

HOUSE BILL 1548

E4

0lr3152

By: **Delegates Hornberger, Cox, Ghrist, and Reilly**

Introduced and read first time: February 7, 2020

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Consumer and Display Fireworks**

3 FOR the purpose of authorizing a person who is at least a certain age and meets certain
4 requirements to purchase, possess, and use certain consumer fireworks; prohibiting
5 a person from intentionally igniting or discharging certain consumer fireworks in
6 certain circumstances; altering certain provisions to establish that certain provisions
7 authorizing the State Fire Marshal to issue a certain permit relating to fireworks
8 apply only to certain display fireworks; applying certain penalties to a violation of
9 this Act; defining certain terms; and generally relating to consumer and display
10 fireworks.

11 BY repealing and reenacting, without amendments,
12 Article – Public Safety
13 Section 10–101(a), 10–109, and 10–111
14 Annotated Code of Maryland
15 (2018 Replacement Volume and 2019 Supplement)

16 BY adding to
17 Article – Public Safety
18 Section 10–101(d) through (f) and 10–102.1
19 Annotated Code of Maryland
20 (2018 Replacement Volume and 2019 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article – Public Safety
23 Section 10–101(d) through (k), 10–103, 10–104, and 10–110
24 Annotated Code of Maryland
25 (2018 Replacement Volume and 2019 Supplement)

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
27 That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Public Safety

10–101.

(a) In this title the following words have the meanings indicated.

(D) “APA 87–1” MEANS THE AMERICAN PYROTECHNICS ASSOCIATION STANDARD 87–1: “STANDARD FOR CONSTRUCTION AND APPROVAL FOR TRANSPORTATION OF FIREWORKS, NOVELTIES, AND THEATRICAL PYROTECHNICS”, 2001 EDITION, OR ANY SUBSEQUENT EDITION.

(E) “CONSUMER FIREWORKS” MEANS ANY COMBUSTIBLE OR EXPLOSIVE COMPOSITION OR ANY SUBSTANCE OR COMBINATION OF SUBSTANCES THAT:

(1) IS INTENDED TO PRODUCE VISIBLE OR AUDIBLE EFFECTS BY COMBUSTION;

(2) IS SUITABLE FOR USE BY THE PUBLIC;

(3) COMPLIES WITH THE CONSTRUCTION, PERFORMANCE, COMPOSITION, AND LABELING REQUIREMENTS PROMULGATED BY THE CONSUMER PRODUCTS SAFETY COMMISSION IN TITLE 16 OF THE CODE OF FEDERAL REGULATIONS, RELATING TO COMMERCIAL PRACTICES, OR ANY SUCCESSOR REGULATION; AND

(4) COMPLIES WITH THE PROVISIONS FOR “CONSUMER FIREWORKS” AS DEFINED IN APA 87–1 OR ANY SUCCESSOR STANDARD.

(F) (1) “DISPLAY FIREWORKS” MEANS LARGE FIREWORKS TO BE USED SOLELY BY PROFESSIONAL PYROTECHNICIANS AND DESIGNED PRIMARILY TO PRODUCE VISIBLE OR AUDIBLE EFFECTS BY COMBUSTION, DEFLAGRATION, OR DETONATION.

(2) “DISPLAY FIREWORKS” INCLUDES:

(I) SALUTES THAT CONTAIN MORE THAN 2 GRAINS OR 130 MILLIGRAMS OF EXPLOSIVE MATERIALS;

(II) AERIAL SHELLS CONTAINING MORE THAN 60 GRAMS OF PYROTECHNIC COMPOSITIONS; AND

(III) OTHER DISPLAY PIECES THAT EXCEED THE LIMITS OF EXPLOSIVE MATERIALS FOR CLASSIFICATION AS CONSUMER FIREWORKS AND ARE

1 **CLASSIFIED AS FIREWORKS UN0333, UN0334, OR UN0335, UNDER TITLE 49, §**
2 **172.101 OF THE CODE OF FEDERAL REGULATIONS, RELATING TO PURPOSE AND**
3 **USE OF THE HAZARDOUS MATERIALS TABLE.**

4 **[(d)] (G)** “Explosive composition” means a mixture or substance that, when
5 ignited, may cause such a generation of highly heated gases that the resulting gaseous
6 pressures are capable of producing destructive effects on contiguous objects.

