

### **227.715 Requirements for sale of certain consumer fireworks.**

Except as provided in KRS 227.710, the consumer fireworks described in KRS 227.702 may be offered for sale, sold at retail, or kept with the intent to sell, only if the following requirements are met:

- (1) Any person, firm, co-partnership, nonprofit, or business intending to sell consumer fireworks described in KRS 227.702(1) shall register annually with the state fire marshal, who may assess a fee of no more than twenty-five dollars (\$25) for each site at which fireworks shall be sold. The registration requirement under this section shall not apply to permanent business establishments which are open year round and in which the sale of fireworks is ancillary to the primary course of business. Each location shall be required to charge sales tax at the current rate imposed on retailers in KRS 139.200;
- (2) Permanent business establishments open year-round and in which the sale of consumer fireworks is ancillary to the primary course of business shall only be permitted to sell those consumer fireworks described in KRS 227.702(1), or shall meet the criteria for "seasonal retailer" described in subsection (3) of this section;
- (3) "Seasonal retailers" shall be defined as any person, firm, co-partnership, nonprofit, or corporation intending to sell "consumer fireworks" between June 10 and July 7, or December 26 and January 4 of each year or both, and shall include permanent businesses, temporary businesses, stores, stands, or tents. A seasonal retailer shall register with the state fire marshal, who may assess a fee of no more than two hundred fifty dollars (\$250) for each site at which fireworks shall be sold. Each location shall be required to charge sales tax at the current rate imposed on retailers in KRS 139.200;
- (4) Any person, firm, co-partnership, nonprofit, or corporation intending to sell consumer fireworks, as defined in KRS 227.702(2) and (3) as the primary source of business, that is not a seasonal retailer as defined in subsection (3) of this section, shall register with the state fire marshal, who may assess a fee of no more than five hundred dollars (\$500) for each site at which fireworks will be sold. Each location shall be required to charge sales tax at the current rate imposed on retailers in KRS 139.200;
- (5) The annual registration required by this section shall be received by the state fire marshal at least fifteen (15) days prior to offering fireworks for sale at the site for which the registration is intended. Evidence that a sales and use tax permit has been obtained from the Department of Revenue shall be presented to the state fire marshal as a condition of registration. If the registration is received less than fifteen (15) days prior to offering fireworks for sale at the site for which registration is intended, an additional assessment of one hundred dollars (\$100) shall be added to the initial fee;
- (6) Each site at which fireworks are offered for sale shall have its registration certificate displayed in a conspicuous location at the site;
- (7) Each site at which fireworks are offered for sale shall comply with all applicable provisions of the International Building Code, with Kentucky Amendments

(adopted edition), and NFPA 1124 (National Fire Protection Association) – Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles (adopted edition);

- (8) No person or business shall give, offer for sale, or sell any consumer fireworks listed in KRS 227.702 to any person under eighteen (18) years of age;
- (9) No person under eighteen (18) years of age may be employed by a fireworks distribution facility or manufacturing facility. No person under eighteen (18) years of age shall sell consumer fireworks at a consumer fireworks retail sales facility registered under this section unless the individual is supervised by a parent or guardian;
- (10) The state fire marshal may revoke the registration of any site which is in violation of a requirement of this section, or any other requirement provided pursuant to this chapter. If the violation renders any property especially susceptible to fire loss, and there is present such hazard to human life or limb that the public safety imperatively requires emergency action, the state fire marshal may take that action, as provided in KRS 227.330(6); and
- (11) A person lawfully possessing consumer fireworks, as defined in KRS 227.702(2) and (3) may use those items if:
  - (a) He or she is at least eighteen (18) years of age;
  - (b) Fireworks are not ignited within two hundred (200) feet of any structure, vehicle, or any other person; and
  - (c) Use of the fireworks does not place him or her in violation of any lawfully enacted local ordinance.

**Effective:** March 16, 2011

**History:** Amended 2011 Ky. Acts ch. 66, sec. 7, effective March 16, 2011. -- Amended 2010 Ky. Acts ch. 24, sec. 426, effective July 15, 2010. -- Amended 2004 Ky. Acts ch. 70, sec. 2, effective July 13, 2004. -- Created 1994 Ky. Acts ch. 335, sec. 1, effective July 15, 1994.