



## **NEW FIREWORKS ACT**

Many of you may be aware that on October 30, 2017 Pennsylvania House Bill 542 was signed into law as PA Act 43 of 2017. Under this new law, the Fireworks Act of 1939 was repealed and replaced in its entirety. Over the 2018 4<sup>th</sup> of July holiday we received many calls regarding the new law and what effects it has on residents wishing to celebrate the holiday with fireworks. The following Q&A were commonly asked.

### **Q: Which fireworks are Pennsylvania residents now allowed to purchase and use?**

Consumers 18 years of age or older can now purchase and use “Class C” or “consumer-grade” fireworks that include firecrackers, Roman Candles, bottle rockets, and similar fireworks that contain a maximum of 50 milligrams of explosive material. The expansion includes those fireworks that were previously only available to out-of-state residents.

“Display fireworks,” which are classified as including salutes that contain more than two grains or 130 milligrams of explosive materials, and professional-grade aerial shells containing more than 60 grams of pyrotechnic compositions, are still only to be used by professionals with a permit from the municipality where the display will take place.

### **Q: Who can purchase fireworks?**

Anyone 18 years of age or older can purchase them.

### **Q: What are the restrictions on where they can be used?**

- They cannot be ignited or discharged on a public or private property without express permission of the property owner.
- They cannot be discharged from or within a motor vehicle or building.
- They cannot be discharged toward a motor vehicle or building.
- They cannot be discharged within 150 feet of an occupied structure, whether or not a person is actually present.
- They cannot be discharged while the person is under the influence of alcohol, a controlled substance, or another drug.

### **Q: Where can the fireworks be purchased?**

They can be purchased at any licensed facility, including temporary tent facilities. The licenses are issued by the Pennsylvania Department of Agriculture. Examples of temporary facilities include tents or other structures found in parking lots. These temporary structures can sell fireworks between the dates of June 15 - July 8, and

December 21- January 2 each year. Click [here](#) for more information on Department of Agriculture licensing.

**Q: What penalties does one face who violate the fireworks law?**

Section 2414 of the law addresses the following penalties subject to being found guilty of a violation.

- A person using consumer fireworks in violation of the provisions of this article commits a summary offense and, upon conviction, shall be punished by a fine of not more than \$100.
- A person selling consumer fireworks in violation of the provisions of this act commits a *misdemeanor of the second degree*.
- A person selling display fireworks in violation of the provisions of this act commits a *felony of the third degree*.
- A person selling federally illegal explosives such as devices as described in 49 CFR 173.54 (relating to forbidden explosives) or those devices that have not been tested, approved and labeled by the United States Department of Transportation, including, but not limited to, those devices commonly referred to as "M-80," "M-100," "blockbuster," "cherry bomb" or "quarter or half stick" explosive devices, in violation of the provisions of this act commits a *felony of the third degree*.

**In closing, please follow all rules and regulations as set forth by the Commonwealth of Pennsylvania. Also, please be considerate of your neighbors. Some people, as well as pets, can be negatively affected by fireworks. Most importantly, be safe while using any type of firework.**