

800 SW Jackson, Suite 104  
Topeka, KS 66612

Doug Jorgenson, Fire Marshal



Office of The State Fire Marshal

phone: 785-296-3401  
fax: 785-296-0151  
www.ksfm.ks.gov

Sam Brownback, Governor

## Policy Statement & Interpretation of Law

March 27, 2017

### Interpretation of Law

The Kansas Fireworks Act, K.S.A. 31-501, *et seq.*, prohibits the sale of fireworks without a license with the exception of seasonal retail sales during a fireworks season defined by the State Fire Marshal through the promulgation of administrative rules and regulations.<sup>1</sup> K.A.R. 22-6-5 establishes a retail fireworks season beginning on June 27 and ending on July 5 of each calendar year.

The State Fire Marshal interprets the word “sells” in K.S.A. 31-502(h) and the word “sell” in K.A.R. 22-6-5 to mean the “transfer ([of] property) by sale.”<sup>2</sup> Accordingly, the act of “selling” fireworks as contemplated in the Kansas Fireworks Act and in the administrative rules and regulations promulgated to implement the Kansas Fireworks Act is not completed until the transfer of fireworks to the retail purchaser.

### Example

This interpretation of law will allow charitable groups to offer for sale fireworks as a fundraiser if the delivery of fireworks to the purchaser occurs during the retail fireworks season.


### Binding Agency Policy

Personnel employed by the Office of the State Fire Marshal shall adhere to this interpretation of law unless and until it is revoked and replaced with administrative rules and regulations implementing the same or a similar policy.

### Effect on Other Jurisdictions

Policy statements cannot bind members of the public or employees of other municipal or state agencies. As a result, this interpretation of law does not allow the sale of fireworks in cities, counties, or other areas where the sale of fireworks is prohibited.

Adopted this 27th day of March, 2017.

  
Doug Jorgenson  
State Fire Marshal

<sup>1</sup> K.S.A. 31-502(d), (h), and (j); K.S.A. 31-503(a).

<sup>2</sup> Black's Law Dictionary (10th ed. 2014).