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HEALTH AND SAFETY CODE - HSC

DIVISION 11. EXPLOSIVES [12000 - 12761] (*Division 11 enacted by Stats. 1939, Ch. 60.*)

PART 2. FIREWORKS AND PYROTECHNIC DEVICES [12500 - 12728] (*Part 2 repealed and added by Stats. 1973, Ch. 1109.*)

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CHAPTER 1. General Provisions and Definitions [12500 - 12534] (*Chapter 1 added by Stats. 1973, Ch. 1109.*)

12500. This part shall be known and may be cited as the State Fireworks Law.

(*Repealed and added by Stats. 1973, Ch. 1109.*)

12501. Unless the context otherwise requires, the definitions in this chapter govern the construction of this part.

(*Repealed and added by Stats. 1973, Ch. 1109.*)

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 pyrotechnic 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.

(*Repealed and added by Stats. 1973, Ch. 1109.*)

12503. "Agricultural and wildlife fireworks" means fireworks designed and intended by the manufacturer to be used to prevent damage to crops or unwanted occupancy of areas by animals or birds through the employment of sound or light, or both.

(*Repealed and added by Stats. 1973, Ch. 1109.*)

12504. "Flammable liquid" means any liquid whose flashpoint is 100 degrees Fahrenheit, or less, when tested pursuant to Standard D56-70 of the American Society for Testing and Materials.

(*Amended by Stats. 1978, Ch. 868.*)

12505. "Dangerous fireworks" includes all of the following:

(a) Any fireworks which contain any of the following:

- (1) Arsenic sulfide, arsenates, or arsenites.
- (2) Boron.
- (3) Chlorates, except:
 - (A) In colored smoke mixture in which an equal or greater amount of sodium bicarbonate is included.
 - (B) In caps and party poppers.
 - (C) In those small items (such as ground spinners) wherein the total powder content does not exceed 4 grams of which not greater than 15 percent (or 600 milligrams) is potassium, sodium, or barium chlorate.
- (4) Gallates or Gallic acid.
- (5) Magnesium (magnesium-aluminum alloys, called magnalium, are permitted).
- (6) Mercury salts.
- (7) Phosphorous (red or white except that red phosphorus is permissible in caps and party poppers).

- (8) Picrates or picric acid.
- (9) Thiocyanates.
- (10) Titanium, except in particle size greater than 100-mesh.
- (11) Zirconium.
- (b) Firecrackers.
- (c) Skyrockets and rockets, including all devices which employ any combustible or explosive material and which rise in the air during discharge.
- (d) Roman candles, including all devices which discharge balls of fire into the air.
- (e) Chasers, including all devices which dart or travel about the surface of the ground during discharge.
- (f) Sparklers more than 10 inches in length or one-fourth of one inch in diameter.
- (g) All fireworks designed and intended by the manufacturer to create the element of surprise upon the user. These items include, but are not limited to, auto-foolers, cigarette loads, exploding golf balls, and trick matches.
- (h) Fireworks known as devil-on-the-walk, or any other firework which explodes through means of friction, unless otherwise classified by the State Fire Marshal pursuant to this part.
- (i) Torpedoes of all kinds which explode on impact.
- (j) Fireworks kits.
- (k) Such other fireworks examined and tested by the State Fire Marshal and determined by him, with the advice of the State Board of Fire Services, to possess characteristics of design or construction which make such fireworks unsafe for use by any person not specially qualified or trained in the use of fireworks.

(Amended by Stats. 1977, Ch. 513.)

12506. "Emergency signaling device" means a pyrotechnic device designed and intended by the manufacturer to be used as such and which provides a reasonable degree of safety to the user and does not create a fire hazard when used according to the label of instructions.

(Repealed and added by Stats. 1973, Ch. 1109.)

12507. "End fuse" means a fuse inserted into any fireworks or pyrotechnic device at the end as distinguished from the side of such item.

(Repealed and added by Stats. 1973, Ch. 1109.)

12508. "Exempt fireworks" means any special item containing pyrotechnic compositions which the State Fire Marshal, with the advice of the State Fire Advisory Board, has investigated and determined to be limited to industrial, commercial, agricultural use, or religious ceremonies when authorized by a permit granted by the authority having jurisdiction.

(Repealed and added by Stats. 1973, Ch. 1109.)

12509. "Exporter" means any person who sells, consigns, or delivers fireworks located within this state for delivery, use, or sale out of this state.

(Repealed and added by Stats. 1973, Ch. 1109.)

12510. "Fire nuisance" means anything or any act which increases, or may cause an increase of, the hazard or menace of fire, or which may obstruct, delay, or hinder, or may become the cause of any obstruction, delay, or hindrance, to the prevention or extinguishment of fire.

(Repealed and added by Stats. 1973, Ch. 1109.)

12511. "Fireworks" means any device containing chemical elements and chemical compounds capable of burning independently of the oxygen of the atmosphere and producing audible, visual, mechanical, or thermal effects which are useful as pyrotechnic devices or for entertainment.

The term "fireworks" includes, but is not limited to, devices designated by the manufacturer as fireworks, torpedoes, skyrockets, roman candles, rockets, Daygo bombs, sparklers, party poppers, paper caps, chasers, fountains, smoke

sparks, aerial bombs, and fireworks kits.

(Repealed and added by Stats. 1973, Ch. 1109.)

