

STATE OF NEW HAMPSHIRE DEPARTMENT OF SAFETY



OFFICE OF THE STATE FIRE MARSHAL

FIREWORKS ENFORCEMENT AND SAFETY GUIDE FOR FIRE AND POLICE SERVICES

2012 EDITION

NEW HAMPSHIRE DEPARTMENT OF SAFETY

**John J. Barthelmes
Commissioner**

OFFICE OF THE STATE FIRE MARSHAL

**J. William Degnan
State Fire Marshal**

Mailing address:
33 Hazen Drive,
Concord, New Hampshire 03305

Physical address:
110 Smokey Bear Blvd.
New Hampshire Incident Management Center
Concord, NH

Office: (603) 223-4289
Fax: (603) 223-4294
Arson Hotline: 1-800-400-3526

TABLE OF CONTENTS

Introduction	Page 4
Contact Information	Page 5
Fireworks Definitions	Page 6-7
NH RSA Chapter 160-C, Summary	Page 8 – 9
Unregulated Novelty Fireworks (picture examples)	Page 9-10
Non-Permissible Fireworks (picture examples)	Page 11
Permissible Fireworks (picture examples)	Page 11
Consumer safety tips for permissible fireworks	Page 12
NH RSA Chapter 160-C “Permissible Fireworks”	Page 13-20
NH RSA Chapter 160-B “Fireworks”	Page 20- 27
Fireworks display inspection check list for Display Check list	Page 27-31
Certificates of competency for the display of display fireworks	Page 32
Illegally Manufactured Explosive Devices	Page 33
Proximate Audience - Pyrotechnics, Flame or Special Effects Saf – C 6900	Page 33-37
APPENDIX:	
A-1, Sample Class B Shooters Certificate of Competency	Page 39
A-2, Sample Retail License to Sell Permissible Fireworks	Page 40
A-3, Sample License to Sell Display and Consumer Fireworks	Page 41
A-4, Sample Application for Proximate Audience Permit	Page 42
A-5, References and suggested readings	Page 43

INTRODUCTION

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

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

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

CONTACT INFORMATION

New Hampshire Division of Fire Safety – Office of the State Fire Marshal
State Fire Marshal J. William Degnan

Bureau of Special Operations

Deputy State Fire Marshal Robert Farley
Investigator Christopher T. Wyman
Investigator Andrew Lubrano
Investigator Patrick Poirier
33 Hazen Drive, Concord, New Hampshire 03305
Daytime: (603) 223-4289 Nights/Weekends: (603) 223-4381

New Hampshire State Police, Explosives, Permits and Licensing Unit
33 Hazen Drive, Concord, New Hampshire 03305
Daytime: (603) 223-3873 Nights/Weekends: (603) 223-4381

New Hampshire State Police Communications – 24 Hours
(603) 223-4381

U. S. Dept. of Justice – Alcohol, Tobacco, Firearms & Explosives - Industrial Operations
Inspector Steve Foderaro
Inspector Karen Reese
10 Causeway Street, Boston, Massachusetts 02222
(603) 471-1283
(617) 557-1250

United States Consumer Products Safety Commission (CPSC)
Investigator David Burns
PO Box 598
North Salem, New Hampshire 03073
Daytime: (603) 898-1396 Fax: (603) 893-3120

U.S. DOT – Federal Motor Carrier Safety Administration – New Hampshire
70 Commercial Street, Suite 102
Concord, NH 03301
(603) 228-3112

FIREWORKS DEFINITIONS

"Commissioner" means the commissioner of the department of safety.

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

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

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

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

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

"Permissible fireworks" means consumer fireworks, except for those items that are prohibited pursuant to RSA 160-B:16, 160-B:16-b, and 160-B:16-c.

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

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

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

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

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

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

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

**PERMISSIBLE FIREWORKS
TITLE XII PUBLIC SAFETY AND WELFARE
CHAPTER 160-C**

SUMMARY ONLY

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

- 1) Shall have a federal permit to sell display fireworks issued in accordance with Title 18 of the United States Code.
- 2) Shall have a local permit to sell permissible fireworks.
- 3) Shall have a state license to sell permissible fireworks.
- 4) Shall not sell fireworks to anyone that is under 21 years of age, or appears to be under the influence of drugs or alcohol. Persons 18 years of age or older who possess a valid, active duty military identification can purchase, possess and display permissible fireworks.

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

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

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

160-C: 11 Possession and display of Permissible Fireworks.

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

UNREGULATED NOVELTY FIREWORKS

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



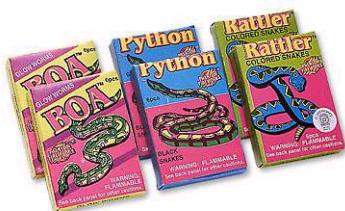
SPARKLERS: A wire or stick that is coated with a pyrotechnic composition, that cannot exceed 3.5 oz per item. Pursuant to NH RSA 160 – B: 16, sparklers shall not contain any chlorates or perchlorates.



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



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



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

NON-PERMISSIBLE FIREWORKS



Firecrackers, Missiles, Bottle rockets, Sky Rockets Smoke Bombs / Balls and salutes are examples of New Hampshire Non-Permissible Fireworks.

