Prohibition of Fireworks

Effective: 7/4/20

Pursuant to the authority vested in the Public Health and Health Planning Council and the Commissioner of Health by Sections 225 of the Public Health Law and Executive Order No. 202.47, Title 10 (Health) of the Official Compilation of Codes, Rules and Regulations of the State of New York is amended by adding a new Subpart 9-4, to be effective upon filing with the Secretary of State, to read as follows:

Subpart 9-4. PROHIBITION OF FIREWORKS

9-4.1. Fireworks use prohibited

The use of fireworks or dangerous fireworks, as defined by subdivision (1) of section 270.00 of the Penal Law, during the state disaster emergency declared by Executive Order No. 202, and any extension thereof, is prohibited, except as may otherwise be permitted pursuant to section 405.00 of the Penal Law.

9-4.2. Penalties

A violation of this Subpart is subject to all civil and criminal penalties as provided for by law, including but not limited to Public Health Law § 12-b. For purposes of civil penalties, each use of fireworks shall constitute a separate violation under this Subpart. Individuals who violate this Subpart are subject to a maximum fine of $500 for the first violation of this subpart; $1,000 for the second violation of this subpart; and $2,000 for each additional violation of this subpart.

EMERGENCY JUSTIFICATION

On July 3, 2020, Governor Andrew M. Cuomo issued Executive Order No. 202.47, which directed and authorized the Department of Health to issue emergency regulations prohibiting the use of fireworks, consistent with Section 270.00 of the Penal Law. In 2019, there were reports of 12 non-occupational, fireworks-related deaths in the United States, as well as an estimated 10,000 injuries treated in U.S. hospital emergency departments. Children younger than 15 years of age accounted for 36 percent of the estimated fireworks-related injuries. Similar to 2018, nearly half of the estimated emergency department-treated, fireworks-related injuries were to individuals younger than 20 years of age. Children 0 to 4 years of age had the highest estimated rate of emergency department-treated, fireworks-related injuries.

Hospitals are on the front lines of the efforts to treat and care for people suffering from COVID-19, and it is important that New York State not lose the gains it has made in reducing daily case counts through diligent social distancing. As we continue our efforts to minimize COVID-19 case counts and "flatten the curve," it is imperative that people stay safe and refrain from illegal firework use, both to protect themselves and others from fireworks-related injuries, and to minimize the impact on hospital emergency departments.

In addition, there has been evidence of incidents of increased use of fireworks and dangerous fireworks, including in dense areas, which are especially unsafe conditions in which to use them. Use of fireworks and dangerous fireworks presents a danger to public health especially when used in close proximity to people and structures, and the increased prevalence of these reports justifies the need for this emergency regulation to deter such use and protect the public health.