APPROVED AND PROHIBITED CONSUMER FIREWORKS AND UNREGULATED NOVELTIES

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Section 1 of the Pyrotechnic Use Act, 425 ILCS 35/1, defines "Consumer Fireworks" as "those fireworks that 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." The United States Department of Transportation assigns the following division numbers to the above-referenced fireworks identification numbers: UN0336 (1.4G) and UN0337 (1.4S). 49 C.F.R. 172.101.

UNREGULATED NOVELTY FIREWORKS

The Pyrotechnic Use Act (Act) expressly excludes the following novelty fireworks from the definition of Consumer Fireworks, 425 ILCS 35/1:

- snake or glow worm pellets;
- smoke devices;
- trick noisemakers known as "party poppers", "booby traps", "snappers", "trick matches", "cigarette loads", and "auto burglar alarms";
- sparklers;
- toy pistols, toy canes, toy guns, or other devices in which paper or plastic caps containing twenty-five hundredths grains or less of explosive compound are used, provided they are so constructed that the hand cannot come in contact with the cap when in place for the explosion; and
- toy pistol paper or plastic caps that contain less than twenty hundredths grains of explosive mixture.

While the Act states that the sale and use of these novelty fireworks are permitted at all times, Section 3.4 of the Act gives municipalities the authority to enact an ordinance prohibiting the sale and use of sparklers on public property.

APPROVED CONSUMER FIREWORKS

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 to complying with this definition, the Office of the State Fire Marshal requires Consumer Fireworks meet the following requirements to be approved by this Office:

1. The Consumer Fireworks must be labeled "1.4G Consumer" or must be 1.4S fireworks classified as UN0337intended 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.

Approved Consumer Fireworks are limited to the following types of fireworks:

1. Cones including Showers of Sparks, Fountains, and Repeaters (also known as Cakes)

   Single tube fountains must not contain more than 75 grams total of pyrotechnic composition. Cone fountains must not contain more than 50 grams total of pyrotechnic composition. Multiple-tube fountains must not contain more than 500 grams total of pyrotechnic composition.

2. Mines, Comets, Tubes, Shells, Fancy Florals, and Parachutes

   These items are firework devices designed to produce low-level aerial effects, which are propelled into the air by a lift charge. Shells will burst at the peak of flight to create a display of stars, reports or other effects or leave a trail of sparks until exhausted. These items contain a maximum of 40 grams of chemical composition and no more than 20 grains of lift charge.

Consumer Fireworks Retailers/Distributors registered with OSFM may sell approved Consumer Fireworks to consumers who have and display a valid Fireworks Permit, issued by the local county or municipality to that consumer.

PROHIBITED CONSUMER FIREWORKS

OSFM prohibits all Consumer Fireworks unless they meet the above-listed approval requirements. Prohibited Consumer Fireworks include, but are not limited to, the following:

- Hand held fireworks
- Bottle rockets
- Firecrackers of any size or type
- Sky rockets
- Roman candles
- Chasers
- Buzz bombs
- Ground items other than those identified as Approved Consumer Fireworks
- Helicopters
- Missiles
- Pin wheels or any other twirling device whether on the ground or mounted above the ground
- Planes
- Sky Lanterns, the type of balloon which requires fire underneath to propel same