

From: "Panther, Paul"
Date: June 23, 2017 at 11:21:35 AM MDT
To: 'Representative Mathew Erpelding'
Subject: RE: Questions re fireworks sales

Rep. Erpelding,

I apologize for any confusion resulting from my letter.

Under the Idaho Fireworks Act, someone who has a valid wholesaler's or importer's license (which is in fact the same license – in my letter I referred only to “wholesaler”) can sell fireworks to either (1) retailers or (2) persons holding a display permit.

Sales to retailers fall under Idaho Code section 39-2603(a). Under section 39-2604(1), retailers can sell only nonaerial common fireworks, i.e., safe and sane fireworks, to the general public.

Sales to persons with a display permit fall under Idaho Code section 39-2603(b), which requires the purchaser to have a permit issued pursuant to section 39-2605. Section 39-2603(b) requires that the purchaser have the permit in hand at the time the fireworks are purchased. With such a permit, a person may purchase special fireworks that are not safe and sane. These fireworks may only be sold to a permittee “within a reasonable time period” before the display or event for which the permit was issued. These fireworks cannot be resold by a permittee at retail, even if the permittee also has a retailer's license.

In sum, under Idaho law, a person with a retail license can only sell nonaerial common, or “safe and sane,” fireworks. Fireworks that are not safe and sane are not available for sale to the general public. The only persons who can sell them are persons with a wholesaler's or importer's license and the only persons who can buy them are persons with the display permit required by section 39-2605.

Please feel free to contact me again if I have not sufficiently addressed your question. Again, I apologize for any confusion earlier. I appreciate your patience and am happy to be of assistance in any way I can.

Paul R. Panther
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Chief, Criminal Law Division
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700 West State Street - 4th Floor
P.O. Box 83720, Boise Idaho 83720-0010

From: Representative Mathew Erpelding
Sent: Friday, June 23, 2017 8:36 AM
To: Panther, Paul
Subject: Re: Questions re fireworks sales

Paul,

Can you please clarify the The second to last paragraph in your conclusion. Are you referring to wholesalers and retailers or are you referring to the purchaser who has to have a permit or both? Does this mean that no one can buy the fireworks, other than nonarial safe and sane, that are only sold twice a year - ie. they cannot be sold to the general public?

Rep. Mat Erpelding
House Minority Leader
District 19A
PO Box 1697
Boise ID 83701

208.856.0291

On Jun 21, 2017, at 2:06 PM, Panther, Paul wrote:

Rep. Erpelding,

Your inquiry regarding the sale of fireworks was forwarded to my office for a response. An electronic copy of that response is attached. I am also placing a hard copy in Statehouse Mail. Please feel free to contact me if you have any questions.

Paul R. Panther
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<Ltr to Rep. Matt Erpelding.pdf>