

LOUISIANA

PART VII A. FIREWORKS

§650. Definitions

As used in this Part, the following terms shall have the meaning ascribed to them in this Section unless the context clearly indicates otherwise:

- (1) "Assembler" means any person engaged in the making of fireworks from component parts.
- (2) "Distributor" means any person engaged in the business of making sales of fireworks at wholesale in this state to any person engaged in the business of making sales of fireworks either as a jobber or a retailer or both.
- (3) "Importer" means any person who imports, brings in, or causes to be brought in any fireworks from outside the state of Louisiana into the state of Louisiana. "Importer" does not include a jobber or retailer who purchases fireworks from a distributor domiciled in Louisiana and who subsequently stores the fireworks in a warehouse outside of Louisiana with the intention of bringing the fireworks back into Louisiana after a short period of time to be distributed to other retailers in Louisiana or to be used in the purchaser's retail business.
- (4) "Jobber" means any person engaged in the business of making sales of fireworks at wholesale to any other person engaged in the business of making sales at retail.
- (5) "Manufacturer" means any person engaged in making or construction of pyrotechnic compounds or component parts.
- (6) "Person" includes any firm, corporation, association, co-partnership, or one or more individuals.
- (7) "Retailer" means any person engaged in the business of making sales of fireworks at retail to persons other than a distributor or a jobber.
- (8) "Sale" includes barter, exchange, or gift or offer therefor, and each such transaction made by any person, whether as principal, proprietor, agent, servant or employee.
- (9) "Proximate display" includes all indoor displays and means a pyrotechnic public display involving the ignition of Fireworks 1.3G or Fireworks 1.4G for public viewing, where the audience is closer to the pyrotechnic devices than permitted by NFPA 1123 Code of Fireworks Display. The term does not include the use of Fireworks 1.4G by a retail consumer for private or personal viewing.
- (10) "Public display" means the display of 1.4S, 1.4G, or 1.3G fireworks for any purpose relating to the amusement of the general public.
- (11) "Pyrotechnic operator" means an individual who, by experience and examination, has demonstrated the necessary skill and ability for safely assembling, discharging, and supervising public displays of Fireworks 1.3G.
- (12) "Pyrotechnic special effects operator" means an individual who, by experience and examination, has demonstrated the necessary skill and ability for safely assembling, discharging, and supervising proximate displays of Fireworks 1.3G, 1.4G, and 1.4S.

§651. Sale or use of permissible fireworks

A. It shall be unlawful for any individual, firm, partnership, or corporation to possess, sell, or offer for sale or use within the state of Louisiana any pyrotechnics commonly known as fireworks other than the permissible fireworks. Permissible fireworks, formally known as Class "C" "common fireworks", consist of United States Department of Transportation classification codes UN 0336, 1.4G, or 1.4S and in addition includes "consumer fireworks" as defined by The Consumer Product Safety Commission and shall mean such articles of fireworks as are enumerated or may hereafter be enumerated by the United States Code of Federal Regulations: 49 CFR 173: Regulations of United States Department of Transportation for the transportation of explosives and other dangerous articles; 27 CFR 55: The Bureau of Alcohol, Tobacco and Firearms regulations of the commerce of explosives; and 16 CFR 1507: Consumer Product Safety Commission regulation of hazardous substances. In addition, any of the following enumerated devices shall also be permissible fireworks:

- (1) Permissible fireworks spark showering devices, which include the following defined items:
 - (a) "Cone fountain": A cardboard or heavy paper cone containing not more than fifty grams of pyrotechnic composition. When more than one cone is mounted on a common base the total pyrotechnic composition may not exceed two hundred grams.
 - (b) "Cylindrical fountain": A cylindrical tube containing not more than seventy-five grams of pyrotechnic composition. When more than one tube is mounted on a common base, the total pyrotechnic composition may not exceed two hundred grams.
 - (c) "Flitter sparkler": A narrow paper tube attached to a stick or wire and filled with not more than five grams of pyrotechnic composition.

