically covered in this section shall submit the material in an amount sufficient for testing to the State Fire Marshal for determination of its safety and its inclusion in this section.

Note: For illustrations of typical mortar racks, troughs and drums, see Diagrams A, B and C following section 1002.

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

1001. Setting Mortars

- (a) Metallic, re-usable paper and HDPE mortars shall be securely buried to a minimum of 2/3 of their minimal legal length in earth or in drums or troughs filled with moist earth or sand essentially free of debris.
- (b) Mortars other than metallic mortars may be placed in wooden finale racks.
- (c) Planking below mortars shall be required when the base of the mortar, trough, or drum is not on a stable and level surface.
- (d) Mortars in non-electrically-fired shows shall meet all of the following requirements:
- (1) Mortars up to five inches in diameter and buried in earth or placed in troughs or drums shall be spaced a minimum of 3 inches apart or from the sides of the drum or trough.
 - (2) Mortars six inches or larger in diameter and buried in earth or placed in troughs or drums shall be spaced a minimum of 5 inches apart or from the sides of the drum or trough. When a mortar requiring 5 inches of space is placed adjacent to a mortar requiring only 3 inches of spacing, the larger spacing shall apply.
- (e) Mortars in electrically-fired shows shall meet all of the following requirements:
- (1) All mortars buried in earth or placed in drums and troughs shall be nominally spaced 2 inches apart or from the sides of the drum or trough.
 - (2) All technicians shall be positioned a minimum of 100 feet from any mortar and positioned so as to be protected from the direct line of fire.
 - (3) No one shall be allowed to enter the firing area during the firing of the display.
- (f) Mortars shall be set in a stable and secure manner so that accidental impact and

shell discharge will not change the trajectory of adjacent unfired shells.

Note: For illustrations of typical mortar racks, troughs and drums, see Diagrams A, B and C following section 1002.

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

1002. Design Specifications for Mortar Racks, Troughs, Drums, and Ready Boxes

- (a) Mortar racks shall be limited to a maximum of 10 tubes per unit. The base and ends of the rack shall be nominal 2 inch thick lumber. The inside width shall be equal to the outside diameter of the mortar tube. Each mortar tube shall be separated by horizontal or vertical blocks nominally 2 inches thick and 4 inches wide. Side braces for mortar racks of 3 inch size mortars and up shall be 1 inch x 6 inch nominal lumber or 1/2 inch x 4 inch plywood securely fastened by nails, screws, or attached with construction grade staples along the top and bottom of the rack. A diagonal side brace must be employed on all mortar racks with more than 5 mortar tubes. Mortar racks shall not incorporate steel brackets or other metallic parts in their construction with the exception of nails, screws, or construction-grade staples. Metallic braces shall not be fastened to mortar racks at the firing site.
- (b) Troughs shall not be more than 8 feet in length. Troughs may be placed in a continuous row provided they are stable and secure. The sides, bottom and ends of troughs shall be minimum 3/4 inch plywood or nominal 2 inch lumber, except in cases where the surface at the bottom of the trough is sufficiently stable to support the firing of the mortar, no bottom shall be required. Troughs shall be secured by minimum 3/8 inch through bolts, rods or angle iron "U" brackets at each end and center to prevent bulging.
- (c) Drums shall be constructed of steel, aluminum or plastic.
- (d) Ready boxes shall be constructed of wood not less than 1/2 inch thickness or 3/8 inch plywood, chipboard or presswood. Ready boxes shall not be equipped with any type of hold open device.

Note: For illustrations of typical mortar racks, troughs and drums, see Diagrams A, B and C immediately following this section.

DIAGRAM A

DIAGRAM OF A TYPICAL RACK

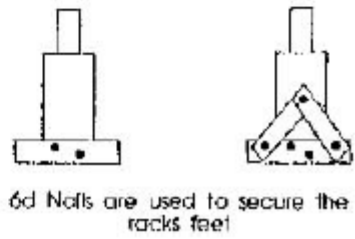
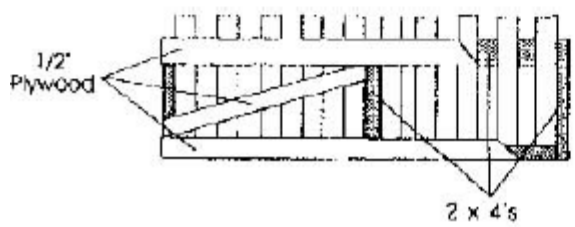
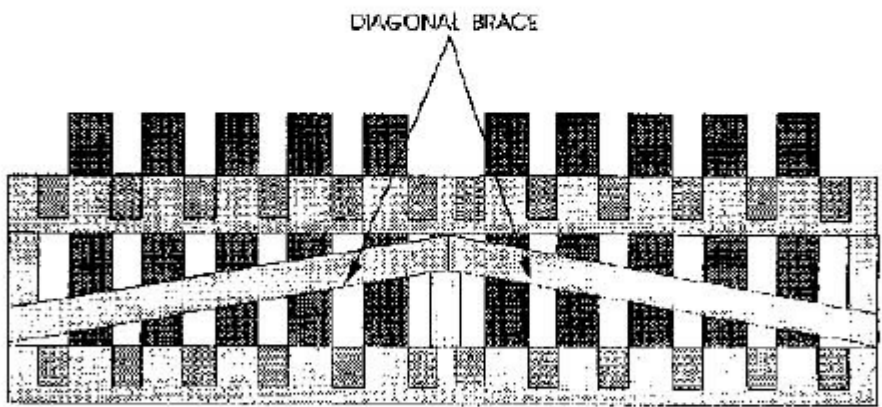
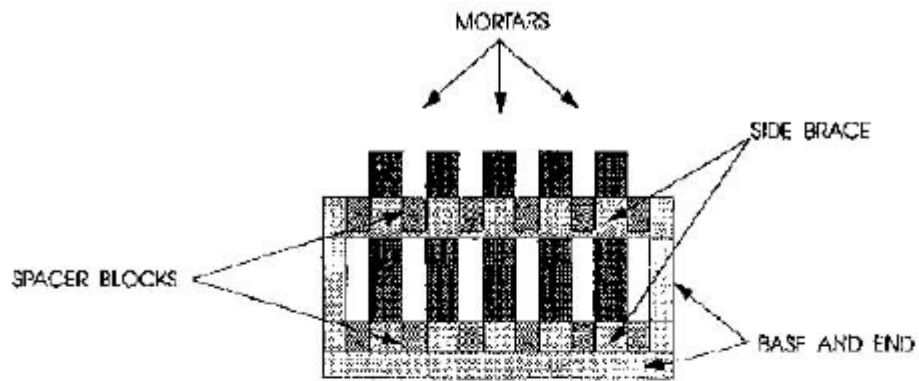


