

# **Legality and use of devices commonly known as “Cold Spark Fountains” within the State of Minnesota**

## **What are they and where are they found?**

Cold spark fountains are an integrated device whereby the user places proprietary materials containing mixtures of Zirconium, Titanium or similar powders into the machines hopper. The machine then, through various processes, heats or grinds the mixture then expels it from the top creating a shower of sparks similar to a pyrotechnic cone, fountain or GERB. However, these devices are user-controlled and can be turned on and off at any time unlike a traditional pyrotechnic device.

These are commonly found at venues hosting events such as concerts, weddings or similar activities where you might find pyrotechnics being used.

## **Are these devices considered fireworks?**

Unfortunately, this is not an easy question to answer. The national model code publishers, NFPA and ICC, the Consumer Product Safety Commission and other federal agencies do not classify these as fireworks due to specific language contained within the definition for fireworks. Therefore, any manufacturer, wholesaler or reseller of these devices are truthfully stating that these are not fireworks on their websites and brochures.

However, the State of Minnesota does not follow the definition of the aforementioned entities and removes key language. The net effect is that under state law, these devices are considered to be fireworks when used within the State of Minnesota.

## **Can these devices be lawfully used within the State of Minnesota?**

Adding to the overall confusion with these devices, the answer is both Yes and No. Private individuals on private property may lawfully possess and use these devices as they are non-aerial and non-explosive.

However, when used as part of a display, they are required by state law to have a pyrotechnic permit issued by the local jurisdiction or State Fire Marshal and used by someone who is certified by the State Fire Marshal. A display is any event or production whereby there are either spectators or participants and some form of financial gain occurs. Use of these devices without a permit or pyrotechnician is a misdemeanor offense.



# Minnesota Department of Public Safety State Fire Marshal Division

## What are the specific state laws governing these devices?

The following codes and laws are applicable:

Minnesota Statutes:

- MS § 624.20
- MS § 624.22
- MS § 624.24
- MS § 624.25

National Fire Protection Association (NFPA):

- NFPA 1124, 2003 Edition



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