

Agency 22
State Fire Marshal
Article 6.—Fireworks

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- 22-6-1. Definitions; exclusions.** (a)(1) "Fireworks" shall have the meaning specified in national fire protection association standard no. 1123, which is adopted by reference in K.A.R. 22-6-20.
- (A) "Consumer fireworks" shall have the meaning specified in national fire protection association standard no. 1123, which is adopted by reference in K.A.R. 22-6-20.
- (B) "Display fireworks" shall have the meaning specified in national fire protection association standard no. 1123, which is adopted by reference in K.A.R. 22-6-20.
- (C) "Pyrotechnic article" shall have the meaning specified in national fire protection association standard no. 1124, which is adopted by reference in K.A.R. 22-6-20.
- (2) "Novelties" shall have the meaning specified in the American pyrotechnic association standard no. 87-1, which is adopted by reference in K.A.R. 22-6-20.
- (3) "Responsible person" means an individual who has the power to direct the management and policies of the applicant pertaining to explosive materials.
- (b) Nothing in these regulations shall apply to the following:
- (1) Toy smoke devices as defined in the American pyrotechnic association standard no. 87-1, section 3.2.3;
 - (2) toy paper caps as defined in the American pyrotechnic association standard no. 87-1, section 3.3;
 - (3) the manufacture, storage, sale, or use of signals necessary for the safe operation of railroads or other classes of public or private transportation;
 - (4) the military or naval forces of the United States or of this state, or peace officers; and
 - (5) the sale or use of blank cartridges for ceremonial or theatrical or athletic events. (Authorized by and implementing K.S.A. 2007 Supp. 31-133; effective Jan. 1, 1973; amended Dec. 29, 2008.)

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22-6-5. Sale; days permitted. A seasonal retailer shall not sell fireworks, except during the fireworks season. The fireworks season shall be the period beginning on June 27 and ending on July 5 of each calendar year. (Authorized by K.S.A. 2007 Supp. 31-506; implementing K.S.A. 2007 Supp. 31-502; effective Jan. 1, 1973; amended May 1, 1985; amended May 1, 1986; amended Dec. 29, 2008.)

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22-6-9. Discharge of fireworks. (a) A person shall not ignite or discharge fireworks into, under, or from a car or vehicle, whether moving or standing still, or on a public roadway or the right-of-way adjoining a public roadway.
(b) Fireworks shall not be discharged within 100 feet of any "place of institution," as defined by national fire protection association standard no. 101, which is adopted by reference in K.A.R. 22-1-3, or any retail fireworks stand or facility where fireworks are stored. (Authorized by and implementing K.S.A. 2007 Supp. 31-133; effective Jan. 1, 1973; amended May 1, 1986; amended Dec. 29, 2008.)

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22-6-18. Records. (a) Each licensee with a permit to store display fireworks shall keep an accurate inventory of all firework materials on hand.
(b) Each operator of a temporary retail stand shall maintain a list of what consumer firework items are on the premises, indicating the Kansas licensed distributor from whom those items were purchased. This list shall be provided to law enforcement, the fire department, or the local authority, upon request. (Authorized by K.S.A. 2007 Supp. 31-133 and 31-506; implementing K.S.A. 2007 Supp. 31-133 and 31-505; effective Dec. 29, 2008.)

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22-6-19. Purchase of display fireworks in another state. (a) Any person who holds a valid Kansas display operator license pursuant to K.A.R. 22-6-24 may purchase display fireworks from a federally licensed dealer located in a state other than Kansas and may have display fireworks purchased in that state transported to a permitted firework storage site in Kansas.

(b) A person who holds a Kansas display operator license shall not transport display fireworks across a state line in that person's own transport vehicle unless that person also holds a valid permit issued by the bureau of alcohol, tobacco, firearms, and explosives authorizing this activity. (Authorized by and implementing K.S.A. 2007 Supp. 31-133; effective Dec. 29, 2008.)

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22-6-20. Adoptions by reference. (a) The following national fire protection association codes and standards are hereby adopted by reference, with the following modifications and the modifications specified in subsection (b):

(1) No. 160, "standard for the use of flame effects before an audience," 2011 edition, with the following modifications:

(A) Section 1.3.5 shall be deleted; and

(B) section 8.1.2 shall be deleted and replaced with the following: "Each operator shall be licensed in accordance with K.S.A. 2015 Supp. 31-503, and amendments thereto, and K.A.R. 22-6-25.";

(2) no. 1123, "code for fireworks display," 2014 edition, except that sections 10.1.1 through 10.1.3 shall be deleted and replaced with the following: "Each operator shall be licensed in accordance with K.S.A. 2015 Supp. 31-503, and amendments thereto, and K.A.R. 22-6-24.";