DIAGRAM B
 DIAGRAM OF A TYPICAL TROUGH SETTING

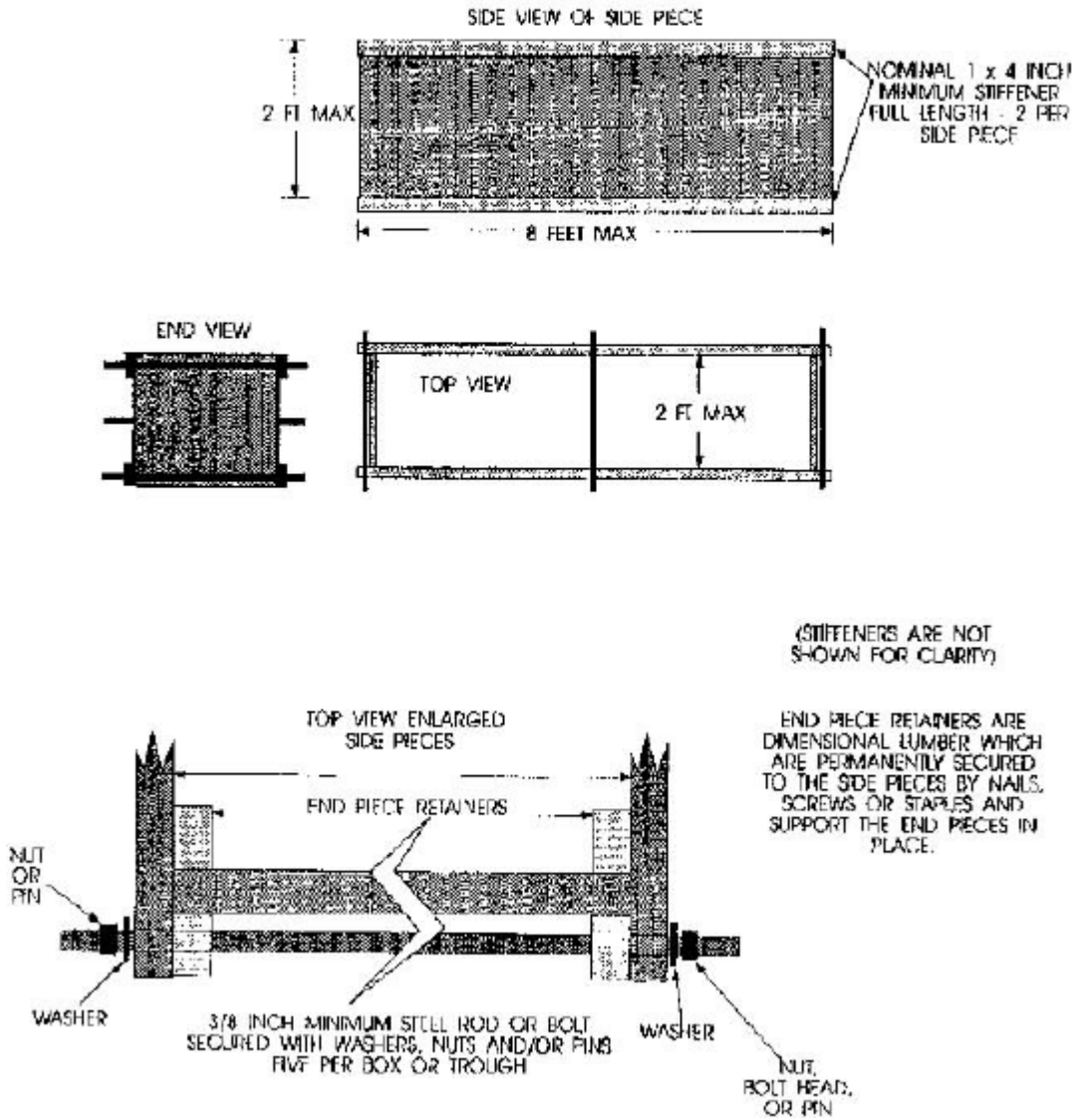
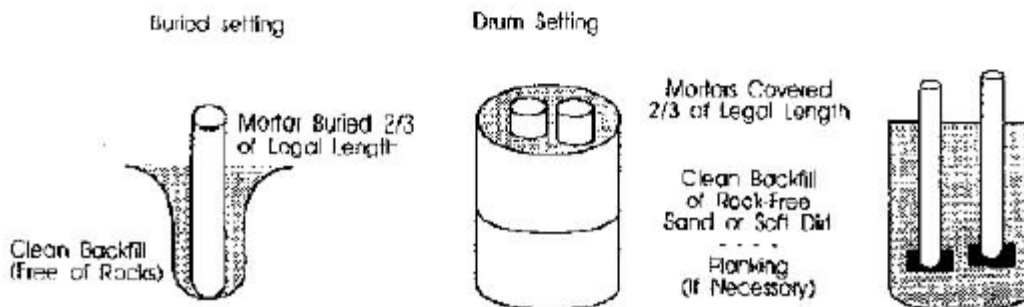
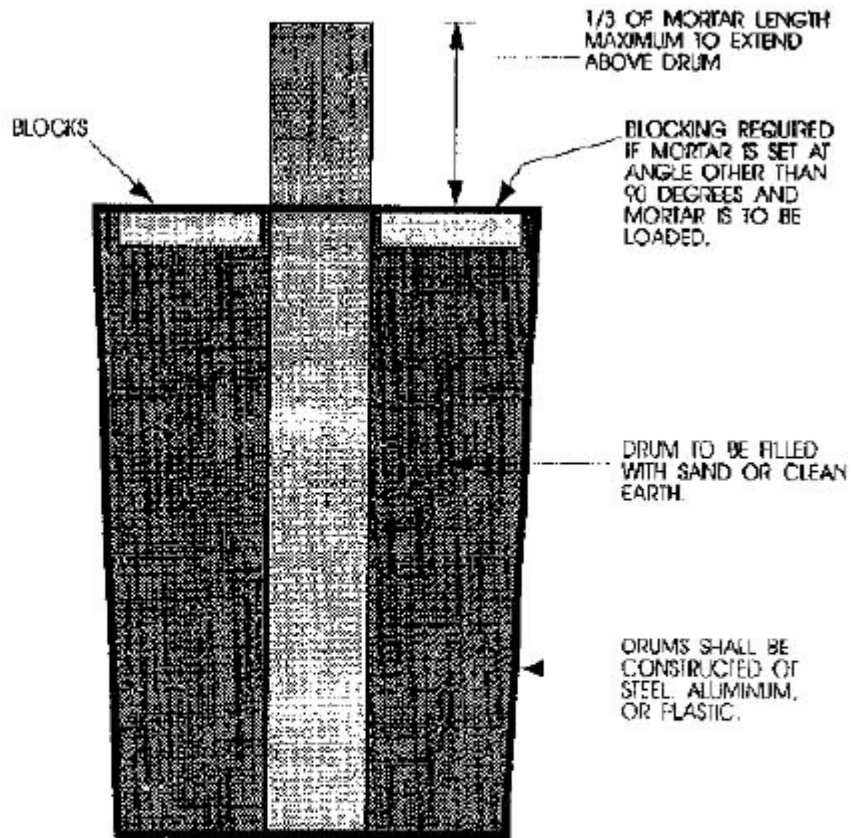


DIAGRAM C

DIAGRAM OF A TYPICAL DRUM SETTING



Note: Authority cited: Section 12552, Health and Safety Code. Reference: Section 12552, Health and Safety Code; and Section 55.200, 27Code of Federal Regulations.

