

## Fireworks for Personal Use: The Laws in Minnesota and Surrounding States

Minnesota and its surrounding states—Iowa, North Dakota, South Dakota, and Wisconsin—have varying laws on the personal use of fireworks. State laws generally regulate who can sell, buy, and use different types of fireworks.

Comparison of State Laws					
Policy	MN	IA	ND	SD	WI
Novelties (sparklers, snakes, smoke devices) are generally legal to sell, buy, and use	X	X	X	X	X
Most consumer-grade fireworks (firecrackers, etc.) are legal for adults to use around the Fourth of July and New Year’s Eve		X	X	X	
Most bottle rockets are expressly prohibited			X		
Consumer-grade fireworks are legal to use only with a permit					X
State residents, subject to age restrictions, can purchase consumer-grade fireworks around the Fourth of July and New Year’s Eve		X	X	X	
Nonresidents can purchase consumer-grade fireworks only around the Fourth of July and New Year’s Eve		X		X	
Restrictions on sales to nonresidents are identical to restrictions on sales to residents	X	X			
Nonresidents can purchase consumer-grade fireworks at any time under the assumption that the fireworks will be taken out of the state			X		X
Municipalities can adopt additional restrictions, including prohibiting the use of consumer-grade fireworks.		X	X	X	X

### *Minnesota*

Personal use of consumer-grade fireworks in Minnesota is illegal. ([Minn. Stat. §§ 624.20–624.25](#)) “Fireworks” in Minnesota include firecrackers, bottle rockets, roman candles, and similar items. The definition does not include novelty items like sparklers, snakes, or smoke devices. Novelty items can only be sold to adults, and a local unit of government can impose a license fee on their sale.

Most violations are a misdemeanor for which a court can impose a sentence of 90 days in jail, a \$1,000 fine, or both. Violations involving a large amount of fireworks (35 pounds gross container weight or more) can be punished as a gross misdemeanor with a maximum sentence of one year in jail, a \$3,000 fine, or both.

### *Iowa*

Iowa legalized the sale and use of consumer fireworks in 2017. (Iowa Code 2017, chs. 100.19–100.19A)

The law, reversing a ban dating to 1938, adopted the definitions used by the American Pyrotechnics Association. Both “consumer fireworks” (firecrackers, bottle rockets, roman candles, etc.) and “novelties” (sparklers, snakes, and smoke devices) are legal.

Purchasers must be 18, and it is only legal to buy and use consumer fireworks from June 1 through July 8, and December 10 through January 3.

Cities can limit or prohibit the use of fireworks, but cannot prohibit the sale of fireworks by licensed sellers. Some cities have also made it illegal to set off fireworks if a person has been drinking and has an alcohol concentration that would make it illegal to operate a motor vehicle.

### ***North Dakota***

North Dakota permits the sale and use of most consumer-grade fireworks from June 27 through July 5, and December 26 through January 1. (NDCC 23-15-01 through 23-15-06)

The list of legal fireworks is similar to the American Pyrotechnics Association definition of consumer fireworks, but does not include most bottle rockets. Purchasers must be at least 12 years old, and local governments can prohibit or regulate the use of fireworks.

North Dakota's law does not apply to the sale of any kind of fireworks for shipment directly out of the state. In practice, this means that nonresidents may purchase fireworks at any time and sellers require identification to show that a purchaser is from out of state.

### ***South Dakota***

Consumer fireworks, as defined by the American Pyrotechnics Association, are legal in South Dakota within specific date ranges. Fireworks can only be set off in South Dakota from June 27 through the first Sunday after the Fourth of July, and from December 28 through January 1. (SDCL 34-37-1 through 34-37-20)

Sellers can obtain two licenses: one for selling to South Dakota residents only and one that permits sales to nonresidents. Residents can purchase fireworks from June 27 through July 5, and December 28 through January 1. Sellers can obtain one or both licenses for sales to nonresidents covering May 1 through July 5; or July 6 through August 31, and December 28 through January 1.

Municipalities can limit or prohibit the use of consumer fireworks. Counties can regulate or prohibit the use of fireworks outside the boundaries of a municipality where the fire danger is extreme. County regulations do not apply after July 2.

### ***Wisconsin***

Wisconsin permits the use and sale of novelties, but limits the sale and use of other fireworks. (Wis. Stat. § 167.10)

State residents must have a permit to purchase, possess, or use consumer fireworks. A permit is only valid in the municipality that issued it, and it must be provided to the local fire or law enforcement official at least two days before authorized use.

Nonresidents can purchase consumer fireworks in Wisconsin, but cannot use them in the state without a permit.

Local governments can establish additional restrictions or prohibitions. They cannot ban the right to transport legal fireworks as long as a person transporting fireworks does not remain in a municipality for more than 12 hours.

**For more information:** Contact legislative analyst Ben Johnson at 651-296-8957.

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