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Frequently Asked Questions – Michigan Fireworks Safety Act

1. What type of fireworks is legal in the State of Michigan?

Effective January 1, 2012, the Michigan Fireworks Safety Act allows the sale and use of consumer fireworks such as Roman Candles, Bottle Rockets and other items that leave the ground. For reference, specifics are listed in 16 CFR parts 1500 and 1507 in the American Pyrotechnics Association (APA) standard 87.1, 3.1.2, 3.1.3 and 3.5

Novelty items (as defined in the PA 256) such as sparklers, snakes, snaps and poppers remain legal for sale and use. *Low Impact Fireworks* such as Ground Sparkling Devices, Ground Based or Handheld Sparklers also remain legal for sale and use. For reference, specifics are listed on our webpage www.michigan.gov/bfs in the APA standard 87.1, 3.1.1.1 to 3.1.1.8 and 3.5

Novelty fireworks are not regulated under the Michigan Fireworks Safety Act 256.

Display fireworks are large and explosive items typically used for public display and are locally permitted for use by professionals. They are not regulated by the Department of Licensing and Regulatory Affairs (LARA).

2. Who may buy or use consumer fireworks?

The Act prohibits the sale of consumer fireworks to a minor (anyone under the age of 18). The Act prohibits the use of consumer fireworks by anyone who is under the influence of drugs or alcohol. Fireworks may not be used on public, school, or private property of another person unless express permission is obtained to use the fireworks on that property.

3. What are the requirements for someone to sell consumer fireworks in Michigan?

Any person who is **certified** by the State of Michigan to sell consumer fireworks is eligible. To be certified you must submit an application to the bureau using the online system www.michigan.gov/bfs no later than April 1 each year. You are also required to submit some specific documents and the payment.

The applicant must pay an application fee of \$1,000 for a permanent structure and \$600 for a temporary structure. Definitions of “Permanent” and “Temporary” structures can be found in the definitions of the PA 256 of 2011 which can be found posted on our website.

The applicant must also provide a copy of their current Michigan Sales Tax License at the time of application. The application must be submitted no later than April 1st. The applicant must also have a valid federal tax identification number unless they are a sole proprietorship.

A notarized felony affidavit must be included with the application documents.

Any Certificates issued in previous years to the applicant must be current on submitting their Fire Safety Fees.

The retailer must pass an on-site inspection approved by the Bureau of Fire Services.

4. What are the requirements to open a Consumer Fireworks or Low Impact Fireworks retail location?

In addition to having a valid Fireworks Consumer Certificate and be registered on the Low Impact Registry (or both if you are selling both) a retail location must satisfy the applicable requirements of NFPA 101 and NFPA 1124 not in conflict with this act.

The retail location must meet NFPA requirements to include a fire suppression system for permanent structures beginning January 1, 2013.

A current Consumers Fireworks Certificate must be prominently displayed showing the address of the retail sales location. The retailer must also be licensed under Section 3 of the General Sales Tax Act. The age of all purchasers must be verified through appropriate identification to ensure they are 18 years or older.

5. Is it possible to be denied a Consumer Fireworks Certificate?

Yes. If you don't meet all of the requirements you can be denied. If you don't submit all of the required documents at the time of application you will be denied and will then have to **resubmit all of your documentation** again. You are required to submit all your documents at one time and each document must have the Certificate number issued during the application process at the top.

In the event that you receive a denial notice you will have 45 days to correct any issues and resubmit either the documents or application.

6. How long is the Consumer Fireworks Certificate valid for?

The Consumer Fireworks Certificate is valid from the date of issue until April 30th the following year. A retailer must apply annually and meet all statutory requirements.

7. What is the Fireworks Safety Fee and how is it collected?

The Fireworks Safety Fee is a 6% safety fee in addition to the 6% Sales Tax collected by the retailer on the retail sales of **both consumer and low-impact fireworks**. The fees are used to fund the operations of the Bureau of Fire Services and firefighters training. Like the sales tax, retailers are required to collect and submit the fees to the State of Michigan. Safety Fees are due 15 business days after the end of **EACH** calendar quarter, **March 31, June 30, September 30 and December 31**. Applicants will be denied if all Safety Fees from previous years are not current. You must submit information declaring your total sales for each quarter. Payments for Safety Fees can be submitted on line or by mail.

8. What if I only want to sell novelty fireworks like sparklers, snakes, snaps and poppers?
PA 256 of 2011 doesn't apply to novelties. Nothing in this act allows a local unit of government to enact or enforce an ordinance, code or regulation pertaining to, or in any manner regulating, the sale, storage, display for sale, transportation, use or distribution of novelties.

9. What if I only want to sell low impact fireworks like Sparkling Wheel Devices and Ground Sparkling Devices?

The act requires that any retailer selling low-impact fireworks in the State of Michigan register on-line each calendar year at least ten days before the low-impact fireworks are sold. The retailer must also collect the 6% Fireworks Safety Fee and remit those revenues to the State of Michigan within 15 business days after the end of the calendar quarters; March 31, June 30, September 30, December 31.

10. Do I have to register if I sell both consumer and low impact fireworks?

Yes. If a retailer sells consumer fireworks only, low-impact only or both they must also obtain the required documents. Consumer Fireworks will require a Certificate for each retail sales location. Low Impact sales will require a registration for each retail sales location. If you are selling both Consumer Fireworks and Low Impact Fireworks you will have to have a Certificate and Registration for each retail location.

11. I have a display fireworks business. Do I now go to the State of Michigan to obtain a certificate?

No. All permits issued for the discharge of display fireworks are obtained from the local jurisdiction where the fireworks are being displayed. Fees, if any, charged for these permits are retained by that local jurisdiction.

12. Where does the city, township or village obtain display fireworks permit forms?

Each year the Supervisor or Clerk from the local government will have to contact the Bureau of Fire Services via email at fireworks@michigan.gov to request the current forms needed to be submitted.

13. What do I need to do if I want a Display Permit for my township?

You must contact your local unit of government and ask for the Permit form for display fireworks. If they don't have them that office must contact the Bureau of Fire Services to request copies of the forms.

14. Where can I find more detailed information about fireworks products and safety?

Please visit the following websites.

<http://www.cpsc.gov/info/fireworks/recalls.html>

<http://www.americanpyro.com/Safety%20Info/safety.html>

15. Who do I contact regarding local ordinances that violate PA 256 of 2011?

The Bureau of Fire Services has received several pieces of correspondence regarding recently enacted local ordinances related to the new Michigan Fireworks Safety Act. These questions refer to Section 7 of the Act, MCL 28.457, which authorizes and places limitations on certain types of local ordinances related to the regulation of fireworks. As the designee of the Department of Licensing and Regulatory Affairs, the Bureau of Fire Services' responsibilities are set forth in the Act. The Act does not require the Bureau to enforce or regulate the actions of local units of government. These types of actions are a matter of local concern and therefore resolution of these issues will be left to the legal remedies available to the interested parties.

16. Who do I contact if I have more questions?

You can refer to the Bureau of Fire Services at www.michigan.gov/bfs for information related to fireworks and access to forms.

You can also call our office Main Line at 517-241-8847; you can call Robbie Murdock at 517-373-7441.

You can fax items to our office at: 517-332-1427.

You can also send emails to fireworks@michigan.gov