



Division of Fire Prevention, State Fire Marshal's Office
Permits and Licensing Unit
500 James Robertson Parkway
Nashville, TN 37243
Tel: 615-741-2981
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<http://www.tn.gov/commerce/section/fire-prevention>

FIREWORKS SALES IN TENNESSEE

Tennessee regulates the manufacture, distribution, and sale of fireworks within the state. State law regarding the manufacture, distribution, and sale of fireworks can be found at Tenn. Code Ann. § 68-104-101 *et seq.* The information provided below is intended to provide basic information regarding state laws and regulations regarding the sale and storage of fireworks in the State of Tennessee. The information is not all-encompassing. If you have questions about any of the following information or if you have questions that are not covered by the below information, please contact Permits & Licensing at (615) 741-2981.

1. It is unlawful for any person to manufacture, sell, or offer to sell any item of fireworks in Tennessee without first having secured the required applicable permit as a wholesaler, retailer, or seasonal retailer from the State Fire Marshal's Office. *Tenn. Code Ann. § 68-104-102(a).*
2. No permit shall be issued to any person under 18 years of age. *Tenn. Code Ann. § 68-104-102(c).*
3. All permits shall be for the calendar year or any fraction of the year (for seasonal retailers) and shall expire on December 31. *Tenn. Code Ann. § 68-104-102(c).*
4. Permits issued to retailers and seasonal retailers must be displayed. *Tenn. Code Ann. § 68-104-102(c).*
5. No permit is transferable to another person or location unless such transfer has been approved by the State Fire Marshal's Office. *Tenn. Code Ann. § 68-104-102(c).*
6. Any request for the issuance of a retailer's or seasonal retailer's fireworks permit for a new location shall be accompanied by a statement that the sale of fireworks in the county or municipality, respectively, is permissible. *Tenn. Code Ann. § 68-104-105(a).*
7. The State Fire Marshal or a designated representative may inspect the location for each permit before a permit is issued to determine if the location meets the requirements of *Tenn. Code Ann. § 68-104-101 et seq.* and reasonable safety standards for the storage and sale of fireworks. *Tenn. Code Ann. § 68-104-105(b)(2).*
8. The State Fire Marshal may revoke any permit issued upon evidence that the holder has violated any provisions of *Tenn. Code Ann. § 68-104-101 et seq.* Before any permit is revoked, the State Fire Marshal shall give notice of the State Fire Marshal's intention to do so and that notice shall inform the permit holder of the holder's right to a hearing. *Tenn. Code Ann. § 68-104-105(c)(1).*
9. Only D.O.T. Class C common fireworks (also called "consumer fireworks" or "1.4G fireworks") may be sold. *Tenn. Code Ann. § 68-104-108.*
10. Fireworks must be stored at least 10 feet away from windows where the sun may shine through. *Tenn.*



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Code Ann. § 68-104-111(a).

11. Smoking must not be permitted within 10 feet of fireworks and signs reading "Fireworks — No Smoking" (with letters not less than 4 inches high) must be posted at the retail location. *Tenn. Code Ann. § 68-104-111(a).*
12. Fireworks may not be sold at retail at any location where paints, oils, or varnishes are for sale or use, unless such paints, oils, or varnishes are kept in their original consumer containers. *Tenn. Code Ann. § 68-104-111(a).*
13. Fireworks may not be sold at retail at any location where resin, turpentine, gasoline, or any other flammable substance is stored or sold if the storage creates an undue hazard to any persons or property. *Tenn. Code Ann. § 68-104-111(a).*
14. It is unlawful to sell any D.O.T Class C common fireworks to any person under 16 years of age or to any intoxicated or irresponsible person. *Tenn. Code Ann. § 68-104-112(a)(1).*
15. Buildings or facilities storing more than 125 pounds of consumer fireworks (or 250 pounds where the building is protected throughout with an approved automatic sprinkler system installed in accordance with NFPA 13, *Standard for the Installation of Sprinkler Systems*) must comply with the requirements of Chapter 6 of NFPA 1124, *Manufacture, Transportation, Storage, Retail Sales of Fireworks and Pyrotechnic Articles* (2006 edition).
16. Consumer fireworks retail sales ("CFRS") facilities or stores where the consumer fireworks are in packages and where the total quantity of consumer fireworks on hand exceeds 125 pounds of pyrotechnic composition (or 250 pounds where the building is protected throughout with an approved automatic sprinkler system installed in accordance with NFPA 13, *Standard for the Installation of Sprinkler Systems*) must comply with the requirements of Chapter 7 of NFPA 1124, *Manufacture, Transportation, Storage, Retail Sales of Fireworks and Pyrotechnic Articles* (2006 edition).
 - a. A CFRS facility is a permanent or temporary building or structure, CFRS stand, tent, canopy, or membrane structure that is used primarily for the retail display and sale of consumer fireworks to the public. *NFPA 1124 (2006 edition), 3.3.29.1.*
 - b. A CFRS stand is a temporary or permanent building or structure that has a floor area not greater than 800 square feet, other than tents, canopies, membrane structures, that is used primarily for the retail display and sale of consumer fireworks to the public. *NFPA 1124 (2006 edition), 3.3.19.*
 - c. A store is a building classified as a mercantile occupancy that contains a variety of merchandise and that is not used primarily for the retail sales of consumer fireworks. *NFPA 1124 (2006 edition), 3.3.74.*



