
By: **Senator Baker**

Introduced and read first time: January 21, 2000

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

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; and generally
8 relating to the regulation of fireworks by the State Fire Marshal.

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

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

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

17 15.

18 (a) The term "fireworks" as used in this subtitle means firecrackers, squibs,
19 rockets, Roman candles, fire balloons, signal lights, and any combustible, explosive or
20 implosive composition, or any substance or combination of substances, or article
21 prepared for the purpose of producing a visible or an audible effect by combustion,
22 explosion, implosion, deflagration, or detonation. The term "fireworks" does not
23 include toy pistols, toy canes, toy guns, or other devices in which paper caps
24 containing twenty-five hundredths grains or less of explosive compound are used,
25 provided they are so constructed that the hand cannot come in contact with the cap
26 when in place for use; or toy pistol paper caps which contain less than twenty
27 hundredths grains of explosive mixture; or sparklers containing no chlorates or
28 perchlorates; or paper wrapped snappers containing less than three hundredths
29 grains of explosive composition; or ash-producing pellets known as "snakes" which
30 contain no mercury and are not regulated by the U.S. Department of Transportation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (f) "Fireworks plant" means all lands, and buildings thereon, used for or in
15 connection with the manufacture, PACKAGING, REPACKAGING, or processing of
16 fireworks. This includes storage buildings used with or in connection with plant
17 operation.

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

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

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

25 (j) "Storage building" means any building, structure, or facility in which
26 fireworks in any state of processing, or finished fireworks, are stored, but in which no
27 processing or manufacturing is performed. THE PACKAGING AND REPACKAGING OF
28 1.4 G FIREWORKS IN FINISHED FORM IS PERMITTED IN A STORAGE BUILDING IF
29 THERE IS A MINIMUM SEPARATION DISTANCE OF 25 FEET BETWEEN THE PACKAGING
30 AREA AND ANY STORED FIREWORKS.

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

33 19.

34 (e) A license to manufacture fireworks, granted pursuant to this section,
35 permits the licensee to manufacture, process, and store [Class C] 1.4 G fireworks, and
36 rockets and Roman candles as hereinafter permitted. The manufacture of any [Class
37 B] 1.3 G display fireworks OTHER THAN ROCKETS AND ROMAN CANDLES, fireworks
38 commonly known as "flash and sound", products utilizing potassium chlorate, and any

1 explosives, [including Class B special fireworks other than rockets and Roman
2 candles,] is unlawful, except as authorized by any other law. The storage of [Class B]
3 1.3 G DISPLAY fireworks other than rockets or Roman candles is prohibited except as
4 permitted by this subsection. 1.4 G FIREWORKS AND 1.3 G DISPLAY FIREWORKS MAY
5 BE STORED BY LICENSED MANUFACTURERS OR LICENSED EXPLOSIVES DEALERS AT
6 APPROVED LOCATIONS IN STORAGE BUILDINGS APPROVED BY THE STATE FIRE
7 MARSHAL. [Class B fireworks for authorized displays may be stored in a separate
8 storage building approved by the State Fire Marshal upon obtaining a permit from
9 the State Fire Marshal. The State Fire Marshal may issue a permit for the storage of
10 Class B display fireworks for only that material for which the applicant has valid
11 orders, and the permits shall specify the type and quantity of Class B material and
12 order number. A permit for storage may be issued for a period not to extend beyond
13 the date of the authorized display and in no case to exceed ten days; however, Class B
14 fireworks may be stored in a separate storage building between April 20 and July 20
15 inclusive, without valid orders, if the State Fire Marshal issues a permit.] Any person
16 violating this subsection is guilty of a misdemeanor and upon conviction shall be fined
17 not more than \$1,000.00 or imprisoned for not more than one year, or both.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2000.