

# FIREWORKS

consumer *brief*

On the 4<sup>th</sup> of July, Independence Day, Americans celebrate their patriotism with family reunions, picnics and beautiful displays of fireworks nationwide. Unfortunately, every year, this happy celebration turns into tragedy for many Americans due to the unsafe and illegal use of fireworks.

Fireworks displays must be enjoyed responsibly – and within the confines of the law. In New Jersey, it is unlawful to sell, possess, or use fireworks, other than certain sparkling devices and novelties, without a valid permit.

## STATISTICAL INJURIES

The Consumer Product Safety Commission, the federal agency tasked with protecting the public from defective products, in a special study about fireworks found that in the year 2016:

- **68% of all fireworks injuries** were sustained during the 30-day period surrounding the **Independence Day holiday**;
- **1,100 injuries occurred nationwide due to fireworks**, most often with burns to the hands and head, including to the eyes, face, and ears;
- **31% of the injuries** reported occurred to **kids under the age of 15**; and
- There were **four reported deaths**.

The majority of fireworks injury reports involve emergency room treatment and release, but the more severe and fatal injuries were associated with the consumer's use of professional-grade and homemade fireworks. In the four reported deaths involving fireworks, the victims were killed when the illegal devices exploded causing severe bodily trauma.

## FIRES

Fires are another result of the use of fireworks by inexperienced people. According to the National Fire Protection Association, on Independence Day in a typical year, far more U.S. fires are reported than on any other day, and fireworks account for two out of five of those fires, more than any other causes of fire.

The Association reports that on average each year, fireworks cause an estimated 18,500 reported fires:

- 1,300 total structural fires;
- 300 vehicle fires; and
- 16,900 outside and other fires.

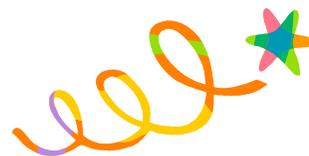
These fires cause an annual average of three deaths, 40 civilian injuries and an estimated \$43 million in direct property damage.

## NEW JERSEY AND FIREWORKS

Under the New Jersey Explosives and Fireworks Act (N.J.S.A. 21:2-1 *et seq.*, as amended by P.L.2017, C.92):

- **It is unlawful to sell, offer for sale, possess, or use fireworks** anywhere in the State without a valid permit. However, recent changes to the law now permit persons 16 years of age or older to lawfully buy, possess and use certain sparkling devices and novelties. These permissible fireworks are limited to hand held or ground based sparklers, snakes, and glow worms; smoke devices; and trick noisemakers, including party poppers, snappers, and drop pops. The sale, possession and use of all other fireworks requires a valid permit.
- **The valid permit** must be issued by any municipality after receiving an application in writing and the posting of a bond, for the display of fireworks, by municipalities, religious, fraternal or civic organizations, fair associations, amusement parks, or other organizations or groups of individuals approved by the municipality;
- **The chiefs of the police and fire departments must approve the permit**;
- **An identification number** and the specific type of fireworks to be used must be stated on the permit. The permit shall name one person who shall be authorized to purchase, or otherwise order, and receive delivery of any fireworks.
- A person is **guilty of a crime of the fourth degree** if he or she sells, offers or exposes for sale, or possesses with intent to sell, any fireworks, other than sparkling devices and novelties to persons 16 years of age or older.

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– A person is **guilty of a petty disorderly person's offense** if he or she purchases, uses, discharges, causes to be discharged, ignites, fires or otherwise sets in action, or possesses fireworks without having the required permit.

Any business that advertises, offers to sell or sells fireworks to residents of New Jersey is required to clearly and conspicuously disclose that fireworks, other than sparkling devices and novelties, are illegal to possess or use in New Jersey without a valid permit. Failure to do so would constitute **a violation of the New Jersey Consumer Fraud Act** and its regulations.

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