

WAC 212-17-21504 Retailers—Purchase and sale of fireworks. (1)

A retail licensee must purchase only Division 1.4G consumer fireworks, not otherwise prohibited by chapter 70.77 RCW, this chapter, or local ordinance from state-licensed wholesalers.

(2) Sale of consumer fireworks:

(a) Will occur only from a licensed consumer fireworks retail sales (CFRS) facility. Retail sales of fireworks may occur at a non-CFRS facility when:

(i) An inert sample package of the consumer fireworks is displayed for sale inside a fixed place of business and a CFRS facility meeting all of the requirements in this chapter is placed outside of the fixed place of business.

(ii) The fireworks are paid for inside the business, the customer is provided a receipt of purchase after the sales transaction is complete, and the customer shows proof of purchase and takes possession of the firework package at the CFRS facility.

(b) May occur online as presale from a licensed Washington fireworks wholesaler or retailer provided that the fireworks are delivered to fireworks stand where delivery to the consumer will take place at a CFRS facility during the authorized time periods outlined in RCW 70.77.395 and where the sale, possession, and discharge of fireworks are allowed in the jurisdiction.

(i) Any advertisements for sale of fireworks will contain the fireworks license number and expiration date. Advertising the sale of fireworks by unlicensed persons is prohibited.

(ii) The purchase or receipt of fireworks must be through a Washington licensed fireworks wholesaler or retailer.

(3) Holiday related products incidental but related to these products, may be sold in consumer fireworks retail sales facilities.

(4) Failure to comply at any time with the provisions of this section will constitute a violation of chapter 70.77 RCW and may result in:

(a) The temporary suspension of the license or permit;

(b) Immediate revocation of the license or permit for:

(i) A serious health or public safety violation, if the violation poses an immediate risk to any person, the action will become effective immediately. The duration of the revocation will be based upon the action:

(A) Willful, reckless, or malicious acts will cause the license to be revoked for the license year.

(B) Accidental or negligent acts will cause the license to be revoked until the licensee can show measures to correct and prevent further violations have been put in place (i.e., training).

(ii) Information provided to obtain a license or permit is subsequently found to be inaccurate or would have prevented the issuance of a license or permit.

(A) The license will be revoked through the remainder of the license year.

(B) The person, group, or business may be denied a future license.

(c) Surrendering the fireworks license to the state fire marshal.

(d) Surrendering the fireworks permit to the issuing jurisdiction.

(e) Temporary closure of the CFRS facility or storage structure, the seizure or forfeiture of some or all of the fireworks, or other criminal penalties as provided by law.

(5) If the license or permit is suspended or denied, the applicant will:

(a) Be notified in writing of the reason why license was denied;

(b) Be given an opportunity to make such alterations and corrections as are deemed necessary by the state fire marshal;

(c) Have the right to request a hearing as outlined in WAC 212-17-475.

(6) Penalties for violations of this section are provided in WAC 212-17-515.

[Statutory Authority: RCW 70.77.250. WSR 15-22-082, § 212-17-21504, filed 11/3/15, effective 1/1/16.]