

CALIFORNIA HEALTH & SAFETY CODE

SECTIONS 12500-12726

FIREWORKS (OR PYROTECHNIC DEVICES)

Chapter 1

GENERAL PROVISIONS AND DEFINITIONS

12502. "Advertise" means an announcement publicly with any sign, card, or notice, or by any other means, on which appears a person's name or business name style offering to sell or transfer fireworks or pyrotechnics devices, or to cause a person's name or business name style to be included in any classified advertisement or directory for the purpose of the sale or transfer of fireworks or pyrotechnic devices.

12513. Importer. "Importer" means any person who for any purpose does any of the following:

- (a) Brings fireworks (or pyrotechnic devices) into this state or causes fireworks (or pyrotechnic devices) to be brought into this state.
- (b) Procures the delivery or receives shipments of any fireworks (or pyrotechnic devices) into this state.
- (c) Buys or contracts to buy fireworks (or pyrotechnic devices) for shipment into this state.

12515. Label of registration. "Label of registration" means the label of registration of the State Fire Marshal.

12516. License. "License" means any nontransferable authorization granted by the State Fire Marshal to engage in any activity regulated by this part.

12519. Model rocket. "Model rocket" means any toy or educational device which weighs not more than 500 grams, including the engine and any payload, that is propelled by model rocket engines.

12520. Model rocket engine. "Model rocket engine" means a commercially manufactured, non-reusable rocket propulsion device which is constructed of a nonmetallic casing and solid propellant, wherein all of the ingredients are self-contained so as not to require mixing or handling by the user and which have design and construction characteristics determined by the State Fire Marshal to provide a reasonable degree of safety to the user.

12526. Pyrotechnic device. The term "pyrotechnic device" includes, but is not limited to, agricultural and wildlife fireworks, model rockets, exempt fireworks, emergency signaling devices, and special effects.

Chapter 2 EXCEPTIONS

12541. Local regulations. Nothing in this part authorizes the sale, use, or discharge of fireworks (or pyrotechnic devices) in any city, county, or city and county in which the sale, use, or discharge is otherwise prohibited or regulated by law or ordinance.

Chapter 3 ADMINISTRATION

12552. Rules and regulations; adoption. The State Fire Marshal shall adopt such regulations relating to fireworks (or pyrotechnic devices) as may be necessary for the protection of life and property not consistent with the provisions of this part. Such regulations shall include, but not be limited to, provisions for the following:

- (e) Granting of licenses and permits for research or experimentation with experimental or model rockets and missiles.
- (h) Transportation of all classification of fireworks, model rockets, engines, emergency signaling devices, and exempt fireworks.

12553. Classification of new types of fireworks or pyrotechnic devices. The State Fire Marshal shall also adopt regulations for classification of any new type of fireworks or pyrotechnic devices which have not been classified prior to January 1, 1974 and for the regulation of such fireworks (or pyrotechnic devices) in accordance with the provisions of this part.

Chapter 4 CLASSIFICATION OF FIREWORKS AND PYROTECHNIC DEVICES

12560. Classification; necessity. The State Fire Marshal shall classify all fireworks and pyrotechnic devices in accordance with the provisions of this chapter. No fireworks or pyrotechnic devices shall be imported, sold, or offered for sale prior to the examination and classification by the State Fire Marshal.

12565. Classification as model rocket engines. All fireworks or toy propellant devices containing pyrotechnic compositions examined by the State Fire Marshal and found by him to come within the definition of "model rocket" or "model rocket engine" in Section 12519 or 12520, respectively, shall be classified as model rocket engines.

12569. Examination and classification limited to fireworks submitted by valid licensees. Except as provided in Section 12637 and pursuant to the provisions of Sections 12560 and 12581, fireworks or pyrotechnic devices examined and classified by the State Fire Marshal shall be submitted by manufacturers, wholesalers, and importers and exporters holding a valid license only.

Chapter 5 LICENSES

Article 1 TYPES OF LICENSES

12570. Power to issue license. The State Fire Marshal may issue any license described in this part, subject to the regulations which he may adopt not inconsistent with the provisions of this part.

Article 2 ISSUANCE, REVOCATION AND RENEWAL

12580. Power to issue and renew. The State Fire Marshal may issue and renew licenses for the manufacture, import, export, sale, and use of all fireworks and pyrotechnic devices in this state.

