

Summary of Massachusetts Fireworks Law MGL Chapter 148, S. 39

What does the law prohibit?

It is illegal for private citizens to use, possess, or sell fireworks in Massachusetts, or to purchase them legally elsewhere and then transport them into the state. The law prohibits any article designed to produce a *visible* or *audible effect*.

Sale of fireworks

Penalty: Fine or imprisonment or both, and confiscation

Fine: \$100 to \$1000

Imprisonment: Maximum of 1 year

Seizure of fireworks: Mandatory

Who can arrest? Any officer qualified to serve criminal process.

Must an officer arrest? No. Statute says the officer *may* arrest without a warrant.

Must an officer seize the fireworks? Yes, the statute says the officer *shall* seize any fireworks.



Possession, use, cause to explode of fireworks

Penalty: Fine and confiscation only

Fine: \$10 to \$100

Seizure of fireworks: Mandatory

Who can seize? Any officer qualified to serve criminal process.

May an officer arrest? For possession, no. The statute only provides for a fine upon conviction and automatic confiscation of fireworks.

Must an officer seize the fireworks? Yes, the statute says the officer *shall* seize any fireworks.

Seizure

Can people get their fireworks back? No. If convicted, the fireworks are forfeited to the state.

What does an officer do with confiscated fireworks? During business hours, contact the State Police Bomb Squad at (978) 567-3310. Notify them immediately for large quantities, commercial grade, or deteriorated materials. After hours, call (508) 820-2121 and ask for the Troop Duty Officer in your area. An on-call Bomb Squad Officer will arrange for pick-up.




FireFactors


Office of the State Fire Marshal • www.mass.gov/dfs • (978) 567-3380

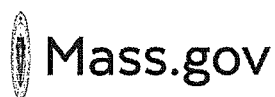
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PRESS RELEASE

Fire Officials Urge People to Keep Children Safe this 4th of July

Children Under 15 Account for One-Third of Fireworks Injuries

FOR IMMEDIATE RELEASE:

6/10/2020

Department of Fire Services

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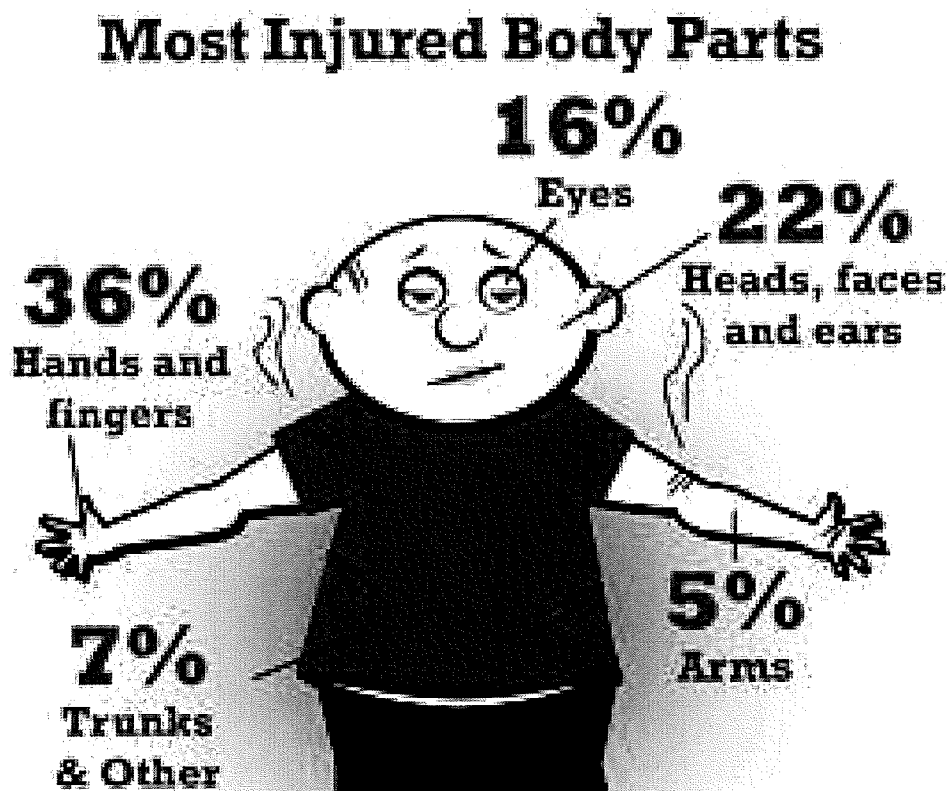
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STOW — “Have fun but be safe this Fourth of July and give first responders the night off,” said State Fire Marshal Peter J. Ostroskey. “Keep your children safe. Kids under 15 account for one-third of the severe burn injuries requiring emergency room visits, he added.

