



THE SALE AND USE OF FIREWORKS IN COLORADO

by Damion Pechota

This issue brief examines Colorado's fireworks law, including the ability of cities and counties to regulate fireworks.

Current Law on the Sale and Use of Fireworks

Colorado law regulates the sale and use of fireworks.¹ It is illegal for a person to use fireworks, other than permissible fireworks, anywhere in the state. Firework professionals can be granted permits by a state or local government for performance displays in accordance with industry standards.

Permissible fireworks. Permissible fireworks are non-explosive and are not intended to leave the ground. Specifically, they are small firework devices that produce audible or visual effects through combustion.

The types of fireworks that are permissible in Colorado are:

- fountains, ground spinners, illuminating torches; dipped sticks and sparklers; toy propellants; trick noise makers; and tube devices.

Permissible fireworks may not contain more than 50 milligrams of explosive composition.

Illegal fireworks. Fireworks that are always illegal to use in Colorado (except for public and professional displays) are:

- firecrackers, rockets (including bottle rockets), roman candles, cherry bombs, mortars and similar items, such as M-80s.

Sale of fireworks. Anyone selling fireworks in Colorado must first obtain a license. Fireworks that cannot be used in Colorado may be sold within the state for export purposes by vendors with an export license. Anyone who purchases illegal fireworks in Colorado must possess an out-of-state driver's license and proof of a valid out-of-state motor vehicle registration. An individual with an out-of-state wholesale or retail license may also purchase illegal fireworks. It is illegal for anyone not licensed as a display retailer, exporter, or wholesaler to bring any fireworks purchased in other states into Colorado.

Municipal and County Fireworks Authority

Municipalities can further restrict the types of fireworks that can be sold or used within their boundaries and may ban the sale and use altogether. The different regulatory authority between jurisdictions can mean that what is illegal to buy or use in one area may be legal in another area.

¹Section 12-28-101, *et seq.*, C.R.S.

A board of county commissioners can also prohibit or restrict the sale, use, and possession of fireworks in any unincorporated areas of a county.

Penalties for Violations of the State Fireworks Law

Local law enforcement agencies enforce the state fireworks laws. Colorado law provides that the sale or use of illegal fireworks is a Class 3 misdemeanor resulting in a fine of \$50 to \$750 and up to six months in jail. In addition, violators can have their fireworks seized. Municipalities may prescribe and enforce more severe penalties for any violations of their ordinances restricting the sale and use of fireworks.

In addition to penalties directly relating to the use and sale of fireworks, the law establishes penalties for setting fires and reckless conduct resulting in fires, including any fires caused by fireworks. Depending on the circumstances, an offender can be fined up to \$750,000 or serve up to 12 years in jail.

Offenders can also be ordered to pay for property destroyed or for injuries caused by a fire, and to pay restitution to emergency responders to cover their costs of responding to the fire. Individuals can also be sued by victims impacted by the criminal or irresponsible activity.

Executive Orders

The Governor of Colorado can issue an Executive Order to ban the use of fireworks when conditions of extreme fire danger exists, pursuant to Section 24-33.5-1225, C.R.S..² An executive order is enacted to reduce the danger of forest fires throughout the state of Colorado. The ban is removed when hazardous conditions no longer exist.

Executive orders banning open burning, including the use of fireworks, were issued in 2002 and 2012.³ These bans did not supersede more comprehensive bans on firework restrictions established by counties or local municipalities.

²Section 24-33.5-1225, C.R.S.

³Executive Order D 012-02; and Executive Order D 2012-015.