



## Code Outreach Program – *Sparkling Devices*

New York State Law allows for the sale and use of a specific category of consumer fireworks known as *Sparkling Devices*. Summer is here, so residents of New York have likely begun to see the sale and use of *Sparkling Devices*. Last summer the Code Outreach Program published Issue 2018-7, titled “[Code Outreach Program – Sparkling Devices](#)”, this is an update to that Issue.

### What are *Sparkling Devices*?

*Sparkling Devices* are defined in [Penal Law 270\(1\)\(a\)\(vi\)](#). In summary, they are ground-based or hand-held devices that produce a shower of sparks and/or a colored flame, audible crackling or whistling noise, and/or smoke. They are limited in type, size, and construction. They do not rise into the air, do not fire inserts or projectiles into the air, and do not explode. Size limits range from 1 to 500 grams of pyrotechnic composition. There are two categories of Devices: “Ground-based” or “Hand-held” which include: cylindrical fountain, cone fountains, and wooden sparkler/dipped sticks (only wooden dowels are allowed); and “Novelties” which include, party poppers, and snappers.

### When can *Sparkling Devices* be sold?

Sales of *Sparkling Devices* by Certified permanent and specialty retailers can only occur from: June 1 to July 5; and December 26 to January 1. Sales of *Sparkling Devices* by Certified temporary stands or tents can only occur from: June 20 to July 5; and December 26 to January 1. The Office of Fire Prevention and Control (OFPC) maintains a database of [Registered Sparkling Device Vendors](#).

### Are permits needed to sell *Sparkling Devices*?

All sellers, wholesalers, manufacturers, and distributors of *Sparkling Devices* who wish to do business in New York State or otherwise sell, ship, or assign for sale its products into New York State are required to apply for a certification with OFPC and pay an annual fee. These entities must also comply with other rules and conditions, including but not limited to the Uniform Fire Prevention and Building Code as it relates to the storage and display of such devices. OFPC has developed a certification process; pertinent forms and documents can be found on their website.

### How does the Uniform Code apply?

The [2015 International Fire Code](#) was amended by the [2017 Uniform Code Supplement](#) to add Section 5610, titled *Sparkling Devices*. The scope of Section 5610 provides that any building or structure where *Sparkling Devices* are manufactured, stored, handled, sold, or used shall be subject to the provisions of Section 5610 and to all other provisions of the Uniform Code applicable to such building or structure.

Nothing in Section 5610 shall be construed as permitting the possession, manufacture, handling, sale, and/or use of *Sparkling Devices* in any jurisdiction where the possession, manufacture, handling, sale, and/or use of *Sparkling Devices* has not been made legal in accordance with the provisions of [Section 405.00 of the Penal Law](#).

### Can a county or municipality opt out of allowing the sale and/or use of *Sparkling Devices*?

As of January 21, 2018, *Sparkling Devices* are legal in all parts of the State, except New York City and any county that affirmatively elects to prohibit sparking devices within such county. Sale and use of *Sparkling Devices* is legal in counties that have **NOT** enacted a local law pursuant to [Section 405.00 of the Penal Law](#). Smaller municipalities (cities, towns, and villages) within each county are not given the option of electing to prohibit *Sparkling Devices*, with one exception, Orange County. Each city in Orange County can prohibit *Sparkling Devices* within such city even if Orange County chooses not to prohibit *Sparkling Devices* within the county.

As of the date of this document, the following counties have notified the Office of Fire Prevention and Control that the sale and use of *Sparkling Devices* is prohibited: Bronx, Columbia, Kings, Nassau, New York, Queens, Richmond, Schenectady, Suffolk, and Westchester.

### What about other classes of fireworks?

All other types of consumer fireworks (purchased for personal use), including firecrackers, bottle rockets, roman candles, spinners and aerial devices, remain illegal statewide. Additionally, all consumer fireworks, including *Sparkling Devices*, remain fully prohibited in the City of New York.

For more information, please visit the [Sparkling Devices Information](#) page on the OFPC website.

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If you have questions pertaining to the Code Outreach Program, email us at [COP.codes@dos.ny.gov](mailto:COP.codes@dos.ny.gov)

If you have questions pertaining to the Uniform Code or Energy Code, email our technical support group at: [codes@dos.ny.gov](mailto:codes@dos.ny.gov)

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