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FIREWORKS REMINDER

PA Act 43 of 2017 amended the Tax Reform Code of 1971 to allow the use of consumer fireworks. The information can be found, in its entirety in Title 72 P.S. Taxation and Fiscal Affairs, Chapter 5 Tax Reform Code of 1971, Article XXIV Fireworks.

§ 9401. Definitions

Consumer Fireworks –

(1) Any combustible or explosive composition or any substance or combination of substances which is intended to produce visible or audible effects by combustion, is suitable for use by the public, complies with the construction, performance, composition and labeling requirements promulgated by the Consumer Products Safety Commission in 16 CFR (relating to commercial practices) or any successor regulation and complies with the provisions for “consumer fireworks” as defined in APA 87-1 or any successor standard, the sale, possession and use of which shall be permitted throughout this Commonwealth.

(2) The term does not include devices as “ground and hand-held sparkling devices,” “novelties” or “toy caps” in APA 87-1 or any successor standard, the sale, possession and use of which shall be permitted at all times throughout this Commonwealth.

Occupied Structure –

A structure, vehicle or place adapted for overnight accommodation of persons or for conducting business whether or not a person is actually present.

§ 9404. Use of consumer fireworks

(a) Conditions.--A person who is at least 18 years of age and meets the requirements of this article may purchase, possess and use consumer fireworks.

(b) Prohibitions.--A person may not intentionally ignite or discharge:

- 1) Consumer fireworks on public or private property without the express permission of the owner.
- 2) Consumer fireworks or sparkling devices within, or throw consumer fireworks or sparkling devices from, a motor vehicle or building.
- 3) Consumer fireworks or sparkling devices into or at a motor vehicle or building or at another person.
- 4) Consumer fireworks or sparkling devices while the person is under the influence of alcohol, a controlled substance or another drug.
- 5) Consumer fireworks within 150 feet of an occupied structure.