12512. "Fireworks kit" means any assembly of materials or explosive substances, which is designed and intended by the seller to be assembled by the person receiving such material or explosive substance and when so assembled would come within the definition of fireworks in Section 12511.

(Repealed and added by Stats. 1973, Ch. 1109.)

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

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

(Repealed and added by Stats. 1973, Ch. 1109.)

12514. "Issuing authority" means any person who has the responsibility of evaluating the application for, and issuing, the permits required by Section 12640.

(Repealed and added by Stats. 1973, Ch. 1109.)

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

(Repealed and added by Stats. 1973, Ch. 1109.)

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

(Repealed and added by Stats. 1973, Ch. 1109.)

12517. "Licensee" means any person 21 years of age or older holding a fireworks license issued pursuant to Chapter 5 (commencing with Section 12570).

(Repealed and added by Stats. 1973, Ch. 1109.)

12518. "Manufacturer" means any person who manufactures, makes, constructs, fabricates, or produces any fireworks or pyrotechnic devices, but does not include any person who assembles or fabricates any sets or mechanical pieces for public displays of fireworks, or persons operating within the scope of public display or pyrotechnic operator licenses.

(Repealed and added by Stats. 1973, Ch. 1109.)

12519. "Model rocket" means a toy or educational device that weighs not more than 1500 grams, including the engine and any payload, that is propelled by a model rocket motor, and that conforms to the definition of "model rocket" in the 2013 edition of the "NFPA 1122: Code for Model Rocketry," or a more recent edition as adopted by the State Fire Marshal.

(Amended by Stats. 2015, Ch. 106, Sec. 1. (AB 467) Effective January 1, 2016.)

12520. "Model rocket motor" means a rocket propulsion device using commercially manufactured solid propellant, that does not require mixing by the user, and that conforms to the definition of "model rocket motor" in the 2012 edition of the "NFPA 1125: Code for the Manufacture of Model Rocket and High Power Rocket Motors," or a more recent edition as adopted by the State Fire Marshal.

(Amended by Stats. 2015, Ch. 106, Sec. 2. (AB 467) Effective January 1, 2016.)

12521. "Package" includes any case, container, or receptacle, used for holding fireworks, which is closed or sealed by tape, cordage, or by any other means.

(Repealed and added by Stats. 1973, Ch. 1109.)

12522. "Permit" means the nontransferable permission granted by the public agency having local jurisdiction to a licensee for the purposes of establishing and maintaining a place where fireworks are manufactured, constructed,

produced, packaged, stored, sold, exchanged, discharged, or used, or the nontransferable permission granted by the public agency having local jurisdiction or by the State Fire Marshal to a licensee for the purpose of transporting fireworks.

(Repealed and added by Stats. 1973, Ch. 1109.)

12523. "Person" means any person, copartnership, organization, firm, corporation, association, or any combination thereof, or any city, county, city and county, and state, and shall include any of their employees and authorized representatives.

(Repealed and added by Stats. 1973, Ch. 1109.)

12524. "Public display of fireworks" means an entertainment feature where the public or a private group is admitted or permitted to view the display or discharge of dangerous fireworks.

(Repealed and added by Stats. 1973, Ch. 1109.)

12525. "Pyrotechnic compositions" means any combination of chemical elements or chemical compounds capable of burning independently of the oxygen of the atmosphere.

(Repealed and added by Stats. 1973, Ch. 1109.)

12526. "Pyrotechnic device" means any combination of materials, including pyrotechnic compositions, which, by the agency of fire, produce an audible, visual, mechanical or thermal effect designed and intended to be useful for industrial, agricultural, personal safety, or educational purposes.

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

(Repealed and added by Stats. 1973, Ch. 1109.)

12527. "Pyrotechnic operator" means any licensed pyrotechnic operator, who by examination, experience, and training, has demonstrated the required skill and ability in the use and discharge of fireworks as authorized by the license granted.

(Added by Stats. 1973, Ch. 1109.)

12528. "Retailer" means any person who, at a fixed place of business, sells, transfers, or gives fireworks to a consumer or user.

(Added by Stats. 1973, Ch. 1109.)

12529. "Safe and sane fireworks" means any fireworks which do not come within the definition of "dangerous fireworks" or "exempt fireworks."

(Added by Stats. 1973, Ch. 1109.)

12530. "Salesman" means any person who, as an employee of a manufacturer or wholesaler, solicits, accepts, or receives an order for fireworks for a licensee or permittee.

(Added by Stats. 1973, Ch. 1109.)

12531. "Sell" means any arrangement between two or more persons as a result of which there is a transfer of property for a consideration.

(Added by Stats. 1973, Ch. 1109.)

12532. "Special effects" means articles containing any pyrotechnic composition manufactured and assembled, designed, or discharged in connection with television, theater, or motion picture productions, which may or may not be presented before live audiences and any other articles containing any pyrotechnic composition used for commercial, industrial, education, recreation, or entertainment purposes when authorized by the authority having jurisdiction.

(Added by Stats. 1973, Ch. 1109.)

12533. “Wholesaler” means any person, other than an importer, exporter, or manufacturer selling only to wholesalers, who sells fireworks to a retailer or any other person for resale. It also includes any person who sells dangerous fireworks to public display permittees.

(Added by Stats. 1973, Ch. 1109.)

12534. “Within this state” means within all territory within the boundaries of this state.

(Added by Stats. 1973, Ch. 1109.)