4th of July No Holiday for Firefighters

Saugus Fire Chief Michael Newbury, president of the Fire Chiefs' Association of Massachusetts, said, "The Fourth of July holiday is a busy time for firefighters. We are busy responding to all types of fires and medical emergencies. In fact, the week of July 4 is one of the busiest times of the year for fires. So please leave the fireworks to the professionals." This year, because of the pandemic, many professional fireworks displays are postponed until Labor Day weekend.

State Fire Marshal Peter J. Ostroskey said, "Remember, fireworks are illegal to transport into Massachusetts, even if they were purchased legally elsewhere. This 4th of July, celebrate safely and find alternatives to fireworks. Avoid crowds but enjoy being in the company of family and friends." He added, "Illegal fireworks are risky, especially around children. Let's keep our children safe."

Fireworks Cause Many Dangerous Fires

Last summer, there were many fires, amputations and burn injuries from illegal fireworks in Massachusetts. In the past decade (2010-2019), there have been 858 major fires and explosions involving illegal fireworks in Massachusetts^[1] (#_ftn1). These incidents resulted in 12 civilian injuries, 40 fire service injuries and an estimated dollar loss of \$2.9 million.

- *On June 22, 2019, the Plainville Fire Department responded to a building fire in a trash compactor. Someone put fireworks down the trash chute and into the compactor. The fireworks ignited the trash.*

- *On July 2, 2019, the Taunton Fire Department was called to a fire in a single-family home. The fire began while the homeowner was building wooden racks to launch illegal fireworks from his deck. The racks surrounded him on the deck. One of the fireworks exploded and set off many other fireworks. The detonations ignited the deck.*
- *On July 4, 2019, the Boston Fire Department was called to a fire in a 3-unit apartment building. The fire was started by fireworks on the front porch.*
- *On July 5, 2019, the Boston Fire Department was called to a fire in a 3-unit apartment building. Neighbors reported that fire was started by fireworks. The fire began on the back of one building and extended to another 3-unit apartment building next door. Twenty people were displaced from their homes by the fires and damages were over \$700,000.*
- *On July 5, the Salem Fire Department responded to a fire on a standalone dock caused by fireworks.*

Fireworks Injuries

In the past decade (2010-2019), 37 people have been treated at Massachusetts emergency rooms for severe burn injuries from fireworks – burns covering 5% or more of the body. Thirty-three percent were children age 14 or younger. An additional 22% were youth aged 15-24. The youngest victim was a seven-month old boy. These victims are scarred for life.

Some examples from the past year include:

- A 4-year old Boston girl grabbed a 'lit' sparkler that someone else was holding and received burns to her left hand.
- A 16-year old from Dartmouth received 1st- & 2nd-degree burns to lower portions of his body from a fireworks explosion.
- A 20-year old man from Kingston, NH was treated in a Massachusetts hospital for severe burns to his left hand from a firework.
- A 28-year old Lynn man burned both of his hands while lighting fireworks.
- A 29-year old Charlton man received burns to 9% of his body and puncture wounds to his back from a fireworks explosion. State Police confiscated a large cache of illegal fireworks from his home.
- A 29-year old Rutland man received burns to his upper extremities from fireworks.

All Fireworks Are Illegal in

Massachusetts (</eopss/docs/dfs/news/press/fireworks/lawenforcement.pdf>)

The possession and use of all fireworks by private citizens is illegal in Massachusetts. This includes Class C fireworks, which are sometimes falsely called "safe and sane" fireworks. Class C fireworks include sparklers, party poppers, snappers, firecrackers, spinners, cherry bombs and more. Sparklers burn at 1800°F or higher. It is illegal to transport fireworks into Massachusetts, even if they were purchased legally elsewhere. Illegal fireworks must be confiscated on the spot.

For more information on the dangers of fireworks, go to the Department of Fire Services webpage **Leave the Fireworks to the Professionals.** (</service-details/leave-fireworks-to-the-professionals>)

[1] ([#_ftnref1](#)) Massachusetts Fire Incident Reporting System (MFIRS).

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