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STATE FIRE MARSHAL
SCOTT F. PILGREEN
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MARK DRINKARD

NOTICE

TO: INTERESTED PARTIES

FROM: SCOTT F. PILGREEN
STATE FIRE MARSHAL

DATE: October 4, 2021

RE: ACT NO. 2021-399 – FIREWORKS REGULATION

Alabama Act No. 2021-399 (the "Act"), passed by the Legislature and signed by the Governor, makes important changes regarding the sale of fireworks in Alabama. These changes are related to the State Fire Marshal's Office and its existing regulatory authority over pyrotechnics. The Act became effective on July 12, 2021. Changes contained in the Act will be incorporated into the printed version of the Code of Alabama later in 2021. For the present, affected parties are strongly encouraged to read the Act available by link <https://arc-sos.state.al.us/ucp/L0620331.A11.pdf>

The purpose of this notice is to provide information on some provisions of the Act. It should not be taken as comprehensive or as a substitute for reviewing the entire Act.

Definitions/Classifications

The Act realigns the definitions and classifications of various fireworks to further parallel definitions crafted by the Federal government for consumer fireworks. The Act adds the following definitions to amended Ala. Code § 8-17-210:

Aerial devices – Any type of Department of Transportation Class C Consumer Fireworks listed in the APA 87-1, Sections 3.1.2 and 3.5

Audible ground devices – Any type of Department Class C Consumer Fireworks listed in the APA 87-1, Sections 3.1.3

Novelties – Any device listed in APA 87-1, Section 3.2, including without limitation, “Party poppers,” “Snappers,” “Toy smoke devices,” “Snake, glow worms,” and “Wire sparklers/dipped sticks.”

Sparkling devices – Handheld or ground based sparkling devices that are non-explosive and non-aerial and contain 75 grams or less of chemical compound per tube, or a total of 500 grams or less for multiple tubes and other sparkling devices which emit showers of sparks and sometimes a whistling, spinning or crackling effect when burning, but does not include aerial devices, audible ground devices, or anything that will detonate or explode.

The Act defines “annual retailers” and preserves the existing definition of “seasonal retailers.” Annual retailers may sell year-round. Seasonal retailers are permitted only to sell fireworks adjacent to traditional fireworks holidays (defined as June 20 through July 10 and December 15 through January 2) from permanent buildings or temporary or moveable stands. The definitions of “manufacturer,” “wholesaler,” and “distributor” are unchanged by the Act.

Adjustment of Permit Fees

The Act increases the permit fees for manufacturers, wholesalers, distributors, annual retailers, and seasonal retailers. The fees for annual retailers and seasonal retailers are based upon what fireworks are sold and how many locations will be operated.

Future fee increases are tied, with limitations, to the Consumer Price Index. The fee schedule will be reviewed every five years. A schedule of fees is available upon request.

Local Laws and Ordinances

Except as indicated, the Act does not impact a municipality’s authority to restrict the sale or use of any fireworks through ordinance or local law. Current ordinances regarding aerial devices and audible ground devices remain in force.

The Act authorizes municipalities to adopt new ordinances regarding sparkling devices and novelties. This provision, however, does not apply to Class 1 municipalities, which are defined by statute [Ala. Code § 11-40-12] as “[a]ll cities with a population of 300,000 inhabitants or more

Alabama Firefighters Benefit and Annuity Fund

The act provides for an additional stream of funding for the Alabama Firefighters Benefit and Annuity Fund. Semiannually, the State Fire Marshal will transfer 5 percent of all fee collections by the State Fire Marshal’s Fund to the Alabama Firefighters Benefit and Annuity Fund.

Questions concerning the Act should be directed to the State Fire Marshal:

Firemarshal@insurance.alabama.gov

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