APPROVED PERMISSIBLE FIREWORKS



Those consumer fireworks approved by RSA 160-C.

CONSUMER SAFETY TIPS FOR PERMISSIBLE FIREWORKS

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

Types of safety equipment



Safety Glasses



Gloves



Water Bucket



Fire Extinguisher



Lighting Punk



Safety Fuse

**PERMISSIBLE FIREWORKS
TITLE XII PUBLIC SAFETY AND WELFARE
CHAPTER 160-C**

Sale of Permissible Fireworks; Penalty

160 – C: 2

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

(a) Has a federal permit to sell display fireworks issued in accordance with Title 18 of the United States Code.

(b) Has a state license to sell permissible fireworks issued pursuant to RSA 160-C:3.

(c) Has a local permit to sell permissible fireworks issued pursuant to RSA 160-C:3.

II. No person shall sell permissible fireworks:

(a) To any person less than 21 years of age, unless the person is between 18 and 21 years of age and is on active duty with the United States armed forces or has been called to active service as a member of the state guard; or

(b) To any person who appears to be under the influence of alcohol or drugs.

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

Requirements for Sale of Permissible Fireworks.

160 – C: 3

160-C:3 Requirements for the Sale of Permissible Fireworks. –

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

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

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

II-b. Only individuals lawfully residing in the United States, or partnerships or limited liability companies organized under the laws of this state or authorized to transact business within the

state, or corporations organized under the laws of one of the United States and currently registered to do business in New Hampshire shall be licensed under this chapter.

II-c. All license applications shall be made in the name of the proposed licensee and shall be signed and sworn to by the proposed licensee. In the case of a partnership, limited liability company, or corporate applicant, the application shall be signed and sworn to by all partners or an officer of the proposed licensee, or in the case of a limited liability company by each member if a natural person, or by a duly appointed representative of the membership if any other person, or by the manager of the limited liability company who must submit a copy of the written authorization of the limited liability company membership to sign the application.

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

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

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

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

II-g. Corporate applicants shall disclose the names and permanent addresses of all directors, officers, and shareholders, except that corporations with more than 20 shareholders may disclose only those persons owning or controlling 5 percent or more of the outstanding shares. Limited liability company applicants shall disclose the names and permanent addresses of all members. Partnership applicants shall disclose the names and addresses of all partners, except that partnerships with more than 20 partners may disclose only those persons who are managing partners and those persons who own or control a partnership share of 5 percent or more. If the principal controlling shareholders, members, or partners are themselves owned or controlled by other persons, then the information required by this paragraph shall also be furnished for each

such person until the person or persons with the ultimate legal right to control the applicant's proposed business have been fully identified. No license shall be issued under this section to any person who has been convicted of a felony, or to any partnership, limited liability company, or corporation when a partner, director, officer, member, or any other person with a controlling interest in the operation of the business has been convicted of a felony.

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

(a) The application is complete in all respects.

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

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

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

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

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

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

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

VII. The fee for a license for each location shall be \$1,500 per year, payable annually to the department of safety for deposit into the fire standards and training and emergency medical

services fund established in RSA 21-P:12-d for the purpose of funding the fireworks inspection program.

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

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

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

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

Rulemaking 160-C: 4

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

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

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

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

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

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

Enforcement 160 – C: 5

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

Local Option
160 – C: 6

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

Civil Liability
160 – C: 7

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

Immediate Suspension Authority
160 – C: 8

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

Advertising
160 – C: 9

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

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

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

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

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

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

or possession of permissible fireworks is prohibited.

II, III. [Repealed.]

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

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

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

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

Distribution of Pamphlet Required
160 – C: 12

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

Permissible Fireworks Advisory Committee
160 – C: 13

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

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

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

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

Transportation

160-C: 14

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

Permissible Fireworks List

160-C: 15

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

Emergency Removal from Retail Sale of Permissible Fireworks

160-C: 16

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

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

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

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

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

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

Fireworks Inspector
160-C: 17

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

I. Inspect fireworks sales outlets.

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

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

II. [Repealed.]

III. [Repealed.]

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

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

FIREWORKS
TITLE XII PUBLIC SAFETY AND WELFARE
CHAPTER 160-B

Sale; Penalty
160-B: 2

- I. No person shall sell fireworks other than a person who meets all of the following requirements:
 - (a) Has a federal permit to sell fireworks issued in accordance with title 18 of the United States Code.
 - (b) Has a state license to sell display fireworks and consumer fireworks issued pursuant to RSA 160-B: 6.
 - (c) Has a local permit to sell display and consumer fireworks issued pursuant to RSA 160-B: 6.
- II. No person shall sell fireworks other than either:
 - (a) To a person who presents a certificate of competency issued pursuant to RSA 160-B: 7 and RSA 158:9-f and leaves a copy of such certificate and who presents a permit to display issued pursuant to RSA 160-B: 7 and leaves a copy of such permit; or
 - (b) To a person who possesses and shows a license for the storage of class B fireworks issued pursuant to RSA 158:9-f; or
 - (c) At wholesale to a person engaged in the sale of fireworks meeting all the specifications in RSA 160-B: 6, VII.
- III. Any person who violates the provisions of this section shall be guilty of a misdemeanor.