(d) "Ground spinner": A small device, which vents out of the orifice usually located on the side of the tube, composed of not more than twenty grams of pyrotechnic composition.

(e) "Illuminating torch" (either spike base or hand held): A cylindrical tube containing not more than one hundred grams of pyrotechnic composition. When more than one tube is mounted on a common base, the total pyrotechnic composition may not exceed two hundred grams.

(f) "Pyrotechnic wheel device": One or more drivers in the form of a wheel which may be attached to a post or a tree by means of a nail or string. Each driver may contain not more than sixty grams of pyrotechnic composition. No wheel may contain more than two hundred grams total of pyrotechnic composition.

(g) "Toy smoke device": A small plastic or paper item, containing not more than one hundred grams of pyrotechnic composition, that upon ignition produces white or colored smoke as the primary effect and is classed as 1.4G unless classed as 1.4S or is not regulated as explosives on the basis of examination and testing as specified in Part 173.56 of Title 49, Code of Federal Regulations.

(2) Permissible aerial devices shall include the following fireworks:

(a) "Helicopter aerial spinner": A spinning device composed of a tube attached to a propeller or blade, which shall contain not more than twenty grams of chemical composition.

(b) "Mine or shell": A tube device made of heavy cardboard or paper attached to a wooden or plastic base and containing not more than twenty grams of chemical composition plus not more than twenty grams of lift charge and not more than one hundred thirty milligrams of explosive composition per report. Total chemical composition, including lift charges, of any multiple tube device may not exceed two hundred grams.

(c) "Missile-type rocket": A device similar to a sky rocket in size, composition, and effect that uses fins rather than a stick for guidance and stability. Missiles shall not contain more than twenty grams of total chemical composition.

(d) "Roman candle": A tube device containing not more than twenty grams of chemical composition and not more than ten balls per tube.

(e) "Sky rockets" and "bottle rockets": Cylindrical tubes containing a total propellant charge each of more than four grams but less than twenty grams of chemical composition, a casing size of not less than five-eighths of an inch in outside diameter and a casing length of not less than two and seven-eighths inches, with an overall length of fifteen inches including the stick or greater length so as to assure stable flight, which shall be securely fastened by glue, staples, or wire or any other means which ensures the casing is securely attached to allow the stick to remain firmly attached during transportation, handling, and normal operation to the casing. Any sky rocket or bottle rocket which does not meet the requirements set forth in this Subsection shall be illegal.

(3) Permissible audible ground and audible aerial devices shall include the following fireworks:

(a) "Firecracker": An audible ground device wrapped in paper or contained within a cardboard tube which has an explosive composition of not more than fifty milligrams.

(b) "Multiple tube fireworks": Any audible aerial devices containing more than one cardboard tube, which shall not contain more than two hundred grams of total pyrotechnic composition, unless the tubes are securely attached to a wood or plastic base or other suitable base and the tubes are separate from each other on the base by a distance of at least half an inch (12.7 millimeters). The maximum total weight for any multiple tube device shall not exceed five hundred grams of pyrotechnic composition.

(4) Any component of any device enumerated as permissible fireworks in this Subsection that is designed to produce an audible effect other than a whistle shall not contain pyrotechnic composition in excess of two grains in weight, excluding propelling or expelling charges and no charge shall exceed one hundred thirty milligrams of explosive composition per report.

B. Any person who violates the provisions of this Section for the first time shall be fined two hundred fifty dollars by the fire marshal. For a second violation, the fire marshal shall fine the violator five hundred dollars. For a third violation within a thirty-six-month period, the fire marshal shall impose a penalty of no less than one thousand dollars and shall suspend or revoke the permit of the violator. Any permit suspended or revoked for a third violation shall not be renewed or reissued for a period of twenty-four months, and any person whose name appears on a permit which has been suspended or revoked shall not be allowed to apply for a new permit for a period of twenty-four months. Any person sanctioned for violating the provisions of this Section shall be entitled to reasonable notice and a hearing in accordance with the Administrative Procedure Act.