(3) no. 1124, "code for the manufacture, transportation, storage, and retail sales of fireworks and pyrotechnic articles," 2006 edition, with the following modifications:

(A) In section 4.3.3.1, the words "to the Office of the State Fire Marshal" shall be added before the words "and to local law enforcement authorities";

(B) in section 5.1.1.2(1), the words "that are not bullet sensitive" shall be deleted;

(C) in section 6.2.7.1, the words "using an approved test sampling plan" shall be deleted and replaced by the following: "or a CPSC-approved test sampling plan shall be used";

(D) sections 6.5.2.3, 6.5.2.4, 6.14.4, 7.3.19.4, and 7.4.6.3 shall be deleted;

(E) in section 7.3.14.1.1, the text "three or as determined in accordance with NFPA 101, Life Safety Code, whichever number is greater" shall be deleted and replaced by the following: "two, or as determined in accordance with the international fire code, which is adopted by reference in K.A.R. 22-1-3, whichever number is greater"; and

(F) in section 7.3.15.6, the word "horizontally" shall be inserted before "ejected pyrotechnic components"; and

(4) no. 1126, "standard for the use of pyrotechnics before a proximate audience," 2011 edition, with the following modifications:

(A) Section 1.3.5.2 shall be deleted; and

(B) sections 6.5.1 through 6.5.1.2 shall be deleted and replaced with the following: "Each operator shall be licensed in accordance with K.S.A. 2015 Supp. 31-503, and amendments thereto, and K.A.R. 22-6-25."

(b) The following modifications shall be made to the codes and standards adopted in subsection (a):

(1) All material before the first chapter shall be excluded from adoption.

(2) All annexes shall be excluded from adoption.

(3) Chapter 2, "referenced publications," shall be excluded from adoption.

(4) All indexes and all material after the indexes shall be excluded from adoption.

(5) The last sentence of section 3.1 in each code or standard shall be excluded from adoption.

(6) Each reference to a code or standard adopted in article 1 shall mean the edition of that code or standard adopted in that article.

(7) Each reference to a code or standard adopted in this regulation shall mean the edition of that code or standard adopted in this regulation.

(8) The definition of "authority having jurisdiction (AHJ)" in section 3.2.2 shall be replaced with the following: "the state fire marshal or designee," except when the context indicates that the term is referring to a local fire department or a local law enforcement agency.

(c) Chapter three in American pyrotechnics association standard 87-1, "standard for construction and approval for transportation of fireworks, novelties, and theatrical pyrotechnics," 2001 edition, is hereby adopted by reference, except for the following:

(1) Section 3.8;

(2) section 3.9; and

(3) section 3.10. (Authorized by and implementing K.S.A. 2016 Supp. 31-133 and K.S.A. 2016 Supp. 31-506; effective Dec. 29, 2008; amended April 6, 2018.)

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- 22-6-21. Manufacturing license.** (a) Except for any hobbyist manufacturer, each person engaged in the manufacture of fireworks in the state of Kansas shall obtain a license from the office of the state fire marshal.
- (b) Each applicant shall indicate which of the following classes the applicant is requesting a license for on the application:
- (1) Manufacture of consumer fireworks;
 - (2) manufacture of display fireworks;
 - (3) manufacture of pyrotechnic articles; or
 - (4) unlimited manufacture.
- (c) Each applicant shall meet the following requirements:
- (1) Provide a list of the name of each individual, owner, partner, and other responsible person in the applicant's business; and
 - (2) pay a nonrefundable fee of \$400.
- (d) Each manufacturing license shall be valid for one year from the date of issuance.
- (e) Each licensee shall keep the original license posted on the manufacturing site at all times while engaging in manufacturing operations. A copy of the license shall not be accepted as valid proof of licensure if the licensee is questioned by law enforcement, the fire department, or the local authority.
- (f) Each licensee shall comply with national fire protection standard no. 1124, which is adopted by reference in K.A.R. 22-6-20, and all local, state, and federal regulations, statutes, and laws. (Authorized by K.S.A. 2007 Supp. 31-506; implementing K.S.A. 2007 Supp. 31-503; effective Dec. 29, 2008.)

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22-6-22. Hobbyist manufacturer license. (a) Each person engaged in the manufacture of consumer fireworks, display fireworks, or pyrotechnic articles for that individual's personal use shall obtain a license from the office of the state fire marshal.

(b) Each applicant shall meet the following requirements:

(1) Obtain a valid display operator license pursuant to K.A.R. 22-6-24; and

(2) pay a nonrefundable fee of \$50.

