



Iowa Department of Public Safety  
215 East 7th Street  
Des Moines, Iowa 50319  
[www.dps.state.ia.us](http://www.dps.state.ia.us)



## Consumer Fireworks Information

### Fireworks Licensing for the SALE of Fireworks

#### State Fire Marshal is responsible for

- Licensing retail sales of consumer fireworks
  - Plan review
  - Inspections (if local agency is not conducting inspections)
- Registering wholesalers who sell consumer fireworks
  - Plan review
  - Inspections (if local agency is not conducting inspections)

#### Administrative rules (emergency rules) posted online:

<https://www.legis.iowa.gov/law/administrativeRules/emergencyDocs>

#### Website for licensing and registration:

[www.dps.state.ia.us/fm/licensing/consumerfireworks.shtml](http://www.dps.state.ia.us/fm/licensing/consumerfireworks.shtml).

#### How an applicant can become licensed or registered:

- Begin by building a user profile on the State Fire Marshal website
- Submit application online, with plan review attached
  - If application is not properly completed, it will be returned to the applicant
  - If plan review is not approved, applicant must make appropriate changes and re-submit
- When plan review is approved, applicant must arrange for an inspection
  - Website includes interactive map
  - Inspector will notify the applicant regarding time of inspection and payment requirements
  - If the inspection does not pass, applicant can make changes and seek another inspection
- When inspection is passed, the inspector will notify State Fire Marshal
- When the application has been approved, the plan review has been approved, and the inspection has passed, the State Fire Marshal will email an electronic version of the license to the applicant
- The applicant **MUST** display the license at the location where the consumer fireworks are sold
  - A separate license is required for each separate location where consumer fireworks are sold

#### Dates of Sale of Consumer Fireworks

*Permanent Building:* June 1 – July 8 and December 10 – January 3

*Temporary Structure:* June 13 – July 8

**Fees***Permanent Building*

- 50% of floor space for first-class consumer fireworks = \$1,000

*Temporary Structure*

- 50% of retail floor space for first-class consumer fireworks = \$400

*Retailer*

- Less than 50% of retail floor space for first-class consumer fireworks = \$400
- Sale of second-class consumer fireworks = \$100

*Community Group*

- Sale of first-class consumer fireworks = \$400

**Multiple sites:**

Established brick-and-mortar large businesses with multiple sales locations may ask the State Fire Marshal to approve plans for all locations, if the business can provide a standard plan and will agree to be subjected to spot checks at some, but not all, locations where the consumer fireworks will be sold.

**Sale or Transfer to Minors**

Generally, sale or transfer to a minor (under age 18) is prohibited EXCEPT when a minor is employed and supervised by a retailer who is selling consumer fireworks. Minors who are involved in consumer fireworks sales by a community group must be directly supervised by an adult member of the community group.

**Intoxication**

A person shall not knowingly sell consumer fireworks to a person who is obviously under the influence of alcohol or drugs.

**Compliance Required:**

- NFPA 1124 requirements must be met
- APA 87-1, chapter 3, requirements must be met

**First-Class Consumer Fireworks**

1. Aerial shell kits and reloadable tubes.
2. Chasers.
3. Helicopter and aerial spinners.
4. Firecrackers.
5. Mine and shell devices.
6. Missile-type rockets.
7. Roman candles.
8. Sky rockets and bottle rockets.

## **Second-Class Consumer Fireworks**

1. Cone fountains.
2. Cylindrical fountains.
3. Flitter sparklers.
4. Ground and hand-held sparkling devices, including multiple tube ground and hand-held sparkling devices that are manufactured in accordance with APA 87-1, section 3.5.
5. Ground spinners.
6. Illuminating torches.
7. Toy smoke devices that are not classified as novelties pursuant to APA 87-1, section 3.2.
8. Wheels.
9. Wire or dipped sparklers that are not classified as novelties

## **Wholesaler Registration**

Annual fee: \$1,000

Requirements:

- Liability insurance with minimum per occurrence coverage of at least \$1 million and aggregate coverage of at least \$2 million

## **Violations & License Revocation**

Investigation conducted by:

- State Fire Marshal
- Paid or volunteer member of fire department
- Law enforcement officer

Notice to Show Cause

- State Fire Marshal reviews the investigation
- State Fire Marshal can issue a Notice to Show Cause

Hearing

- State Fire Marshal bears the burden to show an intentional violation of the rules

Appeal

- Licensee may seek administrative review via a contested case action

If a license has been revoked, a license cannot be issued to that person for one year, if there is a finding that the owner had actual knowledge of the violation

## **Local Authority**

Local authorities are specifically authorized to determine the USE of consumer fireworks.

Contact city attorney or county attorney for advice regarding local authority to take action or impose restrictions that are not part of the state statute.

## **Display Fireworks**

*“Display fireworks”* includes any explosive composition, or combination of explosive substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, and includes fireworks containing any explosive or flammable compound, or other device containing any explosive substance. *“Display fireworks”* does not include novelties or consumer fireworks enumerated in chapter 3 of the American pyrotechnics association’s standard 87-1.

## **Novelty Fireworks**

*“Novelties”* includes all novelties enumerated in chapter 3 of the American pyrotechnics association’s standard 87-1, and that comply with the labeling regulations promulgated by the United States consumer product safety commission.