SPONSOR: Rep. Wilson-Anton & Rep. Osienski & Sen. Townsend
Reps. Burns, Gorman, Romer, K. Williams, Bolden,
Harris; Sens. Sokola, Walsh

HOUSE OF REPRESENTATIVES
153rd GENERAL ASSEMBLY

HOUSE BILL NO. 63
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO FIREWORKS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Three-fifths of all members elected to each house thereof concurring therein):

Section 1. Amend § 6901, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 6901. Selling or possessing fireworks; exceptions.

(d) The sale of wood stick or wire sparklers which produce a shower of sparks upon ignition and which consist of wire or stick coated with not more than 100 grams of pyrotechnic mixture per item; other hand-held or ground-based sparkling devices which are nonexplosive and nonaerial, which sometimes produce a crackling or whistling effect, and which contain 75 grams or less of pyrotechnic mixture per tube or a total of 500 grams or less for multiple tubes; snakes, glow worms, and smoke devices which contain 20 grams or less of pyrotechnic mixture; or trick noisemakers, which include party poppers, snappers, and drop pops, each containing 16 milligrams or less of pyrotechnic mixture excepted under subsection (c) of this section is limited to persons 18 years of age and older during a 30-day period prior to and including the days of allowed use of these items, and the use of these items shall be limited to July 4, the third day of Diwali, December 31, and January 1 of each year. The ~~regulation~~ use, storage, sale, and possession of items listed in this paragraph ~~including the storage and sale shall be consistent with the standards set forth in NFPA1124 National Fire protection Association Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles, 2006 edition.~~ must comply with the rules and regulations promulgated by the State Fire Prevention Commission.

Section 2. Amend § 6903, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 6903. ~~Permit~~ Permits for public display of ~~fireworks;~~fireworks and sale of fireworks; actions by injured persons.

(a) Permit for public display of fireworks.

HD : GOG : SCD : 0081530005
DLS : HVW : CBM : 5081530187
Released: 06/23/2026 03:24 PM

~~(a)~~(1) Any association or company desiring to hold a public display of fireworks may apply to the Office of the State Fire Marshal for a permit to hold such display if application is made 30 days prior to the date of holding the display.

~~(b)~~(2) The application for a permit shall set forth the date, hour and place of holding such display and place of storing fireworks prior to display, also the name of the person holding the display and name of person in charge of igniting the fireworks.

~~(c)~~(3) The application shall be accompanied by a certificate of insurance issued by a bona fide insurance company licensed by the State Insurance Commissioner showing a minimum of $1,000,000 liability insurance per event for those persons who suffer injuries as a result of any discharge of the fireworks by the applicant or anyone acting for or on the applicant's behalf.

~~(d)~~(4) If the State Fire Marshal is satisfied that the holding of the display is supervised by a competent and experienced person and that the display will not be a detriment to the community or area in which the display is held, the Marshal may grant a permit for the display. The place of storage of fireworks prior to the display shall be subject to the approval of the State Fire Marshal.

(b) Permit for sale of fireworks.

(1) Any person seeking to sell fireworks or related products under § 6901 of this title must apply to the Office of the State Fire Marshal for a permit to sell such products 60 days prior to the 30-day sales period prior to and including July 4, the third day of Diwali, December 31, and January 1 of each year.

(2) A separate application is required for each retail location for which a person seeks authorization to sell fireworks or related products.

(3) A separate application is required for each 30-day sales period for which a person seeks to sell fireworks or related products.

(4) A permit fee of $100 must accompany each application or otherwise be paid before the Office of the State Fire Marshal may grant a permit.

(5) For retail locations that consist of temporary structures, including tents, stands, or other structures, an inspection fee of $25 is required for inspection of the physical structure, and a separate inspection fee of $25 for inspection of the fireworks inventory.

(c) Any person who fails to obtain a permit required under this section is subject to a penalty of $1,000 for a first violation, $5,000 for a second violation, and $10,000 for any subsequent violation.

Section 3. Amend § 6905, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 6905. Penalties; jurisdiction.

(a) ~~Whoever~~ Except as otherwise provided, whoever violates this chapter shall be fined ~~not less than~~$25 no more than $250 for a first violation, ~~nor more than $100.~~ no less than $250 nor more than $500 for a second violation, and no more than $1,000 for any subsequent violation.

