

MEMORANDUM

DATE June 25, 2019

FROM Investigations Division

SUBJECT Kansas Fireworks Regulations and Safety

Summer is well underway and the Independence Holiday celebrations involving fireworks is right around the corner. During this busy time of year there are always questions or concerns that come up. Below we have compiled some helpful reminders for questions we frequently get regarding fireworks:

- Our office does not regulate the days that fireworks can be discharged. Local jurisdictions may set discharge dates as they see fit for their area. Our regulations only set the days that they may be sold. Per KAR 22-6-5, "Sale days permitted. A seasonal retailer shall not sell fireworks, except during the fireworks season. The fireworks season shall be the period beginning on June 27 and ending on July 5 of each calendar year."
- There are 6 types of permits that our office issues regarding fireworks:
 - Manufacturer Permit
 - Distributor Permit
 - Hobbyist Manufacturer Permit
 - Display Operator Permit
 - Proximate Pyrotechnic Permit
 - Storage Permit (for Display Fireworks only)
- Anyone involved in the retail sales of fireworks, upon request or inspection, must provide the Kansas Distributor Permit information from whom they purchased the fireworks. A copy of the firework stand checklist our office uses to inspect retail firework stands as well as some fireworks safety tips can be found on our website at <https://firemarshal.ks.gov/information-on/fireworks-industry>.
- Our office will be collecting firework injury reports from area medical facilities. If a medical facility in your area has questions about this form they can contact our office. This form can also be found on our website at <https://firemarshal.ks.gov/information-on/fireworks-industry/fireworks-injury-report>. We also have a quick link to this survey on the homepage of our website.

- Shooting Bottle Rockets in the State of Kansas is still illegal. However, in 2013 there were some changes made to the bottle rocket statute.

Per KSA 31-507: (a) Except as provided in subsection (c):

(1) It shall be unlawful to sell, offer to sell, or to possess with intent to sell or offer for sale a bottle rocket; and

(2) it shall be unlawful to ignite, fire, set off or otherwise use a bottle rocket.

(b) Any person violating the provisions of subsection (a) shall be guilty of an unclassified misdemeanor punishable by a fine of not more than \$100.

(c) The provisions of this section shall not prohibit the possession, transportation or sale of bottle rockets within Kansas by a person that is currently registered with the state fire marshal pursuant to section 6, and amendments thereto, to another currently registered person or to a non-registered person provided the non-registered purchaser submits a certification for resale outside the state of Kansas to the registered seller on a form prescribed by the state fire marshal. The registered seller shall send the certification to the office of the state fire marshal and maintain a copy of the certification for one year from the date of sale.

(d) "Bottle rocket" means any pyrotechnic device which:

(1) Is classified as a class C explosive by the United States department of transportation under 49 C.F.R. § 173.53 (1990);

(2) is mounted on a stick or wire; and

(3) projects into the air when ignited, with or without reports, and includes any device with the same configuration, with or without reports, which may be classified as a pipe or trough rocket.

"Bottle rocket" does not include helicopter-type rockets."

You can find copies of all the fireworks statutes and regulations on our website www.firemarshal.ks.gov.

If you have any incidents of illegal fireworks, display operators conducting shoots without permits or explosions, please do not hesitate to call the Investigation Division for assistance.

If you have any questions or concerns, you may contact us at (785) 296-8984 or osfminv@ks.gov.

The staff at the Office of the State Fire Marshal wishes each of you a safe Fourth of July!

Facility Name _____ Inspection Date _____

Contact Name _____ Title _____

Facility Address _____ Phone (____) _____

City _____ State _____ Zip Code _____ County _____

Distributor Name _____

Distributors OSFM permit # _____ Agent/Inspector Name _____

RETAIL FIREWORKS INSPECTIONS

(RETAIL STAND FIRE SAFETY FEATURES)

Office of the State Fire Marshal Retail Stand Fireworks Inspection Checklist

Item	Safety Feature	Met	Not Met	Comments
1	Permitted Sale Dates			
2	Illegal Fireworks **			
3	Inventory Lists			
4	Purchased from KS Distributor			
5	Fire Extinguishers			
6	Attendant on Duty			
7	No Smoking Sign			
8	Storage/Gasoline/Liquids			
9	Number of Exits			
10	Egress Travel Distance			
11	Aisle Width			
12	Housekeeping			
13	Damaged Fireworks			
14	Discharge of Fireworks			