C. The provisions of this Section shall not apply to fireworks possessed, stored, or warehoused within the state of Louisiana for distribution and sale outside of the state of Louisiana.

§651.1. Possession, sale or use of certain fireworks prohibited

A. The provisions of R.S. 51:651 shall not be construed to authorize the possession, sale, use, or shipment into the state of the types of fireworks which are specifically prohibited by this Section.

B. It is unlawful for any person in the state of Louisiana to possess, sell, or use for any purpose whatsoever any of the following items of commercial fireworks: cherry bombs, tubular salutes, two-inch American-made salutes, firecrackers with casings the external dimensions of which exceed one and one-half inches in length or one-quarter of an inch in diameter, repeating bombs, aerial bombs, torpedoes which exceed three-eighths of an inch in diameter, Roman candles larger than ten ball, and sky rockets larger than six ounces. It is also unlawful for any person to ship into the state of Louisiana any of the above mentioned items for any purpose whatsoever.

C. The items of commercial fireworks enumerated in this Section shall not be considered as public display fireworks within the meaning of R.S. 51:655.

D. Whoever violates this Section shall, upon conviction, be fined not more than one thousand dollars or imprisoned, with or without hard labor, for not more than two years, or both.

§652. Proper naming; certification on shipping cases; time for selling; exceptions; sale and storage in homes prohibited

A. No permissible articles of consumer fireworks enumerated in R.S. 51:651 shall be sold, offered for sale, or used in the state of Louisiana, unless it shall be properly named to conform to the nomenclature of R.S. 51:651 and unless it is certified on all shipping cases and by imprinting on the article or retail container "United States Department of Transportation UN 0336, 1.4G, 1.4S or consumer fireworks". Such imprint shall be of sufficient size and so positioned as to be readily recognized by law enforcement authorities and the general public.

B. Permissible items of fireworks, enumerated in R.S. 51:651 may be sold at retail from noon June twenty-fifth through midnight July fifth and noon December fifteenth through midnight January first of each year only, except that the term "fireworks" shall not include toy pistols, toy canes, toy guns, or other devices in which paper caps containing twenty-five hundredths (25/100) grains or less of explosive compounds are used, provided they are so constructed that the hand cannot come in contact with the cap when in place for exploding, and toy paper pistol caps which contain less than twenty-five hundredths (25/100) grains of explosive compounds, and the sale and use of which shall be permitted at all times.

C. Fireworks shall not be sold or stored for future sale at any inhabited dwelling, house, apartment, or other structure used in whole or in part as a home or place of abode by any person or persons.

§653. Storing and displaying of fireworks

A. The placing, storing, locating or displaying of fireworks in any place where the sun may shine through glass, which is not tinted, onto the fireworks is prohibited. The presence of lighted cigars, cigarettes, or pipes within ten feet of where the fireworks are offered for sale is prohibited. At all places where fireworks are stored or sold there shall be signs posted with the words "Fireworks No Smoking" in letters not less than four inches high.

B. The physical facility such as a fireworks stand, retail fast food outlet, or any other similar facility where fireworks are sold, offered for sale, or stored shall be located not less than fifty feet from any facility or mechanism where inflammable liquids are dispensed or stored above ground or where paint, oil, varnish, resin, turpentine, or other inflammable substances which may generate inflammable vapors are used, stored, or sold. No fireworks shall be exploded within seventy-five feet of any facility or mechanism where inflammable liquids are dispensed or stored above ground or within seventy-five feet of any location where fireworks are stored, sold, or offered for sale.

C. No open flame heating devices shall be permitted in any location where fireworks are sold at retail.

D. No sleeping shall be permitted in a facility where fireworks are sold, offered for sale, or stored.

E. There shall be a minimum of one unobstructed exit in any place where fireworks are sold at retail or offered for sale at retail or stored.

F. In any retail outlet except those that sell only fireworks, no fireworks shall be stored, displayed, or offered for sale within ten feet of any required exit unless the fireworks are stored or contained within a container which will resist fire from any outside source.