1003. Operation of Display

(a) General.

- (1) All fireworks at a display site shall be stored in a place and manner secure from fire, accidental discharge, and theft. All storage shall be approved by the authority having jurisdiction.
- (2) Shells shall be sized for proper fit and for damaged lift charge bags, lead fuse tears, tears in the piping of the quick match leaders, and missing

safety caps.

- (3) Safety caps protecting the fuse shall not be removed until firing or electric hookup.

(b) Ready Boxes.

- (1) Shells used for reloading shall be placed in ready boxes prior to the start of the display.
- (2) Ready boxes shall not be located less than 25 feet upwind from the nearest mortar prior to any firings.
- (3) Ready boxes shall be divided into separate compartments for each shell size.
- (4) When containing shells, ready boxes shall be set with the bottom facing the mortars with the front elevated, or set on the bottom with the hinges towards the mortar, providing the lid cannot be opened fully.
- (5) Once in place, the ready box shall be covered with a flame-resistive water-repellant canvas cover.

(c) Loading Mortars.

- (1) At no time shall any person place any part of their body over the mortar muzzle during loading or firing.
- (2) Mortars shall be cleaned of debris or burning material prior to loading, and prior to reloading, as necessary.
- (3) Mortar racks may be reloaded with non-chained single-break shells when there is no longer any burning material in the racks.
- (4) Finale racks shall have tape placed over the mortar muzzles when loaded with finale chained shells.
- (5) Salutes and detonating shells shall not be fired from steel mortars.
- (6) Multiple-break shells that include a salute as one of the breaks shall be fired from HDPE mortars only.

(d) Firing.

- (1) All firing shall be done upon order or signal of the licensed pyrotechnic operator controlling the display.
- (2) Electric firing, if utilized, shall comply with all of the requirements of Article 13.5 of this chapter.
- (3) Upon conclusion of firing, no unauthorized person shall be permitted access to the firing area until the licensed pyrotechnic operator has determined the area to be safe and secure.
- (4) Electric firing shall be required for all mortars eight inches (8 ") or greater in diameter.

(e) Ground Effects.

- (1) Set pieces, wheels, and mechanical devices shall be braced, guyed and securely attached or set as required to prevent displacement.
- (2) Low level Roman Candles, multiple batteries and projectiles shall be securely set to prevent accidental displacement.

(f) Duds.

- (1) The licensed pyrotechnic operator shall account for and retrieve all duds immediately following the display.
- (2) The entire firing range shall be inspected immediately following the display to locate any duds. Any shells found shall be immediately doused with water before handling. The shell shall then be placed in a separate container filled halfway with water.

(g) Misfires.

- (1) When a shell misfires, and the fuse has burned, but the lift charge has not functioned, the mortar shall be identified and marked, and left undisturbed for a minimum of 5 minutes, then filled halfway with water.
 - (2) When the shell misfires due to electric malfunction, and the fuse has not yet burned, the shell shall be removed and stored pursuant to the permit.
 - (3) When the display is concluded, the misfired shell shall be placed in a safe area pursuant to the permit.
- (h) Unfired shells, including duds and misfires, must be removed immediately following the display and returned directly to the wholesaler/manufacturer unless provision has been made for storage and/or destruction with the authority having jurisdiction.

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

1004. Safety Tools and Equipment

- (a) Tools required at the display site shall be, at a minimum, a shovel, a serviceable pressurized water fire extinguisher, a bucket or other container to soak duds, and any other equipment as required by the authority having jurisdiction.
- (b) Any person manually discharging aerial shells shall wear at a minimum a hard hat, eye protection, long sleeved shirt, gloves, long pants, and shoes or boots, and have available ear protection, as required by the authority having jurisdiction.

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

1005. Post Display

(a) Reports.

- (1) Within ten (10) working days following any public display, the licensed pyrotechnician in charge of the display shall submit a complete, accurate and factual written report directly to the State Fire Marshal, covering:

- (A) A brief report of any duds or misfires including manufacturer's name, type and size;
- (B) A brief account of the cause of injury to any person from fireworks and such person's name and address;
- (C) A brief account of any fires caused by fireworks;
- (D) Any violations of the Health and Safety Code or of these regulations relating to public display fireworks; and
- (E) The names of all licensed and unlicensed assistants.

Exception: A general public display licensee conducting special effects activities for motion picture, television, and theatrical productions need not comply with the requirements of subsections (A) and (E).

- (b) Notification. Verbal reports are required within 24 hours to the State Fire Marshal when any of the following occur:

- (1) Fire requiring emergency action or response as a result of the firing; or

(2) Injury or death to the public or crew. Within ten (10) working days following an incident giving rise to a verbal report, the licensed pyrotechnician in charge of the activity shall submit a complete, accurate and factual report directly to the State Fire Marshal on the event.

(c) Unfired Shells. Unfired shells shall either be removed following the display and returned directly to the wholesaler or supplier or stored in a manner approved by the authority having jurisdiction until such time as the shells can be transported directly to the wholesaler or supplier.

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

1006. Smoking. No person shall smoke in any area where fireworks are handled or stored.

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

Article 16. Experimental Rockets/Unlimited.

1010. General This article applies to all rockets except approved model rockets as defined in Article 14 and experimental high power rockets and experimental high power rocket motors as defined in Article 2.

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

1011. Test Areas.

- (a) Experimental rockets unlimited shall not be launched within this State from any site other than test areas approved for such purpose by the fire authority having jurisdiction.
- (b) These test areas shall meet the following minimum requirements:
 - (1) Test areas shall consist of a launching site and an impact range.
 - (2) The launching site is that area immediately surrounding the launching devices, including positions to protect all personnel.
 - (3) The impact range is that area over which rockets may travel by design or accident and upon which they fall. Its length should be not less than the maximum calculated ideal ballistic range of any rocket to be fired from its launching site and extends as the radius of a circular sector 90 from the launching site apex into the prevailing wind.
- (c) Test areas should include no dwellings or structures other than those provided for operating and nonoperating personnel protection and loading rockets.
- (d) Operating personnel protection shall consist of a bunker, blockhouse or similar protection designed to withstand shrapnel and mass impact equal to the potential created by the heaviest rocket intended to be fired, and falling from its zenith or exploding at any point. This bunker when located not less than 50 feet distant from the launching device shall afford minimum protection equal to a 2-foot wide slit trench not less than 5 feet deep and parapet

observation ports with protection equal to a double thickness of sand bags. Overhead protection should consist of substantial structural materials, and these materials shall be covered to afford protection equivalent to that of a double layer of filled sand bags. Non-operating personnel minimum protection when located not less than 250 feet distant from the launching device shall consist of construction at least equal to the slit trench shelter described above.