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- d. Where the actual weight of the pyrotechnic composition of consumer fireworks is not known, 25 percent of the gross weight of the consumer fireworks, including packaging, shall be permitted to be used to determine the weight of the pyrotechnic composition. *NFPA 1124 (2006 edition), 7.3.1.2.*
- e. The retail sales of pest control devices, including their related storage and display for sale, shall be prohibited at a CFRS facility or store. *NFPA 1124 (2006 edition), 7.2.4.*
- f. Any portion of an exterior wall of a building, sidewall of a tent, or other defined perimeter of a CFRS facility or store shall be accessible within 150 feet of a public way or an approved fire apparatus access. *NFPA 1124 (2006 edition), 7.3.4.*
- g. Consumer fireworks shall only be permitted to be sold at retail in any of the following buildings or structures, provided that any new building or structure does not exceed one story in height:
 - i. Permanent buildings or structures constructed in accordance with the building code enforced by the authority having jurisdiction;
 - ii. Tents, canopies, or temporary membrane structures complying with *NFPA 102, Standard for Grandstands, Folding and Telescopic Seating, Tents, and Membrane Structures*;
 - iii. Temporary structures constructed in accordance with Chapter 7 of *NFPA 1124 (2006 edition)*;
 - iv. Temporary CFRS stands greater than 800 square feet in area that also meet the requirements for a permanent structure; and
 - v. Vehicles, such as vans, buses, trailers, recreational vehicles, motor homes, travel trailers, trucks, and automobiles, complying with applicable requirements for CFRS stands. *NFPA 1124 (2006 edition), 7.3.5.*
- h. An automatic sprinkler system designed and installed in accordance with *NFPA 13, Standard for the Installation of Sprinkler Systems*, shall be provided through permanent CFRS facilities and stores in which consumer fireworks retail sales are conducted in the following buildings:
 - i. New buildings greater than 6,000 square feet in area; and
 - ii. Existing buildings greater than 7,500 square feet in area.
- i. Every CFRS facility and store shall have no fewer than 2 portable fire extinguishers with a



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minimum rating of 2A, at least one of which shall be of the pressurized water type. *NFPA 1124 (2006 edition), 7.3.6.3.*

- j.* Storage rooms containing consumer fireworks in a new permanent CFRS facility or store shall be protected with an automatic sprinkler system installed in accordance with *NFPA 13, Standard for the Installation of Sprinkler Systems*, or separated from the retail sales area by a fire barrier having a fire resistance rating of not less than 1 hour. *NFPA 1124 (2006 edition), 7.3.7.*
- k.* A fire alarm system shall be provided as required by *NFPA 101, Life Safety Code. NFPA 1124 (2006 edition), 7.3.9.*
- l.* Smoke and heat vents designed and installed in accordance with *NFPA 204, Standard for Smoke and Heat Venting*, shall be provided in the CFRS area of new CFRS facilities or stores where the ceiling height is less than ten (10) feet and the travel distance to reach an exit is greater than 25 feet. *NFPA 1124 (2006 edition), 7.3.10.1.*
 - i.* A CFRS area is the portion of a consumer fireworks retail sales facility or store, including the immediately adjacent aisles, where consumer fireworks are located for the purpose of retail display and sale to the public. *NFPA 1124 (2006 edition), 3.3.3.1.*
- m.* Smoking shall not be permitted inside or within 50 feet of the CFRS area. *NFPA 1124 (2006 edition), 7.3.11.1.*
- n.* CFRS facilities and stores shall not be located within 50 feet of the following:
 - i.* Retail propane-dispensing station dispensers;
 - ii.* Aboveground storage tanks for flammable or combustible liquid, flammable gas, or flammable liquefied gas; or
 - iii.* Compressed natural gas-dispensing station dispensers. *NFPA 1124 (2006 edition), 7.3.12.1.*
- o.* New CFRS facilities and stores, existing CFRS stands and tents, and temporary CFRS facilities shall not be located within 50 feet of motor vehicle fuel-dispensing station dispensers. *NFPA 1124 (2006 edition), 7.3.12.2.*
- p.* Existing CFRS facilities, other than CFRS stands, tents, and temporary facilities, and existing stores shall not be located within 25 feet of motor vehicle fuel-dispensing station dispensers. *NFPA 1124 (2006 edition), 7.3.12.3.*