Display; Penalty
160-B: 3

- I. No person shall display fireworks other than a person who meets all of the following requirements:
 - (a) Has obtained a certificate of competency issued pursuant to RSA 158:9-f which shall be in such a person's possession at the time of display and which has not been revoked or suspended.
 - (b) Has obtained a municipal permit to display issued pursuant to RSA 160-B: 7, which shall be in such a person's possession and which has not been revoked or suspended.
- II. Any person who violates the provisions of this section by displaying display fireworks shall be guilty of a misdemeanor.
- III. Any person who violates the provisions of this section by displaying consumer fireworks shall be guilty of a violation for the first offense and a misdemeanor for any subsequent offense.

Possession; Penalty
160-B: 4

- I. No person shall possess fireworks other than the following:
 - (a) A person who has in the person's possession a certificate of competency issued pursuant to RSA 158:9-f and a valid permit to display issued pursuant to RSA 160-B: 7
 - (b) A person who has a federal permit to sell display fireworks issued in accordance with title 18 of the United States Code, a state license issued pursuant to RSA 160-B: 6 and a municipal permit issued in accordance with RSA 160-B: 6, or an employee of such a person. For the purposes of this subparagraph, "employee" shall be limited to a person who is reported as an employee for state and federal tax purposes and for unemployment compensation purposes.
 - (c) A common carrier, which is in possession of a bill of lading indicating that fireworks are being shipped to or from a licensed and permitted seller or a person who, has a certificate of competency and permit to display.
 - (d) Any manufacturer or common carrier shipping fireworks in interstate commerce through the state of New Hampshire which are not being delivered or received in this state.
 - (e) A person who has a licensed facility for the storage of display fireworks pursuant to RSA 158:9-c.
- II. Any person who violates the provisions of this section shall be guilty of a violation unless the person possesses with the intent to sell, in which case such person shall be guilty of a misdemeanor.

Issuance of Permit; Penalty.

160-B: 5

- I. No person shall issue a permit or license to display fireworks contrary to this chapter.
- II. Any person who violates the provisions of this section shall be guilty of a misdemeanor.

Requirements for Sale of Fireworks

160-B: 6

- I. Any person who desires to sell display fireworks and consumer fireworks as limited by RSA 160-B: 2 may apply to the municipality in which such person desires to sell fireworks. Such application shall be in a form prescribed by the commissioner. The licensing board of any municipality or, if one does not exist, the governing body may issue a permit to sell display and consumer fireworks to a person who applies, provided that the person has a valid permit for the sale of fireworks issued pursuant to title 18 of the United States Code. No permit to sell fireworks shall be issued by the governing body without prior approval of the police chief and fire chief, if any, of the municipality. The municipality may charge a fee for the permit or application for permit under this section.
- II. After the person has obtained a municipal permit to sell display and consumer fireworks, such person may apply for a state license to sell display and consumer fireworks. Upon application of any person, the commissioner, or a person designated by the commissioner, may issue a license authorizing the applicant to sell or market display and consumer fireworks in this state for not more than one year from the date of issue, provided the person has first obtained a permit to sell display and consumer fireworks pursuant to RSA 160-B: 6, I. The license shall bear the name, address, description, and signature of the licensee. The license shall be displayed at all times, openly and publicly, at the licensee's place of business. The license shall be issued within a reasonable time after application.
- III. The state license may be issued to an applicant who, at the time such license is issued, possesses a permit issued in accordance with the provisions of title 18, United States Code, governing fireworks, and a permit issued pursuant to RSA 160-B: 6, I. No License shall be issued for the sale of display and consumer fireworks unless the applicant establishes that it will locate its business in a permanent structure which meets all applicable fire safety codes, building codes, zoning codes, and the requirements of local ordinances. No license for the sale of display and consumer fireworks shall be issued to or held by any person who has been convicted of a felony if the felony has not been annulled by a court of record. No license shall be issued to any person under 21 years of age.
 - III-a. Buildings used for the sale or storage of display and consumer fireworks shall be dedicated solely to the sale or storage of display and consumer fireworks and items relating to the sale and promotion of fireworks provided for in the rules adopted by the commissioner pursuant to RSA 541-A and shall comply with the applicable requirements of the state fire code adopted pursuant to RSA 153:5.
 - III-b. Prior to the issuance of a state license, the department of safety may conduct a background investigation of the applicant and may conduct an inspection of the site,

including all buildings, in which the display and consumer fireworks are to be sold or stored.