- (e) Rocket loading facilities shall be housed in a lightly constructed and covered structure located not less than 100 feet distant from any other structure including any launching device. Within this State, all fuel or propellant compounding or loading of experimental rockets unlimited shall be performed by licensed pyrotechnic operators or by experienced persons directly supervised by these pyrotechnic operators.

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

1012. Rocket Launcher Rocket launchers shall have a length sufficient to insure stabilization to any rocket fired from them and shall be constructed of appropriate material such as metal or rigid flame-resistant plastic and designed for the specific intended purpose and use. Special protection shall be provided for persons setting and arming all rockets. The use of any two rail, "V" or "U" trough launcher, which depends solely on gravity to control the rocket during launching is prohibited.

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

1013. Setting Rocket Launchers All adjustments and alignments of the rocket launcher and connections shall be completed before the rocket is armed. Final rocket launcher adjustments shall be checked by the licensed pyrotechnic operator in charge.

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

1014. Firing Procedure A definite ordered firing procedure shall be established by the licensed pyrotechnic operator in charge. Both visible and audible signals shall be used to alert all persons in the test area. Any launch or firing code used shall be reduced to writing and posted conspicuously in the test area.

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

1015. Launching Rockets

- (a) Rockets may not be armed or launched except by an experienced pyrotechnic operator, who, if he or she is not licensed, shall be directly responsible to the licensed pyrotechnic operator in charge. The actual arming operation shall be accomplished by a competent person. During all arming operations all personnel shall take shelter when launching, excepting only the individual

arming the rocket and his or her necessary assistants. All internal self-contained firing circuits (within the rocket) including, but not by way of limitation, multiple stage ignition, parachute releases, bursting charges, etc., shall be provided with an arming and disarming device operable remotely from without the assembled rocket in the launching position.

- (b) The firing circuit shall be shunted at both the control center and the launching site by the pyrotechnic operator assigned to arm the rocket. Both shunts shall be in place and he or she shall test them to insure that the firing circuit is effectively short circuited, before the rocket is set in the launching position.
- (c) The single special key, which removes the launching site shunt from the firing circuit, shall be the sole means for completing the firing circuit at the control center. The arming operator shall retain the shunt key in his or her personal possession from the time the circuit is initially shunted until the arming operations are completed and he or she removes the last shunt in the control center and establishes a ready firing circuit.
- (d) No other means or device than a remotely controlled electric circuit of an approved design may be used to launch single stage rockets or the first stage of multistage rockets.

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

Article 17 Model Rockets.

1020. General Nothing in this article is intended to regulate the sale or the construction of model rockets, provided that such model rockets are not equipped with a model rocket motor.

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

1021. Classification and Labeling All types of model rocket motors shall be submitted to the State Fire Marshal by a licensed model rocket motor manufacturer, importer/exporter, or wholesaler for classification. A copy of a certificate of classification indicating the item has been classified as a model rocket motor by a laboratory approved by the Department of Transportation shall accompany the request for classification by the State Fire Marshal. Three samples of each motor type shall be submitted to the State Fire Marshal for classification. Standards for the classification of model rocket motors shall conform to the National Fire Protection Association (N.F.P.A.) 1122 (1987), Code for Unmanned Rockets, Sections 3-1.1, 3-1.2, 3-1.3, 3-1.4, 3-1.5, 3-1.6, 3-1.7, 3-1.8, 3-1.9, 3-1.10.

(b) Individual engines shall bear the California State Fire Marshal seal and the registration number of the licensee.

Note: Authority cited: Section 12552, Health and Safety Code. Reference: Sections 12552, 12560 and 12565, Health and Safety Code.

1022. Model Rocket Standards and Use (a) Model rocket standards and use shall comply with: N.F.P.A. 1122, the Code for Unmanned Rockets, Chapter 3, Sections 3-1.1 through 3-1.10, Chapter 4, Chapter 5, Chapter 6, and Appendix A-2-(1987), which is incorporated by reference herein except for Appendices A-2.3 and A-2.4.

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

1023. Storage and Sale No model rocket motors shall be stored, sold or offered for sale at retail unless such model rocket motors have been classified by the California State Fire Marshal.

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

1024. Restrictions The provisions of this article shall not be used to establish the authority to possess, launch or use experimental unlimited or experimental/high powered rocket motors.

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

1025. Authorization

- (a) No model rocket user shall launch any model rocket motor from any site without first securing authorization from the authority having jurisdiction. The authority having jurisdiction may require notification each time that model rockets are to be launched.
- (b) It shall be the responsibility of the model rocket user to secure permission of the owner of private lands when such land is intended to be used to launch model rockets.

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

1026. Revocation of Permits and Authorized Use of Launching Area The authority having jurisdiction may immediately revoke a permit to sell model rocket motors at retail if it is found that those persons granted a permit have violated these regulations. The authority having jurisdiction may immediately revoke its authorization to use a firing area if it is found that an undue hazard exists, including, but not limited to, fire safety hazards or life safety hazards.

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

1027. Minimum Age

- (a) No model rocket motors shall be sold, given, or delivered to any person under 18 years of age. Exceptions: (1) Model rocket motors bearing the standardized coding ¼A, 1/2A, A, B, C, and D may be sold, given, or delivered to any person 14 years of age or older. (2) Persons who are 12 years of age or older and who are taking part in a model rocket education program may receive

model rocket motors and launch approved model rockets when under the direct supervision and control of a person 18 years of age or older. Model rocket motors must be obtained only from the adult in charge of the launching. Approved model rocket motors for this exception shall bear the motor coding $\frac{1}{4}$ A, $\frac{1}{2}$ A, A, B, C, or D.

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

1028. Supervision The permittee shall be responsible for the safety of all spectators and other persons connected with the launching of model rockets.

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

Article 18. Experimental High Power Rockets and Motors

1030. General This article is intended to regulate the sale, storage, construction and use of experimental high power rocket motors and experimental high power rockets.

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

1031. Classification and Labeling

- (a) All types of experimental high power rocket motors shall be submitted by a licensed experimental high power rocket motor manufacturer, importer/exporter, or wholesaler to the State Fire Marshal for classification.
- (b) All motors shall bear the State Fire Marshal seal and the registration number of the licensee. Classified motors contained within packages may have the State Fire Marshal seal and registration number on the package, provided that such packages are sealed.

