

...So You Want to Sell Fireworks in Oklahoma?

A how to guide for retailers to keep you and your customers safe

What Is a Retailer?

- ✓ The term retailer shall mean any person who purchases fireworks for resale to consumers only. A retailer who sells to consumers buys only an Oklahoma Retail License and may purchase merchandise in or out of the state as long as the retailer buys from a person that has a legal license to do business in the State of Oklahoma. (OSS 68, Article 16, Section 1622)
- ✓ The retail license holder shall be responsible for the safe operation of retail sales to the public. The retail license holder shall be at least sixteen (16) years of age. (OSS 68, Article 16, Section 1623(d))
- ✓ Any person operating a retail location where fireworks are sold directly to the consumer shall be required to purchase a retail fireworks license. The retail license fee shall be Ten Dollars (\$10.00) annually and may be purchased from any licensed wholesaler, manufacturer or distributor. Any person purchasing a retail fireworks license pursuant to this paragraph shall, at time of purchasing such license, sign an affidavit attesting to the fact that the name, mailing address and telephone number of the purchaser as it appears on the license is correct and that the purchaser operates a retail location where fireworks are sold directly to the consumer. (OSS 68, Article 16, Section 1625(d))

Once I Have My License, What Can I Sell?

- ✓ Class C Fireworks (1.4G) (DOT Common Fireworks) shall mean any devices suitable for use by the public that conform to requirements of the United States Consumer Products Safety Commission and are designed primarily to produce visible effects by combustion, and some small devices designed to produce an audible effect.
- ✓ From and after July 5, 1981, the sale, gift, distribution or use of skyrockets with sticks as defined by the United States Department of Transportation is hereby prohibited within the State of Oklahoma. This prohibition shall include, but is not limited to, explosive devices commonly known as "bottlerockets" or "stickrockets". Distribution, gift or sale from Oklahoma to persons outside of the State of Oklahoma shall not be considered as occurring within the State of Oklahoma. (OSS 68, Article 16, Section 1624(a))
- ✓ Any and all items of Class "C" Common Fireworks not properly labeled according to the United States Consumer Product Safety Commission and identified with the "DOT Class 'C' Common Fireworks" marking on each retail sale unit is prohibited. (OSS 68, Article 16, Section 1624(b))

When Can I Sell It?

- ✓ No person shall offer fireworks for sale to residents of the State of Oklahoma at retail before the 15th day of June or after the 6th day of July and before the 15th day of December or after the 2nd day of January in each year. (OSS 68, Article 16, Section 1623(e))

How Do I Make the Storage and Sale of My Fireworks Safe and Legal?

- ✓ All storage of Class "C" Common Fireworks must be stored in a weather resistant and theft-resistant structure, box, trailer, semi-trailer or other mobile facility. Class "C"

Common Fire works shall not be stored in residential areas without the approval of the local fire authority or the Oklahoma State Fire Marshal.

- ✓ Storage and/or sales of fireworks inside of a building require the protection of automatic fire suppression and fire alarm system as an H3 Occupancy.
- ✓ NO SMOKING signs must be posted.
- ✓ Fireworks stand must be on private property and located a minimum of 30 feet from any structure or has adequate structural fire resistance, and adequate spacing for emergencies from any side of the property line.
- ✓ Electrical feeder line to fireworks stand must be protected from harm or damage. Use UF cable or SO cord. SO cord may be laid on ground if no foot or vehicle traffic will come in contact with it.
- ✓ No use of keyless or any other light fixture will be permitted directly over or within two (2) feet of a line drawn vertically from the front edge of the fireworks stock without an approved protective cover.
- ✓ All conductors inside of fireworks stand must be GFIC protected. This can be done through GFIC breaker at the power source or have a feeder enter GFIC receptacle inside stand and feed circuit to any other receptacles and lighting.
- ✓ All electrical power must be properly grounded. Must have grounding rod if a construction type pole is used to supply power.
- ✓ All fireworks offered for retail sale must be protected from direct contact and handling by the public. Self-serve or marketing where retail customers are allowed to move among the stock is strictly prohibited. A sales clerk must be on duty to serve the consumer at the time of purchase. (OSS 68, Article 16, Section 1623(b))
- ✓ It shall be unlawful to offer for retail sell or to sell any fireworks to children under the age of twelve (12) years, unless accompanied by an adult, or to any intoxicated or irresponsible person. (OSS 68, Article 16, Section 1627(b))
- ✓ It shall be unlawful to explode or ignite fireworks within five hundred (500) feet of any church, hospital, asylum, unharvested, flammable agricultural crop, public school, or where fireworks are stored, sold or offered for sale. No person shall ignite or discharge any permissible articles of fireworks from within or throw the same from a motor vehicle; nor shall any person place or throw any ignited article of fireworks into or at such vehicle or at or near any group of people.

What Happens if I Don't Follow the Law?

- ✓ Discharging fireworks in violation of the law shall be punishable by a fine not to exceed One Hundred Dollars (\$100.00) (OSS 68, Article 16, Section 1628(a))
- ✓ Illegal sale, violation of licensing provisions, false labeling, or any other violation of this act shall be punishable by a fine not to exceed One Thousand Dollars (\$1,000.00), ninety days imprisonment in the county jail, or both. In the event of a second conviction the license shall be revoked for a period of eighteen (18) months. (OSS 68, Article 16, Section 1628(b))