- IV. If the application for a state license is denied, the reasons for such denial shall be stated in writing, in duplicate, the original of which shall be delivered to the applicant, and the copy thereof kept in the office of the department of safety.
- V. The fee for a license for each location shall be \$1,500 per year, payable annually to the department of safety for deposit into the general fund.
- VI. A person who has a federal permit issued in accordance with the provisions of title 18, United States Code, governing fireworks, a state license issued pursuant to this section, and a local permit issued pursuant to this section may sell display and consumer fireworks; however, such a person shall only sell display fireworks to a person who shows a certificate of competency issued pursuant to RSA 158:9-f, or who shows a license for the storage of display fireworks issued pursuant to RSA 158:9-c, or a license to sell display and consumer fireworks pursuant to this chapter. Any sale which the seller makes shall be recorded, and the record, at a minimum, shall contain a copy of the purchaser's certificate of competency and display permit and, in the case of a wholesale, the purchaser's retail number from the state of residence, IRS tax identification number or such other information as the commissioner shall specify by rule adopted pursuant to RSA 541-A.
- VII. A wholesale sale shall not be made to a person or corporation which resides in New Hampshire other than to a person or corporation licensed to sell fireworks pursuant to paragraphs I-III of this section. Any wholesale shall be shipped by common carrier or by the wholesaler making the sale. For the purposes of this shipment the wholesaler shall not be authorized to make any person an agent for the limited purpose of transporting fireworks.
- VIII. The only retail sale allowed shall be a sale to a person who possesses a certificate of competency and a display permit and leaves a copy of such certificate and display permit with the seller.
- IX. No person under the age of 21 shall be engaged in the business of handling or selling any display or consumer fireworks; provided, however, that a person less than 21 years of age but at least 18 years of age may handle and sell display or consumer fireworks at a licensed sales or storage location or may handle display or consumer fireworks at a permitted display site if he or she is under the direct supervision of a person 21 years of age or older.
- X. Any person who knowingly provides false information to the department of safety on an application for the sale of fireworks as provided in this section shall be guilty of a class A misdemeanor.

Requirements for Display of Fireworks

160-B: 7

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

- II. Any municipality, fair association, amusement park or other organization may apply for a permit to display fireworks and shall include in the application the name of a person who has been issued a certificate of competency who shall be responsible for conducting the display and a copy of that individual's certificate.
- III. The chief of police, licensing board, or governing body of the municipality, after an inspection has been conducted by the fire chief, may issue a permit to display fireworks. The permit shall specify the date on which the display is to be conducted and any other conditions that may be imposed.
- IV. The display shall be of such a character, and so located and displayed, as in the opinion of the chief of the fire department or fireward, after proper inspection, that it shall not be hazardous to property or endanger any person.
- V. An application for a display permit shall be made in writing at least 15 days in advance of the date of display. The town, city, or village district may charge a reasonable fee for a permit to display fireworks. No display permit granted under this section shall be transferable, and each display permit shall be valid for only one display to be held on the date permitted. If, in the opinion of the chief of the fire department, conditions deteriorate during the 15 days before the date for which such permit is granted so that a fire hazard exists, the chief may revoke the permit.

Rulemaking
160-B: 8

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

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

Enforcement
160-B: 9

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

Civil Liability
160-B: 11

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

Exceptions
160-B: 12

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

Appeal
160-B: 13

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

Certain Sparklers Prohibited; Penalties
160-B: 16

- I. Notwithstanding any law to the contrary, the sale, possession or display of class “C” sparklers or those consisting of a wire or stick which contain chlorates or perchlorates is prohibited.
- II. Any person who sells or possesses with intent to sell class “C” sparklers or sparklers consisting of a wire or stick which contain chlorates or perchlorates shall be guilty of a misdemeanor.
- III. Any person who displays or possesses without intent to sell class “C” sparklers or sparklers consisting of a wire or stick which contain chlorates or perchlorates shall be guilty of a violation.

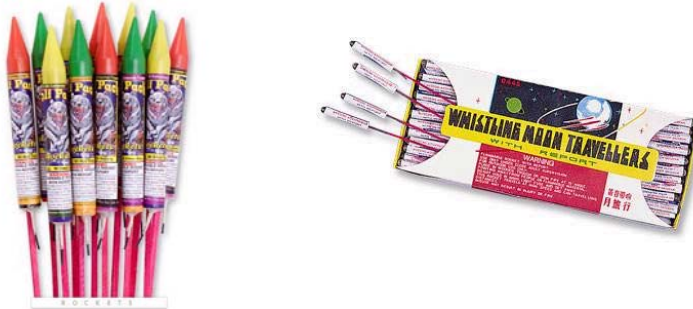
160-B:16-b Retail Sale of Firecrackers Prohibited; Penalty.

The retail sale of firecrackers is prohibited. In this section, "firecracker" means a ground device firecracker as defined by the American Pyrotechnics Association in APA Standard 87-1 (2001) 3.1.3.1, as amended. Any person who violates the provisions of this section shall be guilty of a misdemeanor.



160-B:16-c Retail Sale of Bottle Rockets Prohibited; Penalty.

The retail sale of bottle rockets is prohibited. In this section, "bottle rocket" means a bottle rocket as defined by the American Pyrotechnics Association in APA Standard 87-1 (2001) 3.1.2.1, as amended. Any person who violates the provisions of this section shall be guilty of a misdemeanor.



Emergency Removal From Sale or Use of Unsafe Devices

160-B: 19-a

- I. The commissioner may, upon the recommendation of the state fire marshal or the director of state police, prohibit the sale or use of any display or consumer fireworks that impose an imminent threat to life and property.
- II. Upon notification by the commissioner or designee that a display or consumer firework is prohibited for sale or use, a person licensed to sell display or consumer fireworks shall remove the item from the sales area and shall not sell the item to any person.