G. A facility for the sale at retail or storage of fireworks shall be located not less than twenty-five feet from a public roadway and shall not in any case be located on any public right of way.

H. The wiring in any facility for the sale at retail or storage of fireworks shall be in compliance with the National Electrical Code.

I. Any facility for the sale at retail or storage of fireworks shall have available one serviceable fire extinguisher in accordance with the regulation of the National Fire Protection Association and Louisiana Administrative Code 17-4:21.

§654. Sales to children under fifteen or to intoxicated or irresponsible persons prohibited; unlawful discharge; minimum age for employee; penalties

A. No person shall offer to sell or sell fireworks to a child known to be under the age of fifteen years or to any person known to be intoxicated or any person known to be irresponsible.

B. No person shall explode or ignite fireworks within one thousand feet of any church, hospital, asylum, school, public building, or fireworks retail location.

C. No person shall ignite or discharge fireworks in a motor vehicle or throw fireworks from a motor vehicle. Whoever violates this Subsection shall be fined five hundred dollars or imprisoned for not more than six months, or both.

D. No person shall place an ignited article of fireworks in or throw an ignited article of fireworks at a motor vehicle. Whoever violates this Subsection shall be fined five hundred dollars or imprisoned for not more than six months, or both.

E. No minor under the age of seventeen shall be employed in a facility where fireworks are sold at retail without complying with the regulations of the Louisiana Workforce Commission. The minor shall be subject to the restrictions placed on the number of hours of employment permitted minors by the Louisiana Workforce Commission.

§654. Sales to children under fifteen or to intoxicated or irresponsible persons prohibited; unlawful discharge; minimum age for employee; penalties

A. No person shall offer to sell or sell fireworks to a child known to be under the age of fifteen years or to any person known to be intoxicated or any person known to be irresponsible.

B. No person shall explode or ignite fireworks within one thousand feet of any church, hospital, asylum, school, public building, or fireworks retail location.

C. No person shall ignite or discharge fireworks in a motor vehicle or throw fireworks from a motor vehicle. Whoever violates this Subsection shall be fined five hundred dollars or imprisoned for not more than six months, or both.

D. No person shall place an ignited article of fireworks in or throw an ignited article of fireworks at a motor vehicle. Whoever violates this Subsection shall be fined five hundred dollars or imprisoned for not more than six months, or both.

E. No minor under the age of seventeen shall be employed in a facility where fireworks are sold at retail without complying with the regulations of the Louisiana Workforce Commission. The minor shall be subject to the restrictions placed on the number of hours of employment permitted minors by the Louisiana Workforce Commission.

§656. Permit to sell fireworks; application; fees; permit numbers

A. It shall be unlawful to sell, construct, or manufacture any items of fireworks without first obtaining a permit therefor to be issued by the state fire marshal.

B.(1) Prior to engaging in the sale of fireworks, an applicant shall submit to the state fire marshal an application on a form provided by the state fire marshal on or before April first of each year setting forth any facts and information as the state fire marshal may determine necessary and proper considering the requirements of public health, safety, and welfare. Prior to obtaining and in order to maintain a permit, the facilities of the permittee shall comply with the applicable provisions of the Life Safety Code and subsequent referenced standards as adopted by the state fire marshal under the requirements of R.S. 40:1578.6.

(2) The retail permit shall be effective for purchases of wholesale fireworks, and the permit shall be effective from the date of issuance through midnight December thirty-first of the applicable year. No retailer's permit shall be issued under this Part from June twenty-fifth through July fifth nor from December fifteenth through January first of each year. All other permits issued under the provisions of this Section shall be valid from the date issued through midnight April first of the ensuing permit year. All applications filed after April first shall be assessed a late fee equal to the amount of the permit required by this Section.

C.(1) The applicant shall pay a permit fee for each type of business conducted and for each location at which the business is conducted, according to the following schedule:

- (a) Manufacturer \$10,000.00
- (b) Assembler \$1,000.00
- (c) Distributor \$2,000.00
- (d) Importer \$500.00
- (e) Jobber \$250.00

(f) Retailer \$100.00

(2) Permit fees are due at the time of application to the state fire marshal and shall be used to pay for the cost of processing the application. Permit fees are not refundable if the application is denied.

