

MISSISSIPPI

45-13-1. Manufacture, sale, possession, etc., of dangerous items prohibited; common fireworks; paper caps.

Except as herein provided, the manufacture, sale, possession or use of fireworks in this state is prohibited, provided the manufacture, sale, possession and use of fireworks which are now or may hereafter be classified as "common fireworks" by the Interstate Commerce Commission, and are labeled by said commission with the Class C common fireworks label, and which were designed to produce an audible effect shall contain an explosive composition not exceeding two (2) grains in weight, such fireworks being referred to as safe and sane items, and including such items as cone fountains, small Chinese crackers, small non-explosive Roman candles and rockets, and similar nondangerous items, shall be permitted within this state, but only upon the conditions as hereinafter set forth in this article. Paper caps for use in toy guns and similar items and nonexplosive sparklers are not included within the term "fireworks" as herein used.

45-13-3. Sales, displays, possession, etc., regulated; labeling.

Except as hereinafter provided, no retailer, dealer or any other person shall sell, offer for sale, store, display, or have in their possession, or use or explode anywhere in this state any fireworks that have not been approved and labeled as Class C common fireworks by the Interstate Commerce Commission. No jobber, wholesaler, manufacturer or any other person shall sell to retail dealers or any other person in this state for the purpose of resale or use in this state any fireworks which do not have the Interstate Commerce Commission Class C label printed on the fireworks or on the smallest package in which the same are sold. The Interstate Commerce Commission Class C label must be visible on the fireworks or smallest container in which the same are sold and the label shall be on the fireworks or on the package or both which are received by the general public from the dealer, and such label shall be of such size and so positioned as to be readily seen and recognized by law enforcement officers and the public. Wherever practical such fireworks and container shall have imprinted thereon directions for the handling thereof.

45-13-5. Additional items excepted from article.

Nothing in this article shall apply 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 to the military or naval forces of the United States or of this state, or to peace officers or to the use of blank cartridge for ceremonial, theatrical or athletic events.

45-13-7. Storage; signs; fire extinguishing equipment; original packages.

Fireworks kept for sale at wholesale shall be stored in a room set aside for the storage of fireworks only. Over the entrance to this room shall be posted a sign reading "FIREWORKS-NO SMOKING-KEEP OPEN FLAMES AWAY." Two (2) approved fire extinguishers shall be provided and kept in close proximity to the stock of fireworks in all buildings where fireworks are sold. Small temporary stands used for storing and selling fireworks only, in lieu of the fire extinguishers, may have a barrel of water and two (2) buckets available for use as fire extinguishing equipment. All fireworks kept for sale on counters must remain in original packages unless an attendant is on duty at all times at the counter where the fireworks are on display. Signs reading "FIREWORKS FOR SALE-NO SMOKING ALLOWED" shall be displayed in the section of any store set aside for the sale of fireworks.

45-13-9. Dates when sales prohibited; sales to children; unlawful to explode or ignite in certain places.

No fireworks shall be sold or offered for sale at retail before the fifteenth day of June and after the fifth day of July and before the fifth day of December and after the second day of January of each year. No fireworks shall be sold to any person under the age of twelve (12) years. It shall be unlawful to ignite or discharge fireworks of any type within six hundred (600) feet of any church, hospital or school, or within seventy-five (75) feet of where fireworks are stored or offered for sale. It shall also be unlawful to ignite or discharge the same within or throw the same from or into or at any motor vehicle.

45-13-13. Rights of municipal governing bodies and county boards of supervisors unaffected by this article.

The provisions of this article shall not in any manner limit or affect the right of the governing body of municipalities and the boards of supervisors of counties to regulate or hereafter prohibit the possession, sale and use of fireworks of any kind within the limits thereof.

45-13-15. Violations.

Any person, firm, partnership or corporation violating any provision of this article shall be guilty of a felony, and shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) and/or imprisonment in the county jail or state penitentiary not to exceed one (1) year. In addition to said criminal penalties, any person, firm, partnership or corporation violating any provision of this article shall be responsible for any and all injuries, deaths and property damage caused by or resulting from illegal fireworks sold by such person, firm, partnership or corporation which is prohibited by this article within the state of Mississippi, and any injured person or his legal representatives, shall have a right to bring a civil action against the dealer, distributor or manufacturer or person who sold said fireworks, whether said dealer, distributor or manufacturer or person be located in this state or not. Any dealer, distributor or manufacturer or person located outside of this state who shall sell fireworks in Mississippi shall make, constitute and appoint the secretary of state as their lawful agent for service of process in any civil proceeding brought under the provisions of this article, to recover all damages caused or resulting from the sale of any fireworks prohibited by this article.