

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. 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 Commonwealth.

What does an officer do with confiscated fireworks? Immediately notify the State Fire Marshal (call 1-800-682-9229 or 978-567-3365) and securely store them until the explosive technician from the State Fire Marshal's Office can take them into possession for disposal.



FireFACTORS

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Department of Fire Services**

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