7 **[(e)] (H)** “Finishing and assembling building” means a structure in which
8 fireworks are assembled and packed but are not mixed or pressed.

9 **[(f)] (I)** (1) “Fireworks” means combustible, implosive or explosive
10 compositions, substances, combinations of substances, or articles that are prepared to
11 produce a visible or audible effect by combustion, explosion, implosion, deflagration, or
12 detonation.

13 (2) “Fireworks” includes 1.3 G fireworks, 1.4 G fireworks, **CONSUMER**
14 **FIREWORKS, DISPLAY FIREWORKS**, firecrackers, squibs, rockets, Roman candles, fire
15 balloons, and signal lights.

16 (3) “Fireworks” does not include:

17 (i) toy pistols, toy canes, toy guns, or other devices that use paper
18 caps that contain 0.25 grains or less of explosive composition if the devices are constructed
19 so that a hand cannot touch the cap when the cap is in place for use;

20 (ii) toy pistol paper caps that contain less than 0.20 grains of
21 explosive composition;

22 (iii) sparklers that do not contain chlorates or perchlorates;

23 (iv) ground-based sparkling devices that are nonaerial and
24 nonexplosive, and are labeled in accordance with the requirements of the U.S. Consumer
25 Product Safety Commission;

26 (v) paper wrapped snappers that contain less than 0.03 grains of
27 explosive composition; or

28 (vi) ash-producing pellets known as “snakes” that do not contain
29 mercury and are not regulated by the U.S. Department of Transportation.

30 **[(g)] (J)** (1) “Fireworks plant” means land and any building on the land used
31 in connection with the manufacture, packaging, repackaging, or processing of fireworks.

32 (2) “Fireworks plant” includes a storage building used in connection with
33 plant operation.

1 ~~[(h)]~~ **(K)** “Mixing building” means a building primarily used to mix and blend
2 pyrotechnic composition other than wet sparkler mixes.

3 ~~[(i)]~~ **(L)** “Press building” means a building used primarily for pressing or
4 loading pyrotechnic composition into tubes or containers.

5 ~~[(j)]~~ **(M)** “Pyrotechnic composition” means a chemical mixture that on burning
6 and without explosion produces visible or brilliant displays, bright lights, or whistles.

7 ~~[(k)]~~ **(N)** “Storage building” means a structure in which finished fireworks or
8 fireworks in any state of processing are stored, but in which processing or manufacturing
9 is not performed.

10 **10-102.1.**

11 **(A) A PERSON WHO IS AT LEAST 18 YEARS OLD AND MEETS THE**
12 **REQUIREMENTS OF THIS TITLE MAY PURCHASE, POSSESS, AND USE CONSUMER**
13 **FIREWORKS.**

14 **(B) A PERSON MAY NOT INTENTIONALLY IGNITE OR DISCHARGE CONSUMER**
15 **FIREWORKS:**

16 **(1) ON PUBLIC PROPERTY OR ON PRIVATE PROPERTY WITHOUT THE**
17 **EXPRESS PERMISSION OF THE OWNER;**

18 **(2) WITHIN, INTO, AT, OR FROM, A MOTOR VEHICLE OR BUILDING;**

19 **(3) AT ANOTHER PERSON;**

20 **(4) WHILE THE PERSON IS UNDER THE INFLUENCE OF ALCOHOL, A**
21 **CONTROLLED SUBSTANCE, OR ANOTHER DRUG; OR**

22 **(5) WITHIN 150 FEET OF AN OCCUPIED STRUCTURE.**

23 **(C) THIS SECTION MAY NOT BE CONSTRUED TO REGULATE THE SALE,**
24 **POSSESSION, OR USE OF ANY OF THE DEVICES LISTED IN § 10-101(I)(3) OF THIS**
25 **SUBTITLE.**

26 10-103.