- III. Any person who sells a display or consumer firework after being notified by the commissioner or designee that an item is prohibited for sale or use shall be guilty of a class A misdemeanor for the first offense and a class B felony for the second offense. In addition, the commissioner may revoke the violator's license for a minimum period of 30 consecutive days.
- IV. Any person who uses a display or consumer firework after being notified by the commissioner or designee, or by a law enforcement officer or fire official that the item is prohibited for sale or use shall be guilty of a class A misdemeanor for the first offense and a class B felony for the second offense. In addition, the commissioner may revoke the violator's certificate of competency for a minimum period of 30 consecutive days.
- V. Any license holder or certificate holder aggrieved by the action of the commissioner pursuant to this section may appeal pursuant to RSA 541.

FIREWORKS DISPLAY INSPECTION CHECK LIST

“DISPLAY FIREWORKS”

(Saf-C 5000 Display Fireworks Revised August 2010)

Please ensure you are familiar with the Display Fireworks rules before conducting any inspection.
<http://www.nh.gov/safety/divisions/firesafety/fireworks/documents/Saf-C5000DisplayRules.pdf>

- Date of inspection
- Date of fireworks display
- Location of fireworks display
- Full name of operator and competency number
- Names of all assistants

PART Saf-C 5017 LOCATION OF DISPLAY

Minimum separation distance requirements:

50 feet from the nearest above ground electrical, telephone or telegraph line, tree or overhead obstruction;

200 feet from the nearest public highway, railroad or other means of travel unless closed to travel during the display;

200 feet from the nearest building

250 feet from the nearest tent or canvas shelter;

500 feet from the nearest hospital, penal facility or other health care or detention establishment;
and

Twice the distance of the largest shell in the display from areas containing bulk storage of a material which contains a flammability, explosive or toxic hazard.

Unusual or safety threatening conditions exist: The director shall be permitted to increase the required separation distances as deemed necessary to protect life and property.

Saf-C 5017.02 Distance from Audience.

Audience shall be restrained behind lines that are at least **200** feet from the point of discharge.

Displays with shells of 4 inches or larger in diameter, the audience shall be restrained behind lines that are in accordance with Table 5017.1:

Table 5017.1 Distance from Audience

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

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

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

Saf-C 5017.03 Responsibility of Operator.

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

All personnel in the discharge site shall wear the following (during firing operations only):

- ~ Hard hat or helmet that is OSHA compliant; ☐ Yes ☐ No
- ~ Eye protection that is OSHA compliant; ☐ Yes ☐ No
- ~ Hearing protection; ☐ Yes ☐ No
- ~ Foot protection; ☐ Yes ☐ No
- ~ Gloves; ☐ Yes ☐ No
- ~ Cotton, wool or clothing with a similar fire resistant quality ☐ Yes ☐ No
- ~ Clothing with long sleeves worn at full length and full length pants. ☐ Yes ☐ No

Saf-C 5017.04 Postponement of Display.

Postponement ordered for any violation of these rules or until such time as the violation shall have been corrected. ☐ **Yes** ☐ **No**

PART Saf-C 5018 FIREWORKS AT THE DISPLAY SITE

Saf-C 5018.01 Precautions.

Upon delivery to the display site, members of the public, the audience, spectators, and any other person not authorized by the director or fire chief shall be kept at a distance not less than those specified in Saf-C 5017.01 (b) and Saf-C 5017.02 (a). ☐ **Yes** ☐ **No**

All display fireworks or shells kept in their shipping containers or packaging until they are prepared, loaded, or set-up in the display. ☐ **Yes** ☐ **No**

All display fireworks shall be handled carefully while being unloaded from the deliver vehicle, prepared, loaded or set-up. ☐ **Yes** ☐ **No**

Upon delivery to the display site, the display fireworks shall not be left unattended nor shall they be allowed to become wet. ☐ **Yes** ☐ **No**

Upon delivery to the display site, all shells shall be inspected by the display operator. ☐ **Yes** ☐ **No**

Any shells having tears, leaks, broken fuses or showing signs of having been wet, shall be set aside and shall not be fired. ☐ **Yes** ☐ **No**

All shells shall be separated according to diameter and stored in tightly covered containers of metal, fire retardant wood, fire retardant plastic, or in fiber drums. ☐ **Yes** ☐ **No**

All cardboard containers or other combustible materials shall be removed from the shell storage reload area. ☐ **Yes** ☐ **No**

The shell storage area shall be located at a distance of not less than 25 feet from the discharge site. ☐ **Yes** ☐ **No**

During the display, except where conditions do not permit, such as on a barge or point of land, shells shall be stored upwind from the discharge site. If the wind shifts during the display, the shell storage area shall be relocated to be upwind from the discharge site. ☐ **Yes** ☐ **No**

Saf-C 5020.05 Mortar Rack Mounting

Each mortar shall be securely fastened to its rack. ☐ **Yes** ☐ **No**

Each mortar rack shall be properly supported at each end. ☐ **Yes** ☐ **No**

Spacing between mortars shall equal ½ the diameter of mortars in the rack. ☐ **Yes** ☐ **No**

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

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

Mortars of various sizes shall not be intermixed ☐ **Yes** ☐ **No**

Mortars of the same size shall be placed into like groups
Each group shall be separated from one another ☐ **Yes** ☐ **No**

Rack shall not contain any mortar larger than 6" inches ☐ **Yes** ☐ **No**

Saf-C 5021.01 Inspection

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

Dents, bent ends, cracked or broken plugs. ☐ **Yes** ☐ **No**

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

Mortars shall be free of water and debris. ☐ **Yes** ☐ **No**

Saf-C 5021.02 Position of Mortars

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

Saf-C 5021.03 Protection from Weather

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

Saf-C 5022.01 Area to be Clear.