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

1032. Experimental High Power Rocket Motor Standards and Use

- (a) Experimental high power rocket motor design and construction standards shall comply with all of the following:
 - (1) The maximum total impulse per rocket motor shall not exceed 10,240 Newton-seconds (2302.2 lb.-seconds).
 - (2) When more than one rocket motor is utilized, the combined total impulse shall not exceed 20,480 Newton-seconds (4604.4 lb.-seconds).
- (b) If an experimental high power rocket is equipped with an experimental high power rocket motor, then the rocket shall:
 - (1) be constructed of paper, plastic, rubber, aluminum or wood except that minor components such as screw eyes or motor mounts may be of other light-gauge metals; and
 - (2) include an effective means or device for returning the rocket safely to the ground without causing personal injury or property damage; and
 - (3) The rocket shall not contain any type of explosive or pyrotechnic warhead

of any type.

(c) An experimental high power rocket shall not be used as a weapon.

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

1033. License Required No person shall possess, receive, transport, store, or launch any experimental high power rocket motor without first securing a valid license as a Pyrotechnic Operator -Rockets First, Second, or Third Class from the State Fire Marshal. No person shall sell an experimental high power rocket motor to any person unless the seller possesses a valid license as a wholesaler or retailer under this chapter.

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

1034. Local Permit Required - Seller No person shall sell an experimental high power rocket motor without first securing a permit from the authority having jurisdiction. This permit shall be in addition to, not in lieu of, a valid license issued by the State Fire Marshal for the sale of these motors. This permit shall be deemed separate from a local permit allowing the launching of rockets utilizing such motors.

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

1035. Local Permit Required – Launch

- (a) No experimental high power rocket motor user shall launch any experimental high power rocket motor from any site without first securing a permit from the authority having jurisdiction.
- (b) The authority having jurisdiction may require notification by the permittee each time an experimental high power rocket motor is to be launched. It shall be the responsibility of the experimental high power rocket motor user to also secure the permission of the owner of private land when such land is intended to be used as a launch site.

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

1036. Launching Facilities

- (a) Experimental high power rocket motors shall be launched from platforms meeting the following specifications:
 - (1) A launch guide (tube, rod, tower or other suitable device) shall be used to restrict the horizontal motion of the rocket until flight velocity sufficient to maintain stability during flight is achieved.
 - (2) A launch angle of not more than twenty degrees (20 degrees) from the vertical shall be used.
- (b) Rocket motor launching shall be by remote electrical means only, and under the supervision and control of an individual properly licensed in accordance with this chapter.
- (c) Surface wind at the launch site shall not exceed twenty miles per hour (20 m.p.h.), and visibility above the launching area shall be at least five thousand

feet (5,000 ft.).

- (d) The recovery device wadding ejected from the rocket during the launch flight sequence, if used, shall be of flame retardant material meeting the standards of Title 19, California Code of Regulations, Chapter 8, Sections 1171 through 1355.
- (e) Experimental high power rocket motors shall be launched only during daylight hours unless specifically approved by the authority having jurisdiction.
- (f) All personnel, including those conducting the actual launching of the experimental high power rocket motor(s), shall maintain a clear radial distance from the launch platform during the countdown and launch, pursuant to the guidelines in Table 18A.

TABLE 18A

REQUIRED LAUNCH DISTANCES

Total Impulse of Rocket	Radial Distance From Launcher
0-320 Newton-Seconds*	30 feet
320.01-1280 Newton-Seconds*	150 feet
1280.01-2560 Newton-Seconds*	200 feet
2560.01-5120 Newton-Seconds*	300 feet
5120.01-10240 Newton Seconds*	500 feet
10241-20480 Newton Seconds*	1000 feet

*Rockets propelled by clusters of motors shall use the distance specified for the next higher impulse category.

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

1037. Launch Site Standards

- (a) The launch site shall consist of a launching area and a recovery area. The launching area shall consist of an area surrounding the launching devices a radial distance from the launching device as specified in Table 18A above. The recovery area shall consist of the launching area and the minimum area necessary to retrieve the rocket, based on the estimated altitude likely to be achieved by the rocket. These calculations shall take into account the weight of the rocket and the specific type of motor used (or combined total impulse). Table 18B shall be used to determine the minimum launch site dimensions for the various classes of experimental high power rockets.
- (b) The launch site shall not be located in any grain field, dry grass, brush- or forest-covered lands.
- (c) The launch site shall not contain any buildings or structures, unless specifically approved in advance by the authority having jurisdiction, and under no circumstances shall such buildings or structures be less than one thousand five hundred feet (1,500 ft.) from the launch site.
- (d) The launch site shall not contain any high voltage electrical lines or major highways.
- (e) The launch site shall not contain any natural or artificially constructed obstacle deemed by the authority having jurisdiction to pose a hazard during launching.
- (f) The launching area shall be located as near as possible to the center of the launch site but in no case less than seven hundred fifty feet (750 ft.) from the

boundary of the launch site.

(g) The launching area shall have appropriate barriers around it such that spectators will be restrained from encroaching upon it. These barriers may be of any type approved by the authority having jurisdiction.

TABLE 18B

MINIMUM EXPERIMENTAL HIGH POWER ROCKET MOTOR LAUNCH SITE STANDARDS

Maximum Combined Equivalent Motor Type	Minimum Launch Total Impulse (N-Seconds)	Site Dimensions (feet)
H	320	1,500
I	640	2,500
J	1,280	3,500
K	2,560	5,000
L	5,120	7,000
M	10,240	10,000
N	20,480	15,000

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

1038. Testing. At locations approved by the authority having jurisdiction, experimental high power rocket motors may be ignited on the ground for the purpose of determining their performance. All of the following procedures shall be followed during the firing of these motors:

- (a) The experimental high power rocket motor shall be affixed to a testing device or to an immovable structure in such a manner that the motor will not work itself free during the testing or the experimentation process.
- (b) The experimental high power rocket motor shall be ignited only by remotely operated electrical means fully under the control and supervision of the licensed pyrotechnic operator conducting the testing or experimentation.
- (c) The exhaust path of the motor shall be cleared of all flammable objects prior to its firing.
- (d) All persons, whether they are conducting, participating in or observing the testing or experiment, shall stand away from the motor, and particularly its exhaust path, at all times during the test or experiment.
- (e) Under no circumstances shall testing or experimentation of experimental high power rocket motors be conducted indoors.

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

1039. Supervision and Responsibility The licensed pyrotechnic operator in charge of the launch site or test sites shall supervise the arming of every experimental high power rocket motor, the launching of all motors, and the disposal of all unwanted or defective motors. The licensed pyrotechnic operator shall also be responsible for the safety of all spectators or observers and all other persons

connected with the launching of experimental high power rocket motors.

