

## ARTICLE 7

### PYROTECHNIC SAFETY

71-7405. Pyrotechnic Safety.

71-7405.1 General.

A. The purpose of this regulation is to provide reasonable safety and protection to the public, public property, private property, and licensees from the manufacture, storage, sale and possession of fireworks in South Carolina.

B. This regulation shall apply to:

1. The manufacture, sale, storage, and possession of fireworks.
2. The licensing of persons or entities manufacturing, selling or storing fireworks.

C. This regulation shall not apply to:

1. The handling, use, and transportation of pyrotechnics and fireworks regulated by the Office of State Fire Marshal pursuant to SCRR 71-8300, et seq.
2. The transportation, handling, and/or use of fireworks by the State Fire Marshal, his employees, or any commissioned law enforcement officers acting within their official capacities.
3. Fireworks when regulated by the U.S. Department of Transportation.
4. Weapons used in enactments, when there is no projectile.
5. The outdoor use of model rockets within the scope of NFPA 1122.

D. Definitions

1. "Board" means The State Board of Pyrotechnic Safety.
2. "Consumer Fireworks" means any small device designed to produce visible effects by combustion and which must comply with the construction, chemical composition, and labeling regulations of the U.S. Consumer Product Safety Commission, as set forth in title 16, Code of Federal Regulations, parts 1500 and 1507. Some small devices designed to produce audible effects are included, such as whistling devices, ground devices containing 50 mg or less of explosive materials, and aerial devices containing 130 mg or less of explosive materials. Consumer fireworks are classified as fireworks UN0336, and UN0337 by the U.S. Department of Transportation at 49 CFR 172.101. This term does not include fused set pieces containing components, which together exceed 50 mg of salute powder. Consumer Fireworks are further defined as those classified by the U.S. Department of Transportation hazard classification 1.4G. These fireworks were formerly known as "Class C Fireworks."

3. "Department" means The South Carolina Department of Labor, Licensing and Regulation.

4. "Display Fireworks" means large fireworks designed primarily to produce visible or audible effects by combustion, deflagration or detonation. This term includes, but is not limited to, salutes containing more than 2 grains (130 mg) of explosive materials, aerial shells containing more than 40 grams of pyrotechnic compositions, and other display pieces which exceed the limits of explosive materials for classification as "Consumer Fireworks." Display fireworks are classified as fireworks UN0333, UN0334, or UN0335 by the U.S. Department of Transportation at 49 CFR 172.101. This term also includes fused set pieces containing components, which together exceed 50 mg of salute powder. Display fireworks are further defined as those classified by the U.S. Department of Transportation as hazard classification 1.3G. These fireworks were formerly known as "Class B Fireworks."

5. "Fireworks" means any composition or device designed to produce a visible or an audible effect by combustion, deflagration or detonation, and which meets the definition of "consumer fireworks" or "display fireworks" as defined by this section.

6. "Jobber" means a person or entity that only purchases consumer fireworks from a wholesale distributor licensed to do business in South Carolina and only sells consumer fireworks to retailers licensed to do business in South Carolina.

7. "Manufacturer" means a person or entity licensed to manufacture consumer or display fireworks in South Carolina.

8. "NFPA" means the National Fire Protection Association.
9. "Pyrotechnics" means any composition or device designed to produce visible or audible effects for entertainment purposes by combustion, deflagration, or detonation.
10. "Retailer" means a person or entity that only purchases consumer fireworks from a wholesale distributor or jobber licensed to do business in South Carolina and only sells consumer fireworks to the general public.
11. "Temporary Retail Permit" is a Retail Permit valid for up to ninety (90) days.
12. "Wholesale Distributor" means a person or entity that may buy foreign or domestic fireworks, store fireworks, supply or sell fireworks to any person or entity holding the proper South Carolina license.

HISTORY: Added by State Register Volume 33, Issue No. 2, eff February 27, 2009.

#### 71-7405.2 Codes and Standards.

A. The requirements of NFPA 1124, 2006 Edition, including Annex A, B, C, and D, shall constitute the minimum standards for manufacture, storage, and retail sales of all fireworks and pyrotechnic articles used in South Carolina, except as modified by these regulations.