27 (a) Subject to subsections (b) and (c) of this section, the State Fire Marshal may
28 issue a permit to authorize the discharge of **DISPLAY** fireworks in a place where the
29 discharge of **DISPLAY** fireworks is legal.

(b) The State Fire Marshal shall issue a permit to discharge **DISPLAY** fireworks only if the State Fire Marshal determines that the proposed discharge of fireworks will:

(1) not endanger health or safety or damage property; and

(2) be supervised by an experienced and qualified person who has previously secured written authority from the State Fire Marshal to discharge fireworks.

(c) A permit to discharge **DISPLAY** fireworks:

(1) does not authorize the holder of the permit to possess or discharge fireworks in violation of an ordinance or regulation of the political subdivision where the fireworks are to be discharged; and

(2) does not relieve an applicant for a permit from any requirement to obtain any additional license or authority from the governing body of the political subdivision where the fireworks are to be discharged.

10–104.

(a) A person must have a permit to discharge **DISPLAY** fireworks as provided by this subtitle before the person:

(1) discharges **DISPLAY** fireworks; or

(2) possesses **DISPLAY** fireworks with the intent to discharge **DISPLAY** fireworks or to allow the discharge of **DISPLAY** fireworks.

(b) An applicant for a permit to discharge **DISPLAY** fireworks shall:

(1) apply to the State Fire Marshal for the permit at least 10 days before the date of discharge;

(2) pay to the State Fire Marshal a permit fee of \$50; and

(3) post a bond with the State Fire Marshal in accordance with § 10–105 of this subtitle.

(c) If the State Fire Marshal does not receive the application for a permit required under subsection (b) of this section at least 10 days before the date of the discharge, the State Fire Marshal shall charge the applicant a late fee of \$50 in addition to all required fees.

(d) The permit fee required under subsection (b)(2) of this section and the late fee required under subsection (c) of this section do not apply to a volunteer fire department or

volunteer ambulance and rescue company.

(e) A permit to discharge **DISPLAY** fireworks is nontransferable.

10–109.

The State Fire Prevention Commission shall adopt regulations to carry out this subtitle.

10–110.

(a) Unless the person holds a permit issued under this subtitle, a person may not:

(1) discharge **DISPLAY** fireworks; or

(2) possess **DISPLAY** fireworks:

(i) with intent to discharge or allow the discharge of the **DISPLAY** fireworks in violation of this subtitle; or

(ii) for the purpose of disposing or selling the **DISPLAY** fireworks to a person for use or discharge without a permit, if a permit is required by this subtitle.

(b) (1) Except as otherwise provided in this subtitle, a person may not sell **DISPLAY** fireworks to another person without a permit issued under this subtitle.

(2) (i) A person licensed by the State Fire Marshal under Subtitle 2 of this title may sell or deliver fireworks to a bona fide distributor, jobber, or wholesaler with a principal place of business in a state where the sale or possession of fireworks is allowed.

(ii) The State Fire Marshal may require a person who is an out-of-state distributor, jobber, or wholesaler to submit a certificate issued by the person's state of operation that demonstrates authority to buy and receive fireworks.

10–111.

(a) A person who possesses or discharges fireworks in violation of this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$250 for each offense.

(b) A person who sells fireworks in violation of this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 for each offense.

(c) (1) At the expense of the owner, the State Fire Marshal shall seize and remove all fireworks possessed or sold in violation of this subtitle.

1 (2) Fireworks described in paragraph (1) of this subsection shall be
2 forfeited and destroyed.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2020.