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

Article 19. Emergency Signaling Devices

1045. Fire Hazard Whenever the authority having jurisdiction declares that the use of an emergency signaling device would create a fire hazard, no emergency signaling device shall be used regardless of its indicated registration and labeling. This prohibition shall continue as long as the fire hazard condition exists in the specific area, as determined by the authority having jurisdiction.

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

1046. License Required Manufacturers of emergency signaling devices whose manufacturing operations take place in California must possess a valid fireworks manufacturing license from the State Fire Marshal to manufacture emergency signaling devices.

Note: Authority cited: Section 12552, Health and Safety Code. Reference: Section 12526, 12552 and 12571, Health and Safety Code

Chapter 6.5 Flamethrowing Devices

Article 1. Scope

1054. Scope.These regulations shall apply to all flamethrowing devices as defined in Health and Safety Code Section 12750 and shall apply to the use, possession, manufacture, storage and transportation of flamethrowing devices as identified above.

Authority cited: Section 12756, Health and Safety Code. Reference: Sections 12750 and 12756, Health and Safety Code.

Article 2. Definitions

1055. Definitions

(a) "C" Definitions

(1)Certificate of Eligibility (COE). A current, valid Certificate of Eligibility issued to an applicant by the Department of Justice pursuant to paragraph (4) of subdivision (a) of Section 12071 of the Penal Code if the department's records and records available to the department in the National Instant Criminal Background Check System indicate that the applicant is not a person who is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm.

(b) "F" Definitions

(1) Flamethrowing Device. For the purpose of clarification, Health and Safety

Code Section 12750(a) is repeated. Health and Safety Code 12750(a) "Flamethrowing device" means any non-stationary and transportable device designed or intended to emit or propel a burning stream of combustible or flammable liquid a distance of at least 10 feet.

(c) "I" Definitions

- (1) Inoperative. A flamethrowing device that meets both of the following:
 - (A) its fuel source disconnected or removed and
 - (B) its ignition source or firing mechanism removed.
- (2) Inoperative secured. A device or essential part thereof which has been altered, disassembled, deactivated or enclosed by a permit holder or under his or her supervision via a suitable means acceptable to the State Fire Marshal to effectively prevent it from being readily reassembled for use. An inoperative secured device is no longer a flamethrowing device.

(d) "M" Definitions

- (1) Motion picture and entertainment purposes. The use, possession, storage, transportation, importation into the state or exportation from the state, manufacture and assembly, design, or testing of flamethrowing devices in connection with television, video, theater, motion picture or entertainment productions, which may or may not be presented before live audiences including training or demonstrations.

Note: Authority cited: Section 12756, Health and Safety Code. Reference: Sections 12750 and 12756, Health and Safety Code.

Article.3 Permits

1056. Special Requirements.

- (a) A State Fire Marshal Pyrotechnic Operator Special Effects First Class license, as defined in Section 981.5 (b) (7) of California Code of Regulations, Title 19, Division 1, shall serve as a flamethrowing device permit for motion picture and entertainment purposes when accompanied by a current, valid COE issued by the Department of Justice pursuant to paragraph (4) of subdivision (a) of Section 12071 of the Penal Code. Licensees shall provide to the State Fire Marshal a signed copy of the "Application for Flamethrowing Device Permit" and "Flamethrowing Device Self-Certification" forms (See Section 1067). Copies of driver's license, passport photo, and fee for permit are not required.
- (b) A State Fire Marshal Pyrotechnic Operator Special Effects Second Class license, as defined in Section 981.5 (b) (8) of California Code of Regulations, Title 19, shall serve as a flamethrowing device permit for motion picture and entertainment purposes when accompanied by a current, valid COE issued by the Department of Justice pursuant to paragraph (4) of subdivision (a) of Section 12071 of the Penal Code. Licensees shall provide to the State Fire Marshal a signed copy of the "Application for Flamethrowing Device Permit" and "Flamethrowing Device Self-Certification" forms (See Section 1067). Copies of driver's license, passport photo, and fee for permit are not required.

- (c) A State Fire Marshal Pyrotechnic Operator Special Effects Third Class license, as defined in Section 981.5 (b) (9) of California Code of Regulations, Title 19, shall serve as a flamethrowing device permit for motion picture and entertainment purposes when accompanied by a current, valid COE issued by the Department of Justice pursuant to paragraph (4) of subdivision (a) of Section 12071 of the Penal Code. Flamethrowing devices must be used under the direct and immediate supervision of a First or Second Class Licensee. Licensees shall provide to the State Fire Marshal a signed copy of the "Application for Flamethrowing Device Permit" and "Flamethrowing Device Self-Certification" forms (See Section 1067). Copies of driver's license, passport photo, and fee for permit are not required.

Note: Authority cited: Section 12756, Health and Safety Code. Reference: Sections 12756 and 12757, Health and Safety Code.

1057. Exemptions

- (a) Possession of flamethrowing devices which have been rendered inoperative secured, as defined in Section 1055, shall not require a permit pursuant to these regulations.
- (b) Persons who only use a flamethrowing device in the course of a theatrical or motion picture/television production are exempt from these permit requirements, when under the direct and immediate supervision of a State Fire Marshal permitted Special Effects First or Second Class licensee.
- (c) Persons who are employed by a firefighting agency of the federal government, the state, a city, a county, a city and county, district, public or municipal corporation, or political subdivision of this state, are on duty and are using the flamethrowing device in the course of fire suppression.

Note: Authority cited: Section 12756, Health and Safety Code. Reference: Sections 12751, 12756 and 12757, Health and Safety Code.

1058. General.

- (a) The State Fire Marshal may issue or renew a flamethrowing device permit provided the applicant meets the provisions of Health and Safety Code Section 12757. For the purpose of clarification, Health and Safety Code Section 12757 is repeated. Health and Safety Code Section 12757, The State Fire Marshal may issue or renew a permit to use and possess a flamethrowing device only if all of the following conditions are met:
- (1) The applicant or permitholder is not addicted to any controlled substance.
 - (2) The applicant or permitholder possesses a current, valid certificate of eligibility issued by the Department of Justice pursuant to paragraph (4) of subdivision (a) of Section 12071 of the Penal Code.
 - (3) The applicant or permitholder meets the other standards specified in regulations adopted pursuant to Health and Safety Code Section 12756.
- (b) Permit holder shall comply with all applicable fire and life safety regulations and ordinances and local zoning restrictions for the use, possession, storage,

and/or transportation of flammable/combustible liquids and for flamethrowing devices or their components.