(b) A person who has committed 3 or more violations is prohibited from any activity for which the person would otherwise be authorized under this chapter for a period of 1 year from the date the person is convicted of the violation. Any permit or license is immediately void and revoked upon conviction of a third or subsequent violation of this chapter, and the holder of a permit or license that has been revoked under this section may not re-apply for a period of 1 year from the date the person is convicted of the violation.

(b) (c) Justices of the peace shall have jurisdiction of any violation of this chapter.

Section 4. Amend Chapter 69, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 6907. Advertising; required information.

(a) Except for billboards under subsection (c) of this section, no advertising for the sale of fireworks or products containing pyrotechnic mixture that includes an audio or visual depiction of aerial fireworks or specifically advertises the sale of aerial fireworks may be distributed, published, aired, or otherwise made available to consumers in this State unless the advertising contains a warning that the use of fireworks is generally illegal without a permit in Delaware, that sparklers, poppers, and similar products may be illegal in Delaware, and that potential purchasers should check their local and state law before purchasing or using the advertised products.

(b) Except for billboards under subsection (c) of this section, no advertising for the sale of fireworks or products containing any pyrotechnic mixture, except for products under § 6901(d) of this title, may be distributed, published, aired, or otherwise made available to consumers in this State unless the advertising contains, at a minimum, a warning that fireworks may only be legally used in Delaware on July 4, the third day of Diwali, December 31, and January 1, that Delaware law limits the types of fireworks that may be used, that a permit may be required to use fireworks, and that potential purchasers should check their local and state laws before purchasing or using the advertised products.

(c) No billboard in this State may advertise the sale of fireworks or products containing any pyrotechnic mixture, except for products under § 6901(d) of this title, unless the advertising contains, in a font of sufficient size and legibility

that can be read easily by an operator of a vehicle on the roadway towards which the billboard faces, the following language: "SOME FIREWORKS ARE ILLEGAL. CHECK LOCAL AND STATE LAWS BEFORE PURCHASING.

(d) Any retailer, manufacturer, or other person advertising fireworks or products containing any pyrotechnic mixture in this State who fails to make the required warnings in the advertising materials under subsections (a), (b), or (c) of this section is subject to a civil fine of $1,000 for each violation. Each printed copy of an advertisement distributed in Delaware is a separate violation for purposes of this section, and a separate violation occurs each time a potential purchaser or consumer views, hears, or otherwise is exposed to an audio, visual, or audio-visual advertisement within the bounds of this State.

(e) No sale of fireworks or products containing any pyrotechnic mixture designed or intended for display listed in § 6901(a) of this title, or of any devices listed in § 6901(d) of this title containing an amount of pyrotechnic mixture exceeding the maximum limits set forth in § 6901(d) of this title, may be made in this State unless the purchaser is provided with a written notice containing the following information, or such other information as the State Fire Prevention Commission may require by regulation, on letter-sized paper in large, bold font:

(1) The products purchased by the consumer may be illegal in Delaware, and illegal possession or use may result in financial penalties.

(2) Fireworks and similar products are dangerous, and improper use may result in death or serious physical injury.

(3) Information on the safe usage and disposal of fireworks and similar products.

(4) A reminder that in general, fireworks are only legal on July 4, the third day of Diwali, New Year's Eve, and New Year's Day.

(f) No sale of fireworks or products containing any pyrotechnic mixture that may be possessed or used in this State without a permit on July 4, the third day of Diwali, December 31, and January 1 may be made in this State unless the purchaser is provided with a written notification containing a warning on letter-sized paper containing the following information:

(1) Information on the safe usage and disposal of fireworks and similar products.

(2) A reminder that in general, fireworks are only legal on July 4, the third day of Diwali, New Year's Eve, and New Year's Day.

§ 6908. Wholesale license.

(a) A person seeking to ship, advertise, offer for sale, or supply fireworks to a Delaware retailer must hold a wholesale license issued by the Office of the State Fire Marshal.

(b) A person seeking a wholesale license must submit an application and $100 application fee to the Office of the State Fire Marshal before that Office may issue a license.

(c) A license issued under this section is valid for one year. A wholesale licensee must apply annually and pay the application fee each year before a license may be renewed.

§ 6909. Funding.

All money derived from permit fees, license fees, and civil penalties under this chapter shall be placed in a special fund to be used by the Office of the State Fire Marshall for enforcement and public education.

Section 5. This Act takes effect on January 1 following its enactment into law.