12581. Application; forms. Any person who desires to manufacture, import, export, sell or use fireworks (or pyrotechnic devices) shall first make written application for a license to the State Fire Marshal on forms provided by him. Such application shall be accompanied by the annual license fee as prescribed in this chapter.

12582. Applications; signature. The application for a license shall be signed by the applicant. If the application is made by a partnership, it shall be signed by each partner of the partnership. If the application is made by a corporation, it shall be signed by an officer of the corporation and bear the corporation's seal.

12602. License requirements; exemptions. A license shall not be required for the retail sale, use, or discharge of agricultural and wildlife fireworks, model rocket engines, or emergency signaling devices.

Article 5 FEES

12632. Model rocket engines; establishment and collection fee. The original and annual renewal license fee to manufacture, import, export, or wholesale, or any combination thereof, model rocket engines shall be established and collected by the State Fire Marshal.

12634. Dual licensing. When a license to manufacture, wholesale, or import and export fireworks has been issued pursuant to Sections 12571, 12572, or 12573, respectively, a separate license for the same person to manufacture, wholesale, import, or export agricultural and wildlife fireworks or model rocket engines pursuant to Section 12631 or 12632 shall not be required where the license allows such activity with respect to other fireworks.

Chapter 6 PERMITS

12640. Necessity of permit. In any case where this chapter requires that a permit be obtained from the State Fire Marshal, or in any case where the public agency having local jurisdiction requires pursuant to this chapter that a permit be obtained, any licensee shall possess a valid permit before performing any of the following:

(d) Manufacturing, importing, exporting, possessing, storing, selling at wholesale and retail, model rocket engines.

12642. Duration of permit. The effective period of the permit shall be defined in the permit and in no case shall the period of the permit exceed the valid period of the license. This section shall not prohibit the revocation of the permit by the issuing authority for just cause where a fire nuisance exists or where personal injury may occur.

12643. Application. Any licensee desiring to do any act specified in Section 12640 shall first make written application for a permit to the chief of the fire department or the chief fire prevention officer of the city or county, or to such other issuing authority which may be designated by the governing body of the city or county. In the event there is no such officer or person appointed within the area, application shall be made to the State Fire Marshal or his deputy. Applications for permits shall be made in writing at least 10 days prior to the proposed act.

12647. Delegation of power to grant or deny application; appeal from denial; action by board. The governing body may delegate the power to grant or deny the permit to the issuing authority to whom the application is made. In such case, the governing body shall also provide for a hearing by the governing body by which an applicant may appeal a denial of the permit. The governing body may, after such a hearing, reverse, modify, or sustain the denial.

12651. Transportation of fireworks or pyrotechnic devices; approved routes. Any person holding a valid license for the manufacture, wholesale, or import and export of dangerous fireworks or pyrotechnic devices may transport any class of fireworks or pyrotechnic devices authorized by such license.

12688. Advertising to sell or transfer fireworks. It is unlawful for any person to advertise to sell or transfer any class of fireworks, including agricultural and wildlife fireworks or model rocket engines, unless he possesses a valid license or permit.

12689. Sale or delivery to persons under 18 years of age. (d) Model rocket products including model rockets, launch systems, and model rocket engines designed, sold, and used for the purpose of propelling recoverable model rockets may be sold or transferred pursuant to regulations, adopted by the State Fire Marshal which the Fire Marshal determines are reasonably necessary to carry out the requirements of this part.

12691. Regulations adopted by State Fire Marshal; violation of. It is unlawful for any person to violate any provision of any regulation adopted by the State Fire Marshal pursuant to this part.

Chapter 8 PENALTIES

12700. Offenses; punishment. Except as provided in Section 12702, any person who violates any provision of this part, or any regulations issued pursuant to this part, is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1000) or by imprisonment in the county jail for not exceeding one year, or by both such fine and imprisonment.

Chapter 9 REMEDIES

12721. Seizure. The State Fire Marshal, his or her salaried deputies, or any chief of a fire department, or his or her authorized representatives, any fire protection agency, or any other public agency authorized by statute to enforce the State Fire Marshal's regulations, may seize any fireworks (or pyrotechnic devices) described in this part. The State Fire Marshal, any chief of a fire department, any fire protection agency, or any other public agency authorized to enforce the State Fire Marshal's regulations may charge any person, firm, or corporation, whose fireworks (or pyrotechnic devices) are seized pursuant to this section, an amount which is sufficient to cover the cost of transporting, storing, and handling the seized fireworks (or pyrotechnic devices). When the State Fire Marshal, other enforcing officer or agency described in this section, or a court determines that a person's, firm's, or corporation's fireworks (or pyrotechnic devices) are illegally or erroneously seized, or if legal proceedings do not result in a conviction for violation of any provision of this part, any funds collected pursuant to this section shall be refunded, or if charged but unpaid, cancelled.

