INDIANA FIREWORKS LAW

An Overview for Law Enforcement
I.C. 22-11-14, as amended by H.E.A. 1099

Three Types of Fireworks

Consumer = Include bottle rockets, roman candles and fire crackers
Sec. 8(a) = Include sparklers, ground spinners, cone fountains, wheels, cylindrical fountains
Special Fireworks = 1.3G fireworks for which a permit from the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives shall be obtained prior to purchase, storage or use (i.e. large mortars set off as part of public displays).
Consumer and Sec. 8(a) fireworks are legal to possess and discharge in the State of Indiana.

Age and Possession

Only individuals 18 years of age and older may purchase or use fireworks.

An adult (18 years of age and over) must be present for anyone younger than 18 years of age to possess or use fireworks.

Discharging Fireworks

Fireworks may be used on the user's property, the property of someone who granted permission to discharge fireworks on their property, or at a special discharge location. ***(Special Discharge Location = a place designated for the discharge of consumer fireworks by the State Fire Marshal.)***

Discharging Times:
9am-11pm any day except holidays.
9am-12pm on holidays (Memorial Day, July 4, Labor Day and New Year's Eve).

Penalties for Violating the Fireworks Law

A person who ignites, discharges, or uses consumer fireworks at a site other than: a) a special discharge location; b) the property of the person; or c) the property of another who has given permission to use the consumer fireworks; *commits a Class C infraction.*

A person less than eighteen (18) years of age who possesses or uses a firework when an adult is not present and responsible at the location *commits a Class C infraction.*

A person who ignites, discharges, or uses consumer fireworks: a) after 11:00pm or after 12:00 pm on designated holidays (see above); or b) before 9 a.m. *commits a Class C infraction.*

A person who recklessly, knowingly, or intentionally uses consumer fireworks and the violation causes harm to the property of a person *commits a Class A misdemeanor.*

A person who recklessly, knowingly, or intentionally uses consumer fireworks and the violation results in serious bodily injury to a person *commits a Class D felony.*

A person who recklessly, knowingly, or intentionally uses consumer fireworks and the violation results in the death of a person *commits a Class C felony.*

Fireworks Sales

All fireworks retail sales locations must be inspected by a representative of the State Fire Marshal or of a local fire department that inspects, at the request of the State Fire Marshal, in accordance with the policies and guidelines of the State Fire Marshal.

All locations where ***consumer*** fireworks are sold at retail, including all tents or temporary structures, must have a permit issued by the Stare Fire Marshal for that specific location.

FAQs

Can law enforcement officers inspect a fireworks retail location for violations for which the law enforcement officer can issue citations?
No.

What should a law enforcement officer look for if called to a fireworks retail location?
If the location sells consumer fireworks (bottle rockets, firecrackers, roman candles, etc.) ask to see the vendor's permit from the State Fire Marshal. If they do not possess one, contact the State Fire Marshal's office at (317) 232-1407 during regular business hours and (800) 669-7362 at all other times.

Neighbor A shot off bottle rockets and they landed in Neighbor B's yard. Is Neighbor A violating the law?
Yes, if Neighbor B did not grant Neighbor A permission to discharge fireworks on their property (a Class C Infraction).

What are the laws concerning homemade fireworks (i.e. What about a large homemade firecracker? What is considered too "large"?)
Any firework that does not have a label with 1.4G or Consumer Protection Safety Council (CPSC) on it is illegal and we report them to the ATFE.

Will I.C. 22-11-14 give me definition information about various types of fireworks?
Yes

Can a law enforcement officer shutdown a retailer without a permit issued by the State Fire Marshal?

(FAQs continued on other side)

FAQs (cont)

No. A retailer can only be shutdown by the State Fire Marshal.

Is it legal to discharge fireworks from a vehicle?
If the vehicle is in the owner's driveway or on the owner's property, yes it is legal to discharge fireworks from a vehicle. In any other situation, the answer is no.

Is it legal to discharge fireworks in a public location?
If the person discharging the fireworks has a public display permit or a special discharge location permit, yes. In any other situation, the answer is no.

Is there a required age to possess/use sparklers?
Persons must be 18 year of age or older to possess/use sparklers, unless there is an adult present at all times.

May an individual possess any amount of fireworks?
Yes. There is no limit on the amount of fireworks that any individual may possess for personal use.

QUESTIONS?

WRITE TO

INDIANA DEPARTMENT OF HOMELAND SECURITY
DIVISION OF FIRE AND BUILDING SAFETY
302 W. WASHINTON ST.
ROOM E 208
INDIANAPOLIS ,IN 46254

OR CALL FIRE AND BUILDING CODE ENFORCEMENT

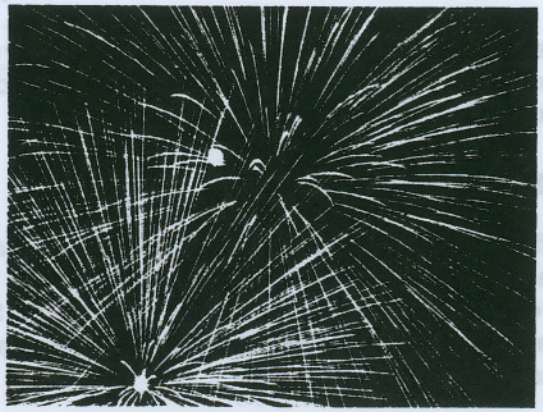
(317) 232-1407
(M - F 8 A.M. - 4:30 P.M.)

OR

1-800-669-7362
(OUTSIDE NORMAL BUSINESS HOURS)

SAFEGUARDING HOOSIERS BY PLANNING, PREPARING AND RESPONDING

Indiana Department of Homeland Security
302 West Washington Street
Room E208
Indianapolis, IN 46204
317-232-3980
1-800-669-7362
http://www.in.gov/dhs/



FIREWORKS INFORMATION FOR LAW ENFORCEMENT

MITCHELL E. DANIELS, JR.
GOVERNOR

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EXECUTIVE DIRECTOR