(c) Each licensee shall keep the original license posted on the manufacturing site at all times while engaging in manufacturing operations. A copy of the license shall not be accepted as valid proof of licensure if the licensee is questioned by law enforcement, the fire department, or the local authority.

(d) The hobbyist manufacturer license shall be valid for four years from the date of issuance.

(e) The licensee shall comply with national fire protection association standard no. 1124, which is adopted by reference in K.A.R. 22-6-20, and all local, state, and federal regulations, statutes, and laws. (Authorized by K.S.A. 2007 Supp. 31-506; implementing K.S.A. 2007 Supp. 31-503; effective Dec. 29, 2008.)

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22-6-23. Distributor license. (a) Each person engaged in the distribution of fireworks shall obtain a license from the Kansas state fire marshal's office.

(b) Each applicant shall indicate which of the following classes the applicant is requesting a license for on the application:

- (1) Distributor of consumer fireworks;
- (2) distributor of display fireworks;
- (3) distributor of pyrotechnic articles; or
- (4) unlimited distributor.

(c) Each applicant shall meet the following requirements:

- (1) Provide a list of the name of each individual, owner, partner, and other responsible person in the applicant's business; and
- (2) pay a nonrefundable fee of \$300.

(d) Each distributor license shall be valid for one year from the date of issuance.

(e) Each licensee shall keep the original license posted on the distribution site at all times while engaging in distribution operations. A copy of the license shall not be accepted as valid proof of licensure if the licensee is questioned by law enforcement, the fire department, or the local authority.

(f) A license shall not be required for any of the following:

- (1) Anyone who possesses a valid Kansas manufacturing license as specified in K.A.R. 22-6-21;
- (2) anyone who transports fireworks from one state to another state through the state of Kansas if the ultimate destination of the fireworks is not within the state of Kansas;
- (3) anyone who sells consumer fireworks during a fireworks season as a seasonal retailer;
- (4) any freight delivery company or common carrier, as defined in 49 C.F.R. 171.8 on April 15, 1976, as amended; or
- (5) any out-of-state person who sells, transports, delivers, or gives fireworks to a Kansas licensed manufacturer or distributor.

(g) Each licensee shall comply with national fire protection association standard nos. 1124 and 1126, which are adopted by reference in K.A.R. 22-6-20, and with all local, state, and federal regulations, statutes, and laws. (Authorized by K.S.A. 2007 Supp. 31-506; implementing K.S.A. 2007 Supp. 31-503; effective Dec. 29, 2008.)

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- 22-6-24. Display operator license.** (a) Each person who operates an outdoor display of display fireworks, as defined in K.A.R. 22-6-1, shall obtain a license from the office of the state fire marshal.
- (b) Each applicant shall meet all of the following requirements:
- (1) The applicant shall provide proof of experience in the performance of at least three outdoor displays of display fireworks in the last four years.
- (A) For each of the three required displays, each applicant for a new display operator license shall include documentation of participation as an assistant under a display operator who has a valid Kansas license at the time of the displays. The licensed display operator shall provide written verification of the applicant's participation in the display.
- (B) For each of the three required displays, each applicant for renewal of the display operator license shall provide a signature from the local jurisdiction, organization sponsoring the display, Kansas licensed distributor who produced the display, or another Kansas licensed operator assisting with the display.
- (2) The applicant shall complete a written examination, administered by the state fire marshal, and shall be required to achieve a passing score of at least 80 percent.
- (c) The display fireworks operator license shall be valid for four years from the date of issuance.
- (d) Each licensee shall keep the original license on the licensee's person at all times while performing duties as a display operator. A copy of the license shall not be accepted as valid proof of licensure if the licensee is questioned by law enforcement, the fire department, or the local authority.
- (e) No fee shall be charged for a display operator license for any person who is an officer or employee of the state or any political or taxing subdivision of the state if that person is acting on behalf of the state or political or taxing subdivision.
- (f) Each licensee shall comply with national fire protection association standard no. 1123, which is adopted by reference in K.A.R. 22-6-20, and all local, state, and federal regulations, statutes, and laws. (Authorized by K.S.A. 2016 Supp. 31-506; implementing K.S.A. 2016 Supp. 31-503; effective Dec. 29, 2008; amended April 6, 2018.)