12722. Fireworks subject to seizure. The following fireworks (or pyrotechnic devices) may be seized pursuant to Section 12721:

(a) Those fireworks (or pyrotechnic devices) which are sold, offered for sale, possessed, stored, used, or transported within this state prior to having been examined, classified, and registered by the State Fire Marshal, except those specific items designated as samples pending examination, classification, and registration by the State Fire Marshal where the licensee provides documentary evidence that such action by the State Fire Marshal is pending.

(k) Any model rocket engines or model rockets with engines possessed by any person not holding a valid permit.

(m) Any fireworks or pyrotechnic device offered for sale by any person violating any provision of this part.

CALIFORNIA STATE FIRE MARSHAL TITLE 19 CALIFORNIA CODE OF REGULATIONS EFFECTIVE JULY 1992

Chapter 6 FIREWORKS

Article 2. Definitions.

- (d) "D" Definitions.
- (3) D.O.T. DOT means the United States Department of Transportation.
- (i) "I" Definitions.
- (1) Ignitor. An electrical, chemical or mechanical device used to initiate burning of pyrotechnic or propellant materials.
- (l) "L" Definitions.
- (2) License. "License" means any nontransferable authorization granted by the State Fire Marshal to engage in any activity regulated by this part.
- (m) "M" Definitions.
- (6) Model Rocket Motor. The same as a model rocket engine, as defined in Health and Safety Code Section 12520. Model rocket motors shall not produce more than 160 Newton-seconds of total impulse power.
- (n) "N" Definitions.
- (1) N.F.P.A. The N.F.P.A. National Fire Protection Association.

Article 3. Licenses.

981.3 Fees.

- (d) The original and annual renewal fees shall be as follows:
- | | |
|--|----------|
| (10) Manufacture, import, export, wholesale, or any combination thereof; model rocket motors | \$500.00 |
| (11) Registration or classification fee for each model of emergency signaling device or model rocket motor | \$50.00 |

981.5 License Scope.

- (a) Model Rockets. A Model Rocket License authorizes the manufacture, import, export or wholesale or any combination thereof.

Article 6. Classification of Fireworks.

986. Classification.

- (a) Fireworks or pyrotechnic devices that are to be used or sold for use in this state and found by the State Fire Marshal to come within the definition of "party popper", "safe and sane", "agricultural and wildlife", "model rocket motors", "high power rocket motors", "emergency signaling device" or "exempt" fireworks shall be classified as such by the State Fire Marshal.
- (b) The classification of an item shall not be construed as conferring classification to any similar item without the approval of the State Fire Marshal. The trade name of an item shall not be changed without notifying the State Fire Marshal 30 days prior to such change.

986.4 Re-tests. Licensees shall advise the State Fire Marshal of any change in quality, content, or construction of any fireworks article classified by the State Fire Marshal and shall resubmit such articles for re-test and classification.

986.5 Revocation. The classification may be revoked by the State Fire Marshal if he or she finds that the material being marketed is not the same as that submitted for classification or when such fireworks or their labeling does not conform to the provisions of this chapter.

Article 7. Seal of Registration and Labeling.

987. Seal of Registration, Description.

- (a) The State Fire Marshal's Seal of Registration required by this chapter shall conform to the provisions of this article. The Seal of Registration shall be applied to all classified fireworks and pyrotechnic devices by a licensed manufacturer, importer, exporter or wholesaler, and shall indicate the classification assigned by the State Fire Marshal or any State Fire Marshal approved laboratory.

987.4 Registration Numbers. Before reproduction of the Seal of Registration, there shall be inserted in the box at the bottom of the reproduction, the registration number assigned by the State Fire Marshal to designate the category of the licensee. The category shall be designated by the capital letter proceeding the registration number as follows: "M" for manufacturing, "I/E" for importer/exporter, "W" for wholesaler. The designation for model rocket and signaling devices shall be as follows: "MR" for model rockets.