(3) The retailer's permit fee imposed under Paragraph (1) of this Subsection shall be used to pay the costs of processing the application and inspecting the retail premises by the office of state fire marshal, code enforcement and building safety.

D. The state fire marshal shall assign a permit number to each permit issued. The person to whom the permit is issued shall affix this number to all invoices issued or used by each manufacturer, assembler, distributor, importer, jobber, and retailer.

E. It shall be unlawful for a jobber or retailer who holds a permit issued under this Part to purchase fireworks from a distributor domiciled outside the state of Louisiana unless that distributor can show proof that he holds a valid permit issued under this Part to perform the functions of a distributor and importer. If the distributor does not hold a valid permit then the jobber or retailer shall become liable for the permit and shall immediately purchase a permit from the office of state fire marshal.

§657. Persons and uses excepted

Nothing in this Part shall be construed as applying to the manufacture, storage, sale or use of signals necessary for the safe operation of railroads or other classes of public or private transportation or of illuminating devices for photographic use, nor as prohibiting the sale or use of blank cartridges for ceremonial, theatrical, or athletic events.

§658. Penalties

A.(1) No manufacturer, assembler, distributor, importer, jobber, or retailer shall operate within the state of Louisiana without proper permit.

(2) A person found operating within the state of Louisiana without a proper permit shall immediately cease the sale of fireworks upon the lawful order of the state fire marshal, a certified local authority of the fire marshal, or any local law enforcement official until such time as an application for permit has been made to the state fire marshal as required in R.S. 51:656 and subsequently granted. The application for a retail permit shall be notarized and shall attest that each location on the application is situated in a jurisdiction which allows legal retail fireworks sales, that no open flame heating devices are located at any listed location, that there are no facilities for sleeping and sleeping is not allowed in any listed location, and that no listed location is used for residential purposes or for other than the purpose of making retail sales of fireworks. Violation by transmission of a false statement or false representation of any information required by this Paragraph may be prosecuted pursuant to R.S. 14:125 and shall be the basis for revocation of all permits held by the applicant.

(3) The refusal of any person to cease sales and obtain a permit or the failure of any person to comply with a lawful order of the state fire marshal, a certified local authority of the fire marshal, or any local law enforcement official, may be cause for the seizure of any merchandise and equipment of the person found in violation at any physical location. Those items seized shall be retained until otherwise directed by a court of competent jurisdiction. If the state fire marshal, a certified local authority of the fire marshal, or a local law enforcement official is not otherwise ordered by a court of competent jurisdiction within ninety days of the date of seizure to return the items seized, then the state fire marshal, certified local authority, or local law enforcement official may destroy or dispose of the seized items in such a manner which, in their discretion, they deem suitable in order to protect the public safety.

B. A person who violates any provision of this Part, with the exception of the penalties specifically imposed herein, shall upon conviction be subject to a fine of not more than one thousand dollars or imprisonment for not more than six months, or both. Each day's violation constitutes a separate offense and may be punished as such at the discretion of the court. Each separate physical location in violation of this Part also constitutes a separate offense and may be punished as such at the discretion of the court.

§659. Local licensing by parish or municipality

The governing authority of a parish or municipality is authorized to require and issue local licenses to retailers, similar to permits issued by the state fire marshal, and may charge and collect fees not in excess of the fees authorized for collection by the state fire marshal pursuant to this Part. However, any parish or municipality which on January 1, 1984, was charging a fee in excess of the fee authorized by this Section shall be permitted to continue to charge and collect such fee.

§660. Local governing authorities; regulation or prohibition of sale, use, and possession of pyrotechnics or fireworks

The governing authority of a parish or municipality is hereby authorized to regulate or prohibit the sale, use, and possession of pyrotechnics commonly known as fireworks in conformity with the provisions of this Part.