- (c) Adequate qualification for the issuance of the requested permit shall be determined by the State Fire Marshal. It shall be incumbent upon the applicant to present to the State Fire Marshal evidence of such qualification which may include a physical demonstration of knowledge and ability.
- (d) Permits are nontransferable and shall be retained by the permit holder at all times.
- (e) Permits shall be for the fiscal year or portion thereof beginning July 1 and ending June 30 of the following year.
- (f) An applicant whose permit was either denied or revoked may reapply after one year has elapsed from date of denial or revocation.
- (g) Violation(s) of these regulations shall constitute grounds for denial/revocation of the Flamethrowing Devices Permit.

Note: Authority cited: Section 12756, Health and Safety Code. Reference: Sections 12756, 12757 and 12578, Health and Safety Code.

1059. Application for Permit or Renewal.

- (a) Applications for Flamethrowing Devices Permit or renewal shall be submitted to the State Fire Marshal on the "Application for Flamethrowing Device Permit" form (See Section 1067) provided by the State Fire Marshal and shall be accompanied by:
 - (1) A check or money order for the prescribed fee made payable to "CDF/State Fire Marshal",
 - (2) A copy of the applicant's current driver's license,
 - (3) A passport photo,
 - (4) A copy of the applicant's current (COE) issued by the Department of Justice,
 - (5) A photograph and written description, which describes uniquely, each Flamethrowing device in possession.
- (b) Applications for renewal of permit shall be submitted on or before May 1 of the year in which the current Flamethrowing Device Permit expires.
- (c) A penalty of 50% of the permit fee shall be assessed in cases where the renewal fee is not paid on or before May 1 of the year in which the current Flamethrowing Devices Permit expires.

Note: Authority cited: Section 12756, Health and Safety Code. Reference: Sections 12755, 12756 and 12757, Health and Safety Code.

Article 4. Inspections

§ 1060. General.

- (a) The State Fire Marshal or his or her salaried deputies may make an examination of the books and records of any licensee or permit holder relative to flamethrowing devices, and may visit and inspect any building or other premises subject to the control of, or used by, the permit holder/licensee for any purpose related to flamethrowing devices of any permit holder/licensee at any time he or she may deem necessary for the purpose of enforcing the provisions of this chapter.

(b) All flamethrowing devices, storage areas and transportation vehicles shall be subject to inspection by any peace officer or other persons designated by the State Fire Marshal.

Note: Authority cited: Section 12756, Health and Safety Code. Reference: Sections 12756 and 12757, Health and Safety Code.

Article 5. Appeals

§ 1061. Permit. If the State Fire Marshal denies an application for, or the renewal of, or revokes a Flamethrowing Device Permit, the applicant for a Flamethrowing Device Permit or permit holder/licensee shall be entitled to a hearing conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

Note: Authority cited: Section 12756, Health and Safety Code. Reference: Section 12758, Health and Safety Code.

§ 1062. Seized Devices.

(a) Any person whose flamethrowing devices are seized under the provisions of Health and Safety Code 12760 may, within 10 days after seizure, petition the State Fire Marshal to return the flamethrowing devices seized upon the grounds that the flamethrowing devices were illegally or erroneously seized. Any petition filed pursuant to this section shall be considered by the State Fire Marshal within 15 days after filing or after a hearing granted to the petitioner, if requested. The State Fire Marshal shall advise the petitioner of his or her decision in writing. The decision of the State Fire Marshal is final unless within 60 days after seizure an action is commenced in a court of competent jurisdiction in the State of California for the recovery of the flamethrowing devices seized pursuant to this chapter, except as provided in (b) below.

(b) The decision of the State Fire Marshal is final in the case of the seizure of the flamethrowing device, unless within 20 days after the notice of the decision is mailed to the petitioner an action is commenced in a court of competent jurisdiction in the State of California for the recovery of the flamethrowing devices seized pursuant to this chapter.

Note: Authority cited: Section 12756, Health and Safety Code. Reference: Section 12760, Health and Safety Code.

Article 6. Record Keeping

§ 1063. Flamethrowing Device Record Keeping Requirements.

- (a) Permit holder/licensee shall maintain records of inventory, acquisitions, dispositions and/or manufacture of flamethrowing devices.
- (b) Permit holders/licensees who sell, donate or otherwise relinquish possession of a flamethrowing device within California shall only do so to a person who holds a current Flamethrowing Device Permit issued by the State Fire Marshal. Permit holders/licensees who sell, donate or otherwise relinquish

from their possession a flamethrowing device shall record the disposition including the date of the sale, donation, or other relinquishment, and the name, address and phone number, and the applicable permit number of the party receiving the device.

- (c) Permit holders/licensees who sell, donate or otherwise relinquish from their possession a flamethrowing device shall notify the State Fire Marshal, in writing, of the transaction within 3 calendar days of the transaction. The report shall include date of the sale, donation, or other relinquishment, and the name, address, phone number, and the applicable permit number of the party receiving the device.
- (d) Permit holder/licensee shall immediately report any loss or theft of a flamethrowing device to the local law enforcement agency and the State Fire Marshal, and within 10 calendar days a written report shall be submitted to the State Fire Marshal. The report to the State Fire Marshal shall include:
 - (1) Permit holder/licensee Flamethrowing Device Permit number,
 - (2) The date of the loss or theft,
 - (3) The location at which the loss or theft occurred,
 - (4) Description of the flamethrowing device and
 - (5) A detailed description of how the loss or theft occurred.
- (e) All records required by this regulation shall be retained by the permit holder/licensee for a period of not less than 36 months. All records required by these regulations shall be made available by the permit holder/licensee to any peace officer or other persons designated by the State Fire Marshal when requested.

Note: Authority cited: Section 12756, Health and Safety Code. Reference: Section 12756, Health and Safety Code.

Article 7. Storage and Transportation Requirements for Flamethrowing Devices

§ 1064. Storage.

- (a) Flamethrowing devices shall only be stored in facilities which meet reasonable security, fire and life safety requirements in one of the following manners:
 - (1) In facilities that meet the California Department of Justice security requirements described in California Code of Regulations, Title 11, Section 4141.
 - (2) In appropriate magazines or facilities which are permitted by the authority having jurisdiction for the storage of fireworks or explosives pursuant to California Code of Regulations, Title 19, Division 1, Section 989, provided that no fire nuisance or incompatibility is created by such storage.
 - (3) Facilities meeting all of the following requirements:
 - (i) All perimeter doors to the building shall be solid core and have dead-bolt locks or the equivalent. Sliding glass doors and windows shall have steel window guards or be connected to an audible or silent alarm to detect entry,
 - (ii) All doors leading into the storage room shall be solid core with a dead-bolt lock or the equivalent and be locked while unattended, or the flamethrowing device shall be stored in an anchored, locked metal box in the room. In lieu of the anchored,

locked metal box, the flamethrowing device may be stored in a Class II magazine conforming to California Code of Regulations, Title 19, Division 1, Chapter 10, Subchapter 5, Article 15,

- (iii) When the size of the flamethrowing devices prohibits storage in a room of a business, the flamethrowing devices shall be secured to prohibit easy removal, and the ignition source/firing mechanism shall be removed and stored in a separate locked room, cabinet, or box in an area separate from the storage area of the flamethrowing devices,
 - (iv) All accesses to the indoor storage area shall be designed to prevent unauthorized entry,
 - (v) All locking or security devices required by these regulations shall be maintained in good operating condition at all times.
- (b) Flammable or combustible fuels shall be stored in accordance with the California Fire Code.
- (c) Operative flamethrowing devices shall not be stored in residences.