987.6 State Fire Marshal's Seal of Registration. The Seal of Registration shall appear in a format illustrated by the following samples below:



1. Enter one of the appropriate classification titles above the seal (see preceding samples) as listed below:
- (d) Model Rocket Motor

988. Labeling, General Provisions.

(a) All fireworks or pyrotechnic devices classified by the State Fire Marshal, in a State Marshal Seal of Registration, shall be labeled in accordance with the provisions of this article. Such labeling may be by stamp, stencil or printing or by firmly attached paper label. The entire label shall appear in legible type.

988.2 Labeling of Agricultural and Wildlife Fireworks, Model Rocket Motors, Rocket Motors, and Emergency Signaling Devices. All agricultural and wildlife fireworks, model rocket motors, high power rocket motors and emergency signaling devices offered for sale in this state shall bear, in addition to the seal, classification, and registration number, a warning label indicating to the user where and how the item is to be used and the necessary safety precautions to be taken.

Article 17. Model Rockets.

1020. General. Nothing in this article is intended to regulate the sale or the use of model rockets, provided that such model rockets are not equipped with a model rocket motor.

1021. Classification and Labeling.

- (a) All types of model rocket motors shall be submitted to the State Fire Marshal for classification. A copy of a certificate of classification indicating the classification of a model rocket motor by a laboratory approved by the State Fire Marshal shall accompany the request for classification by the State Fire Marshal. Three samples of each motor type shall be submitted to the State Fire Marshal for classification. Standards for the classification for model rocket motors shall be those of the National Fire Protection Association (N.F.P.A.) 1122 (1987), Code of Federal Regulations, Sections 3-1.1, 3-1.2, 3-1.3, 3-1.4, 3-1.5, 3-1.6, 3-1.7, 3-1.8, and 3-1.9. (b) Individual engines shall bear the California State Fire Marshal's Seal of Registration and the registration number of the licensee.

1022. Model Rocket Standards and Use.

- (a) Model rocket standards and use shall comply with NFPA 1122, Unmanned Rockets, Chapter, Sections 3-1.1, Chapter 4, Chapter 5, and Appendix A-2-(1987), which is incorporated by reference herein except for Sections A-2.3 and A-2.4.

1023. Storage and Sale. No model rocket motors shall be stored, sold or offered for sale unless such model rocket motors have been classified by the California State Fire Marshal.

1024. Restrictions. The provisions of this article shall not be used to establish a restriction on the possession, launch or use experimental unlimited or experimental/high powered rockets.

1025. Authorization.

- (a) No model rocket user shall launch any model rocket from any land without securing authorization from the authority having jurisdiction. The authority having jurisdiction may require notification each time that model rockets are launched. (b) It shall be the responsibility of the model rocket user to secure the necessary permission of the owner of private lands when such land is intended to be used to launch model rockets.

1026. Revocation of Permits and Authorized Use of Launching Area. The authority having jurisdiction may immediately revoke a permit to sell model rocket motors at retail prices if those persons granted a permit have violated these regulations. The authority having jurisdiction may immediately revoke its authorization to use a firing area if it is found that an unauthorized person exists, including, but not limited to, fire safety hazards or life safety hazards.

1027. Minimum Age.

- (a) No model rocket motors shall be sold, given, or delivered to any person under 14 years of age.

EXCEPTIONS:

- (1) Model rocket motors bearing the standardized coding 1/4A, 1/2A, 1/4B, 1/2B, 1/4C, 1/2C, 1/4D, 1/2D, A, B, C, or D may be sold, given, or delivered to any person 14 years of age or older. (2) Persons who are 12 years of age or older and who are taking part in a supervised education program may receive model rocket motors and launch approved model rocket motors when under the direct supervision and control of a person 18 years of age or older. Model rocket motors must be obtained only from the adult in charge of the program. Approved model rocket motors for this exception shall bear the standardized coding 1/4A, 1/2A, A, B, C, or D.

1028. Supervision. The permittee shall be responsible for the safety of all persons connected with the launching of model rockets.

The Health and Safety Code directs the California State Fire Marshal to prepare regulations governing the use of model rockets and model rocket engines in California. The law provides a general framework around which more detailed regulations have been drawn.

Please remember that the laws and regulations of the city, county and state must be adhered to if model rocketry is to advance. Your compliance with existing laws will assist us in pushing model rocketry ahead for less restriction in the future.

Industries assumes no responsibility for interpretations of any or all of the laws or regulations referred to herein, as a result of errors, omissions, or otherwise. Copies of the complete California Model Rocketry Regulations may be obtained on request by writing to the California State Fire Marshal, 7171 Bowling Dr., Suite 600, Sacramento, CA 95823