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- 22-6-25. Proximate pyrotechnic operator license.** (a) Each person who operates any indoor or outdoor pyrotechnic article, as defined in K.A.R. 22-6-1, shall obtain a license from the state fire marshal.
- (b) Each applicant shall indicate which of the following classes the applicant is requesting a license for on the application:
- (1) Indoor proximate pyrotechnic operator license;
 - (2) outdoor proximate pyrotechnic operator license;
 - (3) flame effect pyrotechnic operator license; or
 - (4) unlimited proximate pyrotechnic operator license.
- (c) Each applicant shall meet all of the following requirements:
- (1) The applicant shall provide proof of experience in the performance of at least three pyrotechnic displays in the last four years as follows:
 - (A) Each display shall be in the class for which licensure is sought. Each applicant for an unlimited proximate pyrotechnic operator license shall demonstrate proficiency in each of the three classes listed in paragraphs (b)(1) through (b)(3) and shall provide proof of experience in the performance of at least two displays in each class.
 - (B) The use of at least four individual devices of pyrotechnic articles shall be used to qualify as a display.
 - (C) For each of the displays required for a new proximate pyrotechnic license, the applicant shall acquire a signature from a proximate pyrotechnic operator who had a valid Kansas license for that type of display at the time of the display, verifying that the applicant assisted in the operation of the display.
 - (D) For each of the displays required for renewal of the proximate pyrotechnic license, the applicant shall acquire a signature from the local jurisdiction, organization sponsoring the display, Kansas licensed distributor who produced the display, or another Kansas licensed proximate pyrotechnic operator licensee assisting with the display.
 - (2) The applicant shall complete a written examination, administered by the state fire marshal, and shall be required to achieve a passing score of at least 80 percent.
 - (d) The proximate pyrotechnic operator license shall be valid for four years from the date of issuance.
 - (e) Each licensee shall keep the original license on the licensee's person at all times while performing duties as a proximate pyrotechnic operator. A copy of the license shall not be accepted as valid proof of licensure if the licensee is questioned by law enforcement, the fire department, or the local authority.
 - (f) No fee shall be charged for a proximate pyrotechnic operator license for any person who is an officer or employee of the state or any political or taxing subdivision of the state if that person is acting on behalf of the state or political or taxing subdivision.
 - (g) Each licensee shall comply with national fire protection association standard nos. 160 and 1126, which are adopted by reference in K.A.R. 22-6-20, and all local, state, and federal regulations, statutes, and laws. (Authorized by K.S.A. 2016 Supp. 31-506; implementing K.S.A. 2016 Supp. 31-503; effective Dec. 29, 2008; amended April 6, 2018.)

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- 22-6-26. Fireworks storage permit.** (a) Each person who stores display fireworks shall obtain a permit from the state fire marshal. A permit shall not be required for the use of day boxes, as defined in national fire protection association standard no. 1124, which is adopted by reference in K.A.R. 22-6-20, at a display site.
- (b) Each applicant shall meet the following requirements:
- (1) Hold a valid Kansas license to possess fireworks. The license shall be at least one of the following:
- (A) Display operator license;
 - (B) hobbyist manufacturer license;
 - (C) manufacturing license;
 - (D) distributor license; or
 - (E) proximate pyrotechnic operator license; and
- (2) pay a nonrefundable fee of \$25.
- (c) Each licensee shall keep the original permit at the location of the storage site. A copy shall not be accepted as a valid permit if the permit holder is questioned by law enforcement, the fire department, or the local authority.
- (d) Each storage permit shall be valid for one of the following, whichever occurs first:
- (1) Four years from the date of issuance;
 - (2) the expiration date of the license specified in paragraph (b)(1); or
 - (3) the date on which the storage site is vacated if the site is vacated before the expiration date of the permit. The permit holder shall notify the Kansas state fire marshal's office and the local authority having jurisdiction when the site is vacated and is no longer in use.
- (e) No fee shall be charged for a fireworks storage permit for any person who is an officer or employee of the state or any political taxing subdivision of the state if that person is acting on behalf of the state or political taxing subdivision.
- (f) Each licensee shall comply with all local, state, and federal regulations, statutes, and laws. (Authorized by K.S.A. 2007 Supp. 31-506; implementing K.S.A. 2007 Supp. 31-504; effective Dec. 29, 2008.)

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22-6-27. Denial, suspension or revocation of permit or license. (a) A license or permit shall be denied issuance, suspended, or revoked by the state fire marshal if the state fire marshal finds that the applicant, licensee, or permit holder meets either of the following conditions:

- (1) Has been convicted of a felony; or
- (2) knowingly provided false information in conjunction with an application for a license or permit.

(b) A license or permit may be denied issuance, suspended, or revoked by the state fire marshal if the state fire marshal finds that the applicant, licensee, or permit holder meets either of the following conditions:

- (1) Violated any provision of any regulation of the state fire marshal; or
- (2) failed, neglected, or refused to provide direct supervision over any unlicensed person who assisted in the performance of a fireworks display. (Authorized by and implementing K.S.A. 2007 Supp. 31-133 and 31-506; effective Dec. 29, 2008.)

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