

# HEALTH AND SAFETY CODE FIREWORKS VIOLATIONS

## LICENSE PERMITS

- 12670** - Advertise the sale of fireworks without a license
- 12685** - Conduct public fireworks display without a permit
- 12686** - Use special effects fireworks without a pyrotechnic license
- 12687** - Sell, give, transfer or deliver special effects fireworks without a pyrotechnic license
- 12688** - Advertise to sell any class of pyrotechnics without a license or permit (Dangerous, Safe and Sane, Agricultural/ Wildlife, Model-rocket engines)
- 12690** - Perform or act with expired fireworks license or permit

## SALE OF FIREWORKS

- 12675** - Failure to record on bill of lading or manifest required fireworks license numbers
- 12671** - Sell, offer for sale, possess, store, discharge, use, or transport fireworks not registered by the State Fire Marshal

## STORAGE

- 12673** - Store fireworks without a permit
- 12674** - Store or possess fireworks which a fireworks license is required after license is revoked
- 12679** - Sell, use, store fireworks within 100 feet of where gasoline or other flammable liquids are stored or dispensed
- 12682** - Allow or permit a fire nuisance where fireworks are sold, manufactured assembled, packages, discharged, stored, or distributed

## DANGEROUS FIREWORKS

- 12676** - Sell, transfer, give or otherwise convey title of dangerous fireworks unless receiver has a valid permit
- 12677** - Posses dangerous fireworks with out a permit
- 12680** - Place, throw, ignite, or discharge dangerous fireworks at a person or crowd where injury can occur or creating chaos, fear, or panic
- 12689a** - Sell, give or deliver dangerous fireworks to anyone under 18

## EMERGENCY SIGNALING DEVICES

- 12683** - Sell, use discharge an unregistered emergency signal device
- 12684** - Use emergency signal device for other than intended purpose

## AGRICULTURAL AND WILDLIFE FIREWORKS

- 12678** - Use agricultural or wildlife fireworks without permit

## SAFE AND SANE FIREWORKS

- 12672** - Sell Safe and Sane Fireworks other than from noon June 28 - noon July 6
- 12681** - Sell or transfer Safe and Sane Fireworks at other than fixed place of business
- 12689b** - Sell, give or deliver Safe and Sane Fireworks to anyone under 16 years of age (Illegal)

## CLASSIFICATION OF PYROTECHNIC ITEMS

- 12503 H&S** - Agricultural and Wildlife Fireworks
- 12505 H&S** - Dangerous Fireworks - Illegal
- 12506 H&S** - Emergency Signaling Devices
- 12508 H&S** - Exempt Fireworks
- 12512 H&S** - Fireworks Kit - Illegal
- 12519 & 12520 H&S** - Model Rockets
- 12529 H&S** - Safe and Sane Fireworks - Local authority approval
- 12532 H&S** - Special Effects

## POSSESSION OF DANGEROUS FIREWORKS - PENALTIES

- 12700 H&S** - Except as provided in Section 2702, any person who violates any provision of this part, or any regulation issued pursuant to this part, is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than \$500.00 nor more than \$1,000.00 or by imprisonment in the county jail for 1 year, or by both such fine and imprisonment.
- 12702a H&S** - Any 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 Section 12700
- 12702b H&S** - Upon any second or subsequent conviction of the offense, the person shall be punished by the penalties of a fine of not less than \$500.00 nor more than \$1,000.00 and by imprisonment in the county jail for 1 year. The person shall not be granted probation and the execution of the sentence imposed upon the person shall not be suspended by the court.
- 12702c H&S** - Any person who violates this part involving dangerous fireworks as defined in Section 12505, or any combination of any dangerous fireworks items, having the total net weight of explosive material of 7500 grains or more, is guilty of a public offense, and upon conviction thereof shall be punished by imprisonment in the state prison, or the county jail for not more than 1 year, or by a fine of not more then \$5,000.00, by both the fine and imprisonment.
  - Qualifications for fireworks becoming a felony:
    - 1) dangerous fireworks as defined in H&S code 12505;
    - 2) exceeds one pound (7500 grains) powder, H&S 12702c;
    - 3) possession, H&S 12677.
  - One pound of powder equals = approximately 34,000 firecrackers/approximately 16 small festival balls; 50 roman candles; 119 large bottle rockets; 1000 small bottle rockets (144 to park)

## FIREWORKS ARE EXCLUDED FROM EXPLOSIVES LAW

- 12540 H&S** - Items classified as FIREWORKS are generally excluded from explosives law.
  - Exception: Large firecracker items such as; M -80, M -100, M -1000, Silver Salute, Brown Bomber, 1/4 stick, 1/2 stick, full stick, etc, are considered explosives. Not legal anywhere in the U.S.

## CALIFORNIA CODE OF REGULATIONS SEC. 980(F)(1)

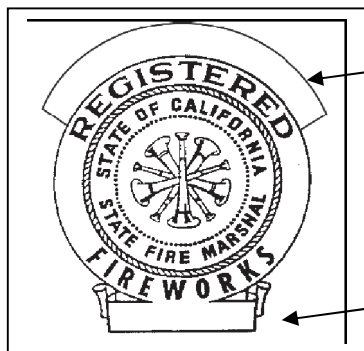
The term "firecracker" means a device consisting of an explosive pyrotechnic in an amount not to exceed 50 milligrams (.772 grains) in weight in a fused container whose primary function is to produce an audible effect. All firecrackers are classified as "dangerous fireworks". Devices similar in construction to "firecrackers" which exceed .772 grains shall be considered as EXPLOSIVES in accordance with Health & Safety Code 12000,et seq.

## OTHER APPLICABLE LAWS

- 12303 H&S** - Possession of Explosives without valid permit
- 12305 H&S** - Illegal Possession of Explosives
- 12301 - 12312 PC** - Destructive Device Violations
- 452 PC** - Reckless Burning

## EXPLOSIVES

When explosives are modified, placed in a pipe or container, used for destruction of property, or to terrify or injure individuals, the charge falls under Penal Code 12303.3, destructive device. If caught and convicted there is a mandatory jail time - no probation may be granted for conviction.



Type of fireworks

If an item does not bear this seal it is illegal in the State of California

CSFM registration