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

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

PART Saf-C 5024 FIRING OF THE DISPLAY

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

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

Saf-C 5024.04 Prohibitions.

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

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

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

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

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

Displays shall not be set up during any rain or snow storm or displayed during any electrical storm or when the wind reaches a velocity of more than 20 miles per hours. ☐ **Yes** ☐ **No**

Saf-C 5024.06 Use of Alcohol or Drugs.

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

Saf-C 5024.09 Search of Display Area.

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

First available daylight search following the display.

Name of person conducting search: _____ Contact #: _____

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

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

Saf-C 5024.10 Fire Equipment.

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

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

Saf-C 5024.07 Cancellation of Display.

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

PART Saf-C 5027 Dense Pack.

1) Ground based Dense Pack Prohibited. ☐ **Yes** ☐ **No**

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

3) Shall only be fired electronically. ☐ **Yes** ☐ **No**

4) Firing location is at least 50 feet away from Dense Pack. ☐ **Yes** ☐ **No**

5) Salute shells are prohibited to be used in Dense Pack. ☐ **Yes** ☐ **No**

6) Dense Pack shall not be reloaded. ☐ **Yes** ☐ **No**

7) Tow vehicle is disconnected from Dense Pack. ☐ **Yes** ☐ **No**

8) Trailer has been secured and leveled prior to loading mortars. ☐ **Yes** ☐ **No**

9) Vessels / platforms shall be anchored or properly moored prior to loading mortars. ☐ **Yes** ☐ **No**

**CERTIFICATES OF COMPETENCY FOR THE DISPLAY OF DISPLAY
FIREWORKS
Saf-C 5003**

Saf-C 5003.01 Certificate Required. No display of display fireworks shall be conducted unless at least one person with a current certificate of competency for the display of display fireworks is physically present at all times during the delivery, setting up, loading and firing of the display. The person with a current certificate of competency shall oversee and assure that the display is being conducted in a safe and secure manner.

Saf-C 5003.02 Certificates of Competency.

(a) For the purposes of this section, “proximate audience” means an audience closer to pyrotechnic devices than permitted by NFPA 1123, Code for Fireworks Displays, 2006 edition.

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

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

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

(e) Certificates of competency issued under this part shall not be valid for the display of pyrotechnics, flame effects or special effects before a proximate audience, as regulated by Saf-C 6018 and 6019.

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

Saf-C 5003.03 Minimum Requirements.

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

(1) Compliance with the application procedures set forth in Saf-C 5003.04; and

(2) Pass a written competency test administered by the director.

(b) If an applicant cannot read or write, the written competency test shall be administered orally by the director or his/her designee.

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

(d) For the purposes of (a)(2) above, an applicant shall receive 8 or less wrong answers in order to pass the test.

ILLEGALLY MANUFACTURED EXPLOSIVE DEVICES

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

Cherry Bombs: Commonly red in color with a green fuse, and approximately 1 inch in diameter.

Silver Salute: The tube is commonly silver in color with a green fuse, and approximately 1 ½ inches long with a 9/16 inch diameter.

M-80's: These devices are commonly red or brown in color with an average size of 1 ½" long with a 5/8 inch diameter with an average explosive composition of .12 oz. detonation could cause injury to fingers, hands, eyes and face.

M-100 (Silver Salute): Average size of 2 ½" long with a 1" diameter. The average explosive composition is .33 oz. Detonation can cause severe injury to the hands, arms, face, and body.

M-250: The average size is 3 inches long with a 1 inch diameter. The average explosive composition is .48 oz. Detonation can cause crippling/disfiguring injuries, or even death.

M-1000 (Quarter Stick): The average size is 6 inches long with a 1" diameter. The average explosive composition is .97 oz. Detonation can cause extremely severe injuries to the body, or even death.



Typical style M-80



Typical Cherry Bomb

WARNING

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

If you find someone in possession of, and/or selling illegal explosive devices IMMEDIATELY notify the New Hampshire State Police – Explosives Disposal Unit, and the New Hampshire State Fire Marshal's Office.

PROXIMATE AUDIENCE – PYROTECHNIC, FLAME OR SPECIAL EFFECTS

RSA 153:5-c Special Effects Permit.

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

RSA 21-P:14 Rulemaking Authority; Commissioner of Safety.

IX. The commissioner of safety shall adopt rules, under RSA 541-A, for the licensing of persons responsible for the use of flame, pyrotechnics, or other means of special effects for entertainment, exhibition, demonstration, or simulation before a proximate audience as regulated by the state fire code adopted under RSA 153:5 and for establishing fees for such licenses.

