

SENATE BILL 165

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2000 Regular Session
0lr0871

By: **Senator Baker**
Introduced and read first time: January 21, 2000
Assigned to: Economic and Environmental Affairs

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: February 22, 2000

CHAPTER _____

1 AN ACT concerning

2 **State Fire Marshal - Fireworks - Manufacture, Storage, and Packaging**

3 FOR the purpose of clarifying the scope of licenses to manufacture fireworks;
4 clarifying that the manufacture of certain fireworks is unlawful; clarifying the
5 locations where certain fireworks may be stored under certain circumstances;
6 authorizing the packaging and repackaging of certain fireworks in a certain
7 location under certain circumstances; altering certain definitions; providing for
8 the effective date of this Act; and generally relating to the regulation of
9 fireworks by the State Fire Marshal.

10 BY repealing and reenacting, with amendments,
11 Article 38A - Fires and Investigations
12 Section 15 and 19(e)
13 Annotated Code of Maryland
14 (1997 Replacement Volume and 1999 Supplement)

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

17 **Article 38A - Fires and Investigations**

18 15.

19 (a) The term "fireworks" as used in this subtitle means firecrackers, squibs,
20 rockets, Roman candles, fire balloons, signal lights, and any combustible, explosive or
21 implosive composition, or any substance or combination of substances, or article
22 prepared for the purpose of producing a visible or an audible effect by combustion,
23 explosion, implosion, deflagration, or detonation. The term "fireworks" does not

1 include toy pistols, toy canes, toy guns, or other devices in which paper caps
2 containing twenty-five hundredths grains or less of explosive compound are used,
3 provided they are so constructed that the hand cannot come in contact with the cap
4 when in place for use; or toy pistol paper caps which contain less than twenty
5 hundredths grains of explosive mixture; or sparklers containing no chlorates or
6 perchlorates; or paper wrapped snappers containing less than three hundredths
7 grains of explosive composition; or ash-producing pellets known as "snakes" which
8 contain no mercury and are not regulated by the U.S. Department of Transportation.

9 (b) ["Class B fireworks"] "1.3 G FIREWORKS" means special fireworks,
10 designed primarily to produce visible or audible effects by combustion or explosion.
11 [Class B] 1.3 G fireworks includes toy torpedoes, railway torpedoes, firecrackers and
12 salutes that do not qualify as [Class C] 1.4 G fireworks, exhibition display pieces,
13 illuminating projectiles, incendiary projectiles, incendiary grenades; smoke
14 projectiles or bombs containing expelling charges but without bursting charges; flash
15 powders in inner units not exceeding two ounces each, flash sheets in interior
16 packages, flash powder or spreader cartridges containing not over 72 grains of flash
17 powder each; and flash cartridges consisting of a paper cartridge shell, small arms
18 primer and flash composition, not exceeding 180 grains all assembled in one piece.
19 The use of the term ["Class B fireworks"] "1.3 G FIREWORKS" is based on United
20 States Department of Transportation regulations.

21 (c) ["Class C fireworks"] "1.4 G FIREWORKS" means common fireworks,
22 designed primarily to produce visible effects by combustion. Some small devices
23 designed to produce an audible effect are included, but only when containing less than
24 two grains of pyrotechnic composition. [Class C] 1.4 G fireworks include the
25 following:

26 (1) Roman candles, not exceeding ten balls, with total pyrotechnic
27 composition not exceeding twenty grams in weight and inside tube diameter not
28 exceeding 3/8 inch;

29 (2) Sky rockets with sticks, total pyrotechnic composition not exceeding
30 twenty grams in weight, and inside tube diameter not exceeding 1/2 inch;

31 (3) Helicopter type rockets, total pyrotechnic composition not exceeding
32 twenty grams in weight, and inside tube diameter not exceeding 1/2 inch;

33 (4) Cylindrical fountains with total pyrotechnic composition not
34 exceeding seventy-five grams in weight; and inside tube diameter not exceeding 3/4
35 inch;

36 (5) Cone fountains with total pyrotechnic composition not exceeding fifty
37 grams each in weight;

38 (6) Wheels, with total pyrotechnic composition not exceeding sixty grams
39 for each driver unit or two hundred forty grams for each wheel, and with inside tube
40 diameter of driver units not exceeding 1/2 inch;

1 (7) Illuminating torches and colored fire in any form with total
2 pyrotechnic composition not exceeding one hundred grams each;

3 (8) Dipped sticks, the pyrotechnic composition of which contains any
4 perchlorate not exceeding five grams;

5 (9) Mines and shells of which the mortar is an integral part, total
6 pyrotechnic composition not exceeding forty grams in weight;

7 (10) Firecrackers and salutes with casings, and external dimensions not
8 exceeding one and one-half inches in length, or one-quarter inch in diameter, and
9 total pyrotechnic composition not exceeding two grains each in weight; and

10 (11) Novelties consisting of two or more devices enumerated in this
11 subsection.