**Type _____ Amount Seized _____

Notes:

OSFM Retail Firework Checklist Item Information

Item 01 >> KAR 22-6-5. Permitted Sale Dates

Sale of fireworks not permitted before June 27th and not after July 5th

Item 02 >> KSA 31-507 Illegal Fireworks

Refer to KSA 31-507 through 31-511, Bottle Rockets and skyrockets are not permitted. If not met, notify OSFM immediately, confiscate fireworks, and complete seized fireworks receipt. Give copy of Kansas Statutes and Regulations sheet to retail stand representative.

Item 03 & 04 >> KAR 22-6-18 Records/Inventory Lists/Distributor

Each operator of a temporary retail stand shall maintain a list of what consumer firework items are on the premises, indicating the Kansas licensed distributor from whom those items were purchased.

Item 05 >> 7.3.6.3*; 7.6.2.1* Fire Extinguishers

Two portable fire extinguishers with a minimum rating of 2A.

OR

Fireworks stands less than 200 square feet are only required to have one portable fire extinguisher.

Item 06 >> 7.5.1.2*. Attendant On Duty

Fireworks shall be under supervision of store employee while open to the public.

Item 07 >> 7.3.11.2*. No Smoking Sign

Posted sign reads "FIREWORKS - NO SMOKING". Sign shall be 2in. high on a contrasting background. Posted at each entrance or within 10 feet of every aisle.

Item 08 >> 7.3.12.2*. Storage/Gasoline/Liquids

Must be at least 50 feet from motor vehicle fuel-dispensing station.

Item 09 >> KAR 22-6-20 (b)(3)(E) Number of Exits

Minimum number of exits provided from the retail sales area should be not less than 2 or as determined in NFPA 101 Life Safety Code whichever is greater.

Item 10 >> 7.3.14.2* Egress Travel Distance

Shall be located so that the maximum egress travel distance, measured from the most remote point to an exit along the natural and unobstructed path of egress travel does not exceed 75 ft.

Item 11 >> 7.3.14.3.1.1* Aisle Width

Aisles shall have a minimum clear width of 48 in.

Item 12 >> 7.3.21.1* Housekeeping

CFRS areas and storage rooms shall be kept free of accumulations of debris and rubbish.

Item 13 >> 7.3.21.5* Damaged Fireworks

Consumer fireworks devices that are damaged shall be removed and not offered for sale.

Item 14 >> KAR 22-6-9 (b) Discharge of Fireworks

Fireworks shall not be discharged within 100 feet of any "place of institution," as defined by NFPA 101, or any retail fireworks stand or facility where fireworks are stored.

*Under K.A.R. 22-6-20, the Office of the State Fire Marshal has adopted NFPA 1124 (2006 edition).



FIREWORKS SAFETY TIPS

- * Always read and follow label instructions.
- * Always purchase high quality fireworks from a reliable, legitimate source.
- * Alcohol and fireworks do not mix. Have a “designated shooter.”
- * Never give fireworks to small children.
- * Adults should always supervise use of fireworks by older children.
- * Always wear eye protection when lighting fireworks.
- * Never ignite fireworks indoors. Make sure your outdoor area is safe for firework use.
- * Never point or throw fireworks at a person, building, or animal.
- * Have a source of water handy, in case of fire.
- * Always shoot fireworks from a level surface.
- * Never shoot fireworks in metal or glass containers.
- * Light only one firework at a time.
- * Never attempt to re-light malfunctioning fireworks.
- * When lighting fireworks, never position any part of your body over them.
- * Never carry fireworks in your pocket.
- * Store fireworks in a cool, dry place.
- * Never experiment with homemade fireworks. They are dangerous and illegal.
- * Bottle rockets and other skyrockets that are mounted on a stick or wire are illegal.
- * It is illegal to shoot fireworks on or under a vehicle, on any public roadway, within 50 feet of a firework stand or where fireworks are stored, and gas stations or any place liquid gas – including propane – is stored.