PART Saf-C 6902 Compliance With Codes

Saf-C 6902.01 Compliance With Pyrotechnics Code. All persons using pyrotechnic effects, special effects or flame effects in the performing arts in conjunction with theatrical, musical, or any similar productions before a proximate audience, performers or support personnel shall comply with the requirements of NFPA 1126, “Standard for the Use of Pyrotechnics before a Proximate Audience”, 2011 edition (NFPA 1126).

Saf-C 6902.02 Compliance With Flame Effects Code. All persons using pyrotechnic effects, special effects or flame effects in the performing arts in conjunction with theatrical, musical, or any similar productions before a proximate audience, performers or support personnel shall comply with the requirements of NFPA 160, “Standard for the Use of Flame Effects Before an Audience”, 2011 edition (NFPA 160).

Saf-C 6903.01 Permit Required. No person shall use pyrotechnic effects or flame effects in the performing arts in conjunction with theatrical, musical, or any similar productions before a proximate audience, performers, or support personnel without having obtained a permit from the state fire marshal.

Saf-C 6903.02 Permit Exceptions.

(a) Any person who uses special effects, as defined in Saf-C 6901.17, in the performing arts in conjunction with theatrical, musical, or any similar productions before a proximate audience, performers or support personnel shall not be required to obtain a permit from the state fire marshal, if in compliance with the following:

- (1) Local permit requirements have been met;
- (2) The licensing requirements set forth in Saf-C 6906 have been met; and
- (3) The person has notified the local fire official of the following, prior to conducting any special effect:
 - a. Date and time of each event;
 - b. Physical location of each event;
 - c. A detailed written plan of where the special effect(s) will occur;

- d. Type of special effect(s) to be utilized;
- e. The location of all material to be utilized or stored as part of the event; and
- f. Material safety data sheets (MSDS) on all material to be utilized or stored as part of the event.

(b) Any group or organization involved in the reenactment of military or historic war battles before a proximate audience shall not be required to obtain a permit from the state fire marshal, if in compliance with the following:

- (1) Proof of successful registration with the NH secretary of state's office of status as a non-profit organization;
- (2) Proof of current and sufficient liability insurance coverage;
- (3) Proof of written safety procedures;
- (4) Copy of a valid permit for the storage of explosives pursuant to Saf-C 1600, if applicable; and
- (5) Proof of training for all personnel relative to their specific functions and safety.

(c) The sponsoring organization shall provide the local fire official the following, prior to conducting any reenactment:

- (1) Date and time of each reenactment;
- (2) Physical location of each reenactment;
- (3) A detailed written plan of the reenactment, including the estimated number of shots to be fired;
- (4) The location of any on-site bulk storage of explosives or explosive material, other than on the battlefield; and
- (5) The documents set forth in (b) above.

Saf-C 6903.03 Permit Application and Plan. Any person who requests a permit pursuant to Saf-C 6903.01 shall submit an application on form DSFS 79, along with a written plan, to the state fire marshal's office, within 10 business days prior to the date of the production.

Saf-C 6903.04 Permit Application Requirements.

(a) An applicant shall submit the following on form DSFS 79:

- (1) Name, address and telephone number of the person, group or organization sponsoring the production;
- (2) Date and time of the production;
- (3) Exact location of the production;
- (4) Name, telephone number and e-mail address, if available, of the operator;
- (5) Name and date of birth of all apprentice(s) and assistant(s) that will be present for the production;
- (6) Qualifications of the operator;

- (7) Experience of the operator in the use of pyrotechnic effects or flame effects;
- (8) Signature of the applicant and date signed;
- (9) Notification that the application and plan set forth in (b) below, has been submitted to the local fire official prior to filing the application with the state fire marshal's office;
- (10) Description of any special requirements for the performance that have been established by the local fire official; and
- (11) Notification of any special requirements for the performance that have been established by the state fire marshal.

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

- (1) A diagram of the grounds or facility where the production will be held, including an indication of:
 - a. The point at which all pyrotechnic effect or flame effect devices will be fired and their distance to the audience;
 - b. The fallout radius for each device used during the production;
 - c. The lines behind which the audience will be contained; and
 - d. The location of all pyrotechnic materials or other explosives stored on the premises;
 - (2) The point of on-site assembly of all pyrotechnic effect or flame effect devices;
 - (3) The manner and place of storage of all pyrotechnic effect or flame effect devices and materials;
 - (4) Any MSDS for the effect(s) to be utilized;
 - (5) Proof of insurance or financial responsibility for each event;
 - (6) A detailed description of how each effect will be displayed and from what location;
 - (7) A cue sheet indicating when each effect will be displayed or utilized in conjunction with the performance;
 - (8) Number and types of all devices and materials to be used;
 - (9) Experience of the operator with the devices and materials set forth in (b)(6) and (8) above;
 - (10) A description of the general responsibilities of all apprentice(s) and assistant(s);
 - (11) A copy of any licenses held by the operator, including pyrotechnic effects, flame effects, fireworks or explosives;
 - (12) A copy of the valid place of assembly permit, if the location of the production is required to be a licensed place of assembly in accordance with RSA 155:18; and
 - (13) Current inspection records for the automatic fire sprinkler system and fire alarm system, if the location of the performance is within any structure or building.
- (c) For the purposes of (b)(13) above, if the location of the performance or display is within a structure or building and the structure or building does not have an automatic fire sprinkler system and fire alarm

system, a permit shall not be issued unless designed pursuant to an approved performance based design option, as defined in Saf-C 6901.13.