12 The use of the term ["Class C" common fireworks] "1.4 G FIREWORKS" is based
13 on United States Department of Transportation regulations.

14 (d) "Pyrotechnic composition" means a chemical mixture which on burning
15 and without explosion produces visible or brilliant displays or bright lights, or
16 whistles.

17 (e) "Explosive composition" means any mixture or substance which, upon
18 being ignited, may cause such a generation of highly heated gases that the resulting
19 gaseous pressures are capable of producing destructive effects on contiguous objects.

20 (f) "Fireworks plant" means all lands, and buildings thereon, used for or in
21 connection with the manufacture, PACKAGING, REPACKAGING, or processing of
22 fireworks. This includes storage buildings used with or in connection with plant
23 operation.

24 (g) "Finishing and assembling building" means any building or structure in
25 which fireworks are assembled and packed but in which no mixing or pressing is
26 permitted.

27 (h) "Press building" means any building used primarily for pressing or loading
28 pyrotechnic powder into tubes and containers.

29 (i) "Mixing building" means any building used primarily for mixing and
30 blending pyrotechnic composition excluding wet sparkler mixes.

31 (j) "Storage building" means any building, structure, or facility in which
32 fireworks in any state of processing, or finished fireworks, are stored, but in which no
33 processing or manufacturing is performed. THE PACKAGING AND REPACKAGING OF
34 1.4 G FIREWORKS IN FINISHED FORM IS PERMITTED IN A STORAGE BUILDING IF
35 THERE IS A MINIMUM SEPARATION DISTANCE OF 25 FEET BETWEEN THE PACKAGING
36 AREA AND ANY STORED FIREWORKS.

1 (k) "Warehouse" means any building or structure used exclusively for the
2 storage of inert materials.

3 19.

4 (e) A license to manufacture fireworks, granted pursuant to this section,
5 permits the licensee to manufacture, process, and store [Class C] 1.4 G fireworks, and
6 rockets and Roman candles as hereinafter permitted. The manufacture of any [Class
7 B] 1.3 G display fireworks OTHER THAN ROCKETS AND ROMAN CANDLES, fireworks
8 commonly known as "flash and sound", products utilizing potassium chlorate, and any
9 explosives, [including Class B special fireworks other than rockets and Roman
10 candles,] is unlawful, except as authorized by any other law. The storage of [Class B]
11 1.3 G DISPLAY fireworks other than rockets or Roman candles is prohibited except as
12 permitted by this subsection. 1.4 G FIREWORKS AND 1.3 G DISPLAY FIREWORKS MAY
13 BE STORED BY LICENSED MANUFACTURERS OR LICENSED EXPLOSIVES DEALERS AT
14 APPROVED LOCATIONS IN STORAGE BUILDINGS APPROVED BY THE STATE FIRE
15 MARSHAL OR THE LOCAL AUTHORITY HAVING JURISDICTION OVER LOCAL FIRE
16 PREVENTION CODES. [Class B fireworks for authorized displays may be stored in a
17 separate storage building approved by the State Fire Marshal upon obtaining a
18 permit from the State Fire Marshal. The State Fire Marshal may issue a permit for
19 the storage of Class B display fireworks for only that material for which the applicant
20 has valid orders, and the permits shall specify the type and quantity of Class B
21 material and order number. A permit for storage may be issued for a period not to
22 extend beyond the date of the authorized display and in no case to exceed ten days;
23 however, Class B fireworks may be stored in a separate storage building between
24 April 20 and July 20 inclusive, without valid orders, if the State Fire Marshal issues
25 a permit.] Any person violating this subsection is guilty of a misdemeanor and upon
26 conviction shall be fined not more than \$1,000.00 or imprisoned for not more than one
27 year, or both.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 ~~October~~ June 1, 2000.