Note: Authority cited: Section 12756, Health and Safety Code. Reference: Section 12756, Health and Safety Code.

§ 1065. Transportation.

- (a) The transportation of flamethrowing devices shall meet the following security, fire, and life safety requirements:
- (1) When the size or quantity of flamethrowing devices permits storage inside the vehicle, the flamethrowing devices shall be transported either concealed in the locked storage area of the vehicle or in a locked metal box or the equivalent which is permanently affixed to the vehicle.
 - (2) When the size or quantity of the flamethrowing devices prohibit the storage inside the vehicle or trailer, a locking device connecting the flamethrowing device to the vehicle or trailer is required.
 - (3) The locking mechanisms shall be able to resist common tools such as bolt cutters, hammers and cold chisels.
 - (4) If the flamethrowing device is mounted on its own axle or transported on a trailer, the trailer shall be rendered incapable of unauthorized movement while connected or disconnected from the tow vehicle.
 - (5) All locking or security devices required by these regulations shall be maintained in good operating condition at all times.
 - (6) Flamethrowing devices shall be constantly attended during transportation.
 - (7) Inoperative flamethrowing devices need not be constantly attended provided the vehicle is locked while unattended.

Note: Authority cited: Section 12756, Health and Safety Code. Reference: Section 12756, Health and Safety Code.

Article 8. Fees

§ 1066. General.

- (a) The original and annual renewal fee for a permit shall be for the fiscal year or portion thereof beginning July 1 and ending June 30 of the following year.

(b) Every permit fee required in accordance with these regulations shall be paid in legal tender, credit card, electronic fund transfer, by money order, postal note, or valid check made payable to the "CAL FIRE -- Office of the State Fire Marshal":

(1) by mail to the Office of the State Fire Marshal Headquarters in Sacramento at CAL FIRE -- Office of the State Fire Marshal, Cashiers Unit -- Fireworks Program, P.O. Box 997446, Sacramento, CA 95899-7446, or

(2) submitted through the Office of the State Fire Marshal online electronic system.

(c) Required fees shall be submitted jointly with the appropriate application.

(d) Fees are as follows:

(1) Flamethrowing Device Permit Original or Annual renewal \$650.00

(2) Replacement permit (issued only if the original is lost or destroyed) \$25.00

(e) Service fee for a returned or dishonored check pursuant to Government Code, Section 6157(b) is \$30.00.

(a) The original and annual renewal fee for a permit shall be for the fiscal year or portion thereof beginning July 1 and ending June 30 of the following year.

(b) Every permit fee required in accordance with these regulations shall be paid in legal tender, credit card, electronic fund transfer, by money order, postal note, or valid check made payable to the "CAL FIRE -- Office of the State Fire Marshal":

(1) by mail to the Office of the State Fire Marshal Headquarters in Sacramento at CAL FIRE -- Office of the State Fire Marshal, Cashiers Unit -- Fireworks Program, P.O. Box 997446, Sacramento, CA 95899-7446, or

(2) submitted through the Office of the State Fire Marshal online electronic system.

(c) Required fees shall be submitted jointly with the appropriate application.

(d) Fees are as follows:

(1) Flamethrowing Device Permit Original or Annual renewal \$650.00

(2) Replacement permit (issued only if the original is lost or destroyed) \$25.00

(e) Service fee for a returned or dishonored check pursuant to Government Code, Section 6157(b) is \$30.00.

Note: Authority cited: Section 12759, Health and Safety Code. Reference: Section 12759, Health and Safety Code.

Article 9. Forms

§ 1067. Application Form.

(a) The following forms in the format developed by the Office of the State Fire Marshal, which are hereby incorporated by reference, shall be used for application for flamethrowing device permit or flamethrowing device self-certification.

(1) Application for Flamethrowing Device Permit (FT1 dated April 1, 2010)

(2) Flamethrowing Device Self-Certification Form (FT 2 dated April 1, 2010)

Note: Authority cited: Section 12756, Health and Safety Code. Reference: Section

REFERENCE CODES AND STANDARDS

2019 CALIFORNIA FIRE CODE

CALIFORNIA CODE OF REGULATIONS | TITLE 24, PART 9

Chapter 56 Explosives and Fireworks. This chapter prescribes minimum requirements for the

safe manufacture, storage, handling and use of explosives, ammunition and blasting agents for

commercial and industrial occupancies. These provisions are intended to protect the general public, emergency responders and individuals who handle explosives.

Chapter 56 also regulates the manufacturing, retail sale, display and wholesale distribution of fireworks, establishing the requirements for obtaining approval to manufacture, store, sell, discharge or conduct a public display, and references national standards for regulations governing manufacture, storage and public displays.

As with other chapters of the International Fire Code, Section 5602 contains a list of terms that are defined in Chapter 2 and are applicable to the chapter contents.

Please follow the link below for free access to the California Fire Code via International Code Counsel.
<https://codes.iccsafe.org/content/CFC2019P2/chapter-56-explosives-and-fireworks>

National Fire Protection Association (NFPA)

Follow the link below for free access to National Fire Protection Association
<https://www.nfpa.org/Codes-and-Standards/All-Codes-and-Standards/Free-access>

2018 Edition – 1122 Code for Model Rocketry

2018 Edition - 1123 Codes for Fireworks Display

2006 Edition - 1124 Code for Manufacture, Transportation, and Storage of Fireworks and Pyrotechnic Articles

2017 Edition - 1125 Code for the Manufacture of Model Rocket and High-Power Rocket Motors

2016 Edition - 1126 Standard for the Use of Pyrotechnics Before a Proximate Audience

2018 Edition - 1127 Code for High-Power Rocketry

Code of Federal Regulations (CFR)

Follow the link below for free access to the Code of Federal Regulations.
<https://www.ecfr.gov/>

Consumer Products Safety Commission (CPSC)

Follow the link below for free access to the Consumer Products Safety Commission
<https://www.cpsc.gov/>

CONTACT INFORMATION

For questions regarding the Fireworks Program and/or this handbook please contact the

Office of the State Fire Marshal at:

fwx@fire.ca.gov

Visit the Fireworks Home Page at:

<https://osfm.fire.ca.gov/divisions/fire-engineering-and-investigations/fireworks/>