#### 71-7405.3 Licensing and Permitting Fees.

- A. All fees are due at time of application for licenses or permitting.
- B. License or permit applications without inspections reports are due in the Department fifteen (15) business days before the start of operations. Applications submitted less than fifteen (15) business days before the start of operations will be subject to a \$200 special processing fee.
- C. License or permit applications, with inspections reports, are due in the Department two (2) business days before the start of operation. Applications submitted less than two (2) business days before the start of operation will be subject to a \$200 special processing fee.
- D. Fees for licenses and permits are:
  1. Manufacturer License\$2,000
  2. Wholesaler License\$1,250
  3. Jobber License\$500
  4. Retailer Permit (per location)\$200
  5. Temporary Retailer Permit (per location)\$100
  6. Display Magazine Permit\$100
- E. When licensing inspections are performed by personnel of the Department, the fees stated are for one permit inspection. Any return inspection resulting from the owner's failure to comply will be charged at a rate of \$75 per hour (including travel time) in addition to the annual fee.
- F. Wholesaler License Fees includes up to five (5) Display Magazine Permits.

HISTORY: Added by State Register Volume 33, Issue No. 2, eff February 27, 2009.

#### 71-7405.4 Licensing and Permitting Requirements.

- A. Licenses are valid for up to one (1) calendar year. Licenses expire August 31 and must be renewed every year.
- B. Permits are valid for up to one (1) calendar year. Licenses expire August 31 and must be renewed every year.
- C. Temporary Retailer Permits expire when the underlying insurance expires or after ninety (90) days, whichever occurs first.
- D. Before a license or permit may be issued, the facility must be inspected following the procedures set forth by the Board.
- E. All facilities must be inspected by a county, city or state inspector on a form approved by the Board before the issuance of the license.

HISTORY: Added by State Register Volume 33, Issue No. 2, eff February 27, 2009.

#### 71-7405.5 Supplemental Provisions for Sale of Pyrotechnics.

A. Each temporary structure shall be located in such a manner as to make it immobile and to prevent it from shifting or blowing over. Tie down devices may be affixed to prevent shifting or blowing over, and wheels shall be removed.

B. These general provisions do not exempt retail fireworks establishments from other rules and regulations where applicable.

C. The operator's, salesman's or handler's conduct or condition shall be as such as not to imperil the public safety.

D. The operator, salesman, or handler at a location selling retail fireworks shall be capable of reading, writing, speaking and understanding the English language at a level sufficient to read and explain all notices applicable to fireworks.

E. No person under the age of sixteen (16) shall be sold permissible fireworks.

F. All disputes arising as a result of these Rules and Regulations shall be referred to the Board.

1. Any party involved in a dispute arising under these Rules and Regulations may within fifteen (15) days of the occurrence giving rise to such dispute petition the Board, in writing via certified or registered mail, for an appearance before the Board. The petition shall plainly and substantially set forth the details of the occurrence, including its time, location and date, and state petitioner's reasoning for request to appear before the Board.

2. The Board shall, within twenty (20) days of receipt of a written request for appearance, make a determination as to the necessity of the appearance and notify the petitioner, in writing via certified or registered mail, of its decision to grant or deny the appearance, and the reasons therefore.

G. No fireworks shall be permitted to be sold from vehicles such as vans, buses, automobiles, or any other motor driven vehicle.

H. The Board shall prohibit the retail sale of consumer fireworks from tents, canopies and membrane structures.

HISTORY: Added by State Register Volume 33, Issue No. 2, eff February 27, 2009.

#### 71-7405.6 Wholesale Distributors and Jobbers.

A. All Wholesalers and Jobbers shall store permissible fireworks in their original packaging and in unopened cases or cartons, so as to take advantage of the insulation provided by such packaging, provided. However, unopened fireworks packages that have been returned by retailers for repackaging or resale may be temporarily retained in bins.

B. No person under the age of eighteen (18) shall be employed or allowed to participate as a handler of fireworks.

C. The salesman's or handler's conduct or condition of sobriety shall be such as not to imperil the public safety, and this individual shall be capable of reading, speaking and understanding the English language.

D. All disputes arising as a result of these rules and regulations shall be referred to the Board.

HISTORY: Added by State Register Volume 33, Issue No. 2, eff February 27, 2009.

#### 71-7405.7 Storage of Display Fireworks.

A. Storage of all display fireworks must comply with:

1. NFPA 1124.

2. The requirements in 18 United States Code, Chapter 40 and 27 Code of Federal Regulations Part 55 as enforced by the Bureau of Alcohol, Tobacco and Firearms.

HISTORY: Added by State Register Volume 33, Issue No. 2, eff February 27, 2009.

71-7405.8 Sale of Display Fireworks.

A. Display fireworks may only be sold to persons that have been licensed by the proper state and federal agencies.

B. Each distributor of display fireworks shall provide to the purchaser necessary permit forms for fireworks displays in South Carolina, and all sales records shall be kept opened for inspection by the authorities for no less than twenty-four (24) months.

C. No one under the age of eighteen (18) shall be employed as a salesman or handler of display fireworks.

HISTORY: Added by State Register Volume 33, Issue No. 2, eff February 27, 2009.