(d) Upon receipt of the application and plan pursuant to (a) and (b) above, the state fire marshal shall review the information and determine if it meets the requirements of Saf-C 6903.03.

Saf-C 6906.01 License Required.

(a) The display of pyrotechnic effects, special effects or flame effects before a proximate audience, performers or support personnel shall not be permitted unless the display is directly supervised by a person who has obtained a license from the state fire marshal.

(b) The licensed operator shall ensure that the display is in compliance with the requirements of NFPA 1126 and NFPA 160, and shall be responsible for the safe handling and display of all pyrotechnic effects, special effects or flame effects utilized during the event.

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

APPENDIX


A-1, Sample Class B Shooters Certificate of Competency

STATE OF NEW HAMPSHIRE DEPARTMENT OF SAFETY DIVISION OF STATE POLICE CERTIFICATE OF COMPETENCY FOR CLASS B FIREWORKS DISPLAY	
NAME	
CERTIFICATE NUMBER 3871589	
DOB	SEX M
HEIGHT 10 1/2	WEIGHT
HAIR BROWN	EYES BROWN
EXPIRES 12/19/06	
SIGNATURE	DIRECTOR OF STATE POLICE

A-2, Sample Retail License to Sell Permissible Fireworks

© 0053 440

The State of New Hampshire
Department of Safety
Division of State Police
Concord, NH 03305



**LICENSE FOR SALE OF
PERMISSIBLE FIREWORKS**

LICENSE NO. _____

This certifies that _____
of the City or Town of _____
in the State of _____
is hereby licensed to sell or market permissible fireworks doing business at

in accordance with the New Hampshire, RSA 160-C:3.

THIS LICENSE WILL EXPIRE ONE YEAR FROM DATE OF ISSUE.

Dated at Concord, this _____ day of _____, yr. _____

SIGNATURE OF LICENSEE

DIRECTOR OF STATE POLICE


DSSP190P - (Rev. 07/02)

MADE IN U.S.A.

A-3, Sample License to Display and Consumer Fireworks

© 0055 440

The State of New Hampshire
Department of Safety
Division of State Police
Concord, NH 03305



LICENSE FOR SALE OF FIREWORKS

LICENSE NO. _____

This certifies that _____
of the City or Town of _____
in the State of _____
is hereby licensed to sell or market fireworks doing business at _____

in accordance with the New Hampshire, RSA 160-B:6.

THIS LICENSE WILL EXPIRE ONE YEAR FROM DATE OF ISSUE.

Dated at Concord, this _____ day of _____, yr. _____

SIGNATURE OF LICENSEE

DIRECTOR OF STATE POLICE

DSSP190 - (Rev. 05/98)

LITHO IN U.S.A.



STATE OF NEW HAMPSHIRE
DEPARTMENT OF SAFETY
OFFICE OF THE STATE FIRE MARSHAL



APPLICATION FOR PYROTECHNIC SPECIAL EFFECTS PERMIT

Group or Organization: _____
Address: _____ Telephone () _____
_____ Fax () _____

Location of the production: _____ Date: _____
_____ Time: _____

Name of Pyrotechnic Production Operator: _____
Address: _____ Date of Birth: _____

Qualifications of Operator: _____

Years of Experience in using pyrotechnic special effects: _____ (Attach copies of any applicable licenses)

Name and Date of Birth of All Pyrotechnic Assistants:

A plan as required in Section Saf-C 6022.03(e) of the NH State Fire Code is attached to this application.

Date

Signature of Applicant

This application is signed under penalty of unsworn falsification pursuant to RSA 641"3.

Special requirements established by the Local Fire Official:

Signature & Title of Local Fire Official or Designee

Print name and telephone number

Special requirements established by the State Fire Marshal:

The Applicant is authorized to operate the pyrotechnic special effects in accordance with the plan that has been submitted to the State Fire Marshal and subject to any special requirements noted above by the Local Fire Official and the State Fire Marshal.

Date _____ Approved _____ Permit # _____

A-5, REFERENCES AND SUGGESTED READINGS

New Hampshire Fire Laws Annotated – Lexis Publishing

New Hampshire State Fire Code, 2011 edition

NFPA – 1126, Standard for the Use of Pyrotechnics before a Proximate Audience, National Fire Protection Association, Quincy, Massachusetts.

NFPA – 1123, Code for Fireworks Display, National Fire Protection Association, Quincy, Massachusetts.

NFPA – 160, Standard for Flame Effects Before an Audience, National Fire Protection Association, Quincy, Massachusetts.

New Hampshire Department of Safety, Fireworks Rules and Regulations – Saf-C 5000

Available Training:

The New Hampshire State Fire Marshal's Office can conduct training for any agency in regards to fireworks safety, rules, or inspections.