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- q. CFRS areas and storage areas shall not be located within 300 feet of any aboveground bulk storage or bulk dispensing area for flammable or combustible liquid, flammable gas, or flammable liquefied gas. *NFPA 1124 (2006 edition), 7.3.12.6.*
- r. For a CFRS facility or store, an approved fire safety and evacuation plan shall be prepared in writing and maintained current. *NFPA 1124 (2006 edition), 7.3.13.*
- s. The minimum number of exits provided from the retail sales area shall be not less than 3 or as determined in accordance with *NFPA 101, Life Safety Code*, whichever number is greater. *NFPA 1124 (2006 edition), 7.3.14.1.1.*
- t. Merchandise on display or located on shelves or counters or other fixtures shall not be displayed to a height greater than 6 feet above the floor surface within the CFRS area. *NFPA 1124 (2006 edition), 7.3.15.2.1.*
- u. Where located along the perimeter of the consumer fireworks retail sales area, the maximum height of sales displays shall be limited to 12 feet. *NFPA 1124 (2006 edition), 7.3.15.2.2.*
- v. No consumer fireworks shall be displayed for sale or stored within 5 feet of any public entrance in an enclosed building or structure. *NFPA 1124 (2006 edition), 7.3.19.2.1.*
- w. CFRS facilities and stores shall be secured when unoccupied and not open for business, unless fireworks are not kept in the facility during such times. *NFPA 1124 (2006 edition), 7.3.19.3.1.*
- x. Where new CFRS facilities are located in a building containing other tenants, the CFRS facility shall be separated from the other tenants by fire barriers having no openings and a fire resistance rating of not less than 2 hours. *NFPA 1124 (2006 edition), 7.4.4.1.* Where the new CFRS facility is protected per *NFPA 13, Standard for the Installation of Sprinkler Systems*, the fire resistance rating of the fire barrier required by 7.4.4.1 shall be permitted to be not less than 1 hour. *NFPA 1124 (2006 edition), 7.4.4.2.*
- y. Any waterflow alarm device shall be arranged to activate audible and visual alarms through the CFRS facility in accordance with *NFPA 72, National Fire Alarm Code*. *NFPA 1124 (2006 edition), 7.4.5.1.*
- z. Portable fire extinguishers for temporary CFRS facilities shall be installed and located so that the maximum distance of travel required to reach an extinguisher from any point does not exceed 35 feet. *NFPA 1124 (2006 edition), 7.4.5.2.*
- aa. In permanent CFRS facilities greater than 3,000 square feet in area, a public address system or a means of manually activating audible and visible alarm indicating devices



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located throughout the facility in accordance with *NFPA 72, National Fire Alarm Code*, shall be provided at a constantly attended location when the CFRS facility is occupied. *NFPA 1124 (2006 edition), 7.4.5.3.*

- bb.* At least 1 sign that reads "NO FIREWORKS DISCHARGE WITHIN 300 FEET," in letters at least 4 inches high on a contrasting background, shall be conspicuously posted on the exterior of each side of the CFRS facility. *NFPA 1124 (2006 edition), 7.4.6.3.*
- cc.* Temporary wiring installed in a temporary structure, including tents and canopies, shall comply with Article 305 of *NFPA 70, National Electric Code. NFPA 1124 (2006 edition), 7.4.9.1.1.*
- dd.* The floor area occupied by the retail displays of consumer fireworks in permanent CFRS facilities shall not exceed 40 percent of the available floor area within the retail sales area. *NFPA 1124 (2006 edition), 7.4.10.*
- ee.* Stores in which retail sales of consumer fireworks are conducted shall not be considered CFRS facilities where both of the following conditions exist:
 - i.* The area of the retail sales floor occupied by the retail displays of consumer fireworks does not exceed 25 percent of the area of the retail sales floor in the building or 600 square feet, whichever is less; and
 - ii.* The consumer fireworks are displayed and sold in a manner approved by the authority having jurisdiction and comply with the applicable provisions of *NFPA 1124*, federal and state law, and local ordinances. *NFPA 1124 (2006 edition), 7.5.1.1.*
- ff.* Consumer fireworks displayed for sale in stores shall be under the visual supervision of a store employee or other responsible party while the store is open to the public. *NFPA 1124 (2006 edition), 7.5.1.2(1).*
- gg.* Temporary CFRS stands of less than 200 square feet shall be required to have only one portable fire extinguisher. *NFPA 1124 (2006 edition), 7.6.2.1.*
- hh.* An approved fire safety and evacuation plan shall not be required for temporary CFRS stands. *NFPA 1124 (2006 edition), 7.6.2.2.*
 - ii.* Retail sales areas within temporary CFRS stands shall have a minimum of 2 exits. *NFPA 1124 (2006 edition), 7.6.2.3.1.*