

FREQUENTLY ASKED QUESTIONS REGARDING FIREWORKS DISPLAYS IN ILLINOIS

The Illinois Legislature amended the Pyrotechnic Use Act (425 ILCS 35), effective July 29, 2005, and the Pyrotechnic Distributor and Operator Licensing Act (225 ILCS 227), effective January 1, 2006. The Office of the State Fire Marshal (“OSFM”) has posted copies of these Acts, the Emergency Rules implementing these Acts, and applications for the various licenses on its website, www.state.il.us/osfm/. This document answers questions OSFM has received from Professional Distributors and Operators, and from Consumer Operators.

Consumer Distributor/Retailer and Consumer Use

Q: What does the OSFM consider to be Approved Consumer Fireworks?

A: As defined by the Act, all Consumer Fireworks must comply with the construction, chemical composition, and labeling regulations of the U.S. Consumer Products Safety Commission, as set forth in 16 C.F.R. Parts 1500 and 1507, and classified as fireworks UN0336 or UN0337 by the United States Department of Transportation under 49 C.F.R. 172.101.

In addition, Consumer Fireworks must meet the following requirements to be approved by OSFM:

1. The Consumer Fireworks must be labeled “1.4G Consumer” or must be 1.4S fireworks classified as UN0337 intended for outdoor consumer use.
2. The American Fireworks Standards Laboratory (AFSL) must have inspected the Consumer Fireworks. It is the Consumer Distributor’s and Consumer Retailer’s responsibility to insure that the Consumer Fireworks he or she distributes, sells, offers for sale, exchanges for consideration, transfers, or provides have been AFSL tested. The Consumer Distributor and the Consumer Retailer shall maintain records verifying that such testing has occurred on the Consumer Fireworks he or she distributes, sells, offers for sale, exchanges for consideration, transfers, or provides.
3. The Consumer Fireworks must be ground mounted. **No hand held Consumer Fireworks shall be approved.**

Q: What do I need to sell consumer fireworks in the state of Illinois?

A: Consumer sales require “registration” with the OSFM. First, you should determine whether your local governmental authority (City Council, Village Board of Trustees, and/or County Board) permits the sale of consumer fireworks where you wish to sell. Second, you must apply for a Consumer Distributor or Consumer Retailer Registration through the OSFM. The link to the application is: <http://www.sfm.illinois.gov/commercial/pyrotechnicsfireworks/applications.aspx>

Once you complete the Registration application, mail to:

Office of the State Fire Marshal
Attention: Division of Fire Prevention
1035 Stevenson Drive
Springfield, IL 62703-4259

Applications are processed as they are received therefore we cannot process an application “while you wait” if you choose to drop off your application. If your application is approved, a Certificate of Registration will be mailed to your business address.

Q: What do I need to do to have a “consumer display” on my property?

A: Consumer fireworks displays are permitted in Villages, Counties and Municipalities that have passed Ordinances allowing such displays and ONLY in those locations. In order to operate a consumer display, an adult must:

1. Attend training conducted at the local fire department. OSFM sends this Consumer Fireworks Training information to each jurisdiction that permits consumer fireworks displays and has requested the training.
2. Apply for a site inspection by the local fire department.
3. Apply for a permit issued by the appropriate unit of local government. (The OSFM does not issue fireworks permits.) According to the Fireworks Use Act, these applications “shall be made in writing at least 15 days in advance of the date of the display, unless agreed to otherwise by the local jurisdiction issuing the permit and the fire chief of the jurisdiction in which the display will occur.”
4. Once your jurisdiction issues the permit, the Consumer may purchase **approved consumer fireworks** from a registered Consumer Fireworks Distributor/Retailer. This classification of fireworks is not all-inclusive and reference to the approved list published by the OSFM is required. Any sale of consumer fireworks other than on the list is prohibited by law.

Once your jurisdiction has issued a permit, it is not transferable to another person or entity. The sale, possession, use and distribution of consumer fireworks for display are lawful only for the purpose given by your permit. While the Pyrotechnic Use Act does not require insurance coverage for Consumer Displays; your local jurisdiction may require it. Your jurisdiction has the authority to conduct a criminal background check on the applicant as a condition of issuing a permit. In addition, your jurisdiction has the authority to adopt rules regarding Consumer Displays that are more stringent than those adopted by the OSFM.

Q: How can I obtain a copy of the list of approved and prohibited consumer fireworks?

A: OSFM has compiled this list and it is published on our website at:
<http://www.sfm.illinois.gov/commercial/pyrotechnicsfireworks/index.aspx>

Q: Do I need a license if I’m going to have an outdoor fireworks display on my property for a private party?

A: It depends on the type of fireworks you use in the display. If you use only “consumer fireworks,” then the display is a “consumer display,” which does not require you to be licensed. However, you must be permitted by the local authority having jurisdiction. If you use fireworks other than “consumer

fireworks,” then the display is pyrotechnic display, which requires the services of a licensed pyrotechnic distributor and a licensed pyrotechnic operator.

Q: Do I need to be fingerprinted if I’m performing a consumer display?

A: No. You do not need to submit your fingerprints to the Illinois State Police in the manner required for applicants for a pyrotechnic distributor or operator license. However, Section 2.2 of the Pyrotechnic Use Act gives the local jurisdiction issuing the display permit the authority to conduct a criminal background check of the applicant as a condition of issuing the permit.

Q: Do I need insurance if I’m doing a private display?

A: If you are applying for a permit for a pyrotechnic display, you must provide proof of liability insurance in the sum of not less than \$1,000,000 to the local governmental entity issuing the permit. If you are applying for a permit for a consumer display, you should check with your local governmental authority (City Council, Village Board of Trustees, and/or County Board) to determine whether they require you to provide proof of insurance.

Q: Do I need anything if I want to purchase Sparklers for a private event?

A: No.