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## OFFICE OF THE STATE FIRE MARSHAL

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### FREQUENTLY ASKED QUESTIONS ABOUT WEST VIRGINIA'S NEW FIREWORKS LAW

#### When will it be legal to purchase and use consumer fireworks in West Virginia?

On **June 1, 2016**, West Virginians will be able to purchase and use consumer fireworks in The Great State of West Virginia.

– defined – “Consumer fireworks” means small fireworks devices that are designed to produce visible effects by combustion that are required to comply with the construction, chemical composition and labeling regulations promulgated by the United States Consumer Product Safety Commission under 16 C.F.R. Parts 1500 and 1507 (2014), and that are listed in APA Standard 87-1. Consumer fireworks do not include sparkling devices, novelties, toy caps or model rockets.

West Virginians can already purchase hand-held and ground-based sparkling devices, such as hand-sparklers and fountains. These have been legal in West Virginia since 2006.

#### What types of consumer fireworks will be legal in West Virginia on June 1?

Consumer products that will be legal to purchase and use in West Virginia on June 1, 2016, include:

- Sky Rockets and Bottle Rockets
- Missile-Type Rockets
- Helicopter and Aerial Spinners
- Roman Candles
- Multi-Aerial Mine and Shell Devices
- Aerial Shell Kits
- Reloadables
- Firecrackers

#### How old must you be to purchase consumer fireworks in West Virginia?

You must be 18 years old to purchase consumer fireworks in West Virginia and have a valid I.D. **Are there rules about where or how you can use consumer fireworks in West Virginia?**

## **§103-4-11. Prohibited Conduct.**

11.1. A person may not intentionally ignite, discharge or use consumer fireworks on public or private property without the express permission of the owner to do so.

11.2. A person may not intentionally ignite or discharge any consumer fireworks or sparkling devices within or throw the same from a motor vehicle or building.

11.3. A person may not intentionally ignite or discharge any consumer fireworks or sparkling devices into or at a motor vehicle or building, or at any person or group of people.

11.4. A person may not intentionally ignite or discharge any consumer fireworks or sparkling device while the person:

11.4.a. Is under the influence of alcohol;

11.4.b. Is under the influence of any controlled substance;

11.4.c. Is under the influence of any other drug;

11.4.d. Is under the combined influence of alcohol and any controlled substance or any other drug.

11.4.e. A person who is less than eighteen years of age may not purchase, nor offer for sale, consumer fireworks.

11.4.f. A person who is less than sixteen years of age may not purchase, nor offer for sale, sparkler or novelty devices.

11.5. The provisions of this section shall be effective June 1, 2016.

11.6. No retailer may knowingly sell or offer for sale fireworks to any person who:

11.6.a. Is under the influence of alcohol.

11.6.b. Is under the influence of any controlled substance.

11.6.c. Is under the influence of any other drug.

11.6.d. Is under the combined influence of alcohol and any controlled substance or any other drug.

11.6.e. Is less than eighteen (18) years of age.

You should also check with your local city governments as there may be certain areas where consumer fireworks are not permitted.

### **Where can I purchase consumer fireworks in West Virginia?**

On June 1, 2016, West Virginians will be able to purchase consumer fireworks at any location that is properly **licensed** by The West Virginia State Fire Marshal. A retailer shall post the certificate/license in a conspicuous place at the location of the business. It shall be posted within five feet (5') from any public entrance to any temporary or permanent structure.

**What safety tips should West Virginians follow when using consumer fireworks, sparklers and/or sparkling devices?**

According to the American Pyrotechnics Association, safety tips include:

- ✓ Store fireworks in a cool, dry place
- ✓ Always read and follow the directions on the label
- ✓ Always have an adult present when handling fireworks
- ✓ Never give fireworks to young children, even sparklers!
- ✓ Use fireworks outdoors in a safe, non-wooden area
- ✓ Have a working garden hose or bucket of water handy
- ✓ Keep everyone a safe distance away from fireworks
- ✓ Light only one firework at a time
- ✓ Never re-ignite a firework that doesn't light the first time or one that has finished its display
- ✓ Never carry fireworks in your pocket
- ✓ Don't throw fireworks at another person
- ✓ Keep pets indoors and away from fireworks
- ✓ Never shoot fireworks in metal or glass containers
- ✓ Keep spectators at a safe distance
- ✓ Always wear safety glasses when igniting fireworks

For more information and safety tips, please visit [www.americanpyro.com](http://www.americanpyro.com).