

HOUSE BILL 201

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E4

2001 Regular Session
11r0001

By: **Chairman, Judiciary Committee (Departmental - State Police) and
Delegate Pitkin**

Introduced and read first time: January 22, 2001

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Explosives - Restrictions**

3 FOR the purpose of restricting the sale and distribution of certain powders and
4 explosives to certain individuals under a certain age; prohibiting certain
5 individuals under a certain age from possessing, using, selling, or distributing
6 certain explosives; providing for a certain exception; prohibiting the falsification
7 of certain information under certain circumstances; and generally relating to
8 explosives.

9 BY repealing and reenacting, with amendments,
10 Article 38A - Fires and Investigations
11 Section 27B
12 Annotated Code of Maryland
13 (1997 Replacement Volume and 2000 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 27B.

18 (a) A person may possess up to 5 pounds of smokeless powder for the loading
19 or reloading of small arms ammunition and up to 5 pounds of black powder for the
20 loading or reloading of small arms ammunition or for use in the loading of antique
21 arms or replicas of antique arms without a license to possess explosives, except as
22 provided in [subsection (d)] SUBSECTIONS (D) AND (F) OF THIS SECTION. However,
23 the person shall store these explosives in their original shipping containers.
24 Additionally, the person may possess these explosives only for personal use, which is
25 confined strictly for use in firearms.

26 (b) A person may not possess at any time or store in any one place a quantity
27 of smokeless powder or black powder for use in firearms in excess of those quantities

1 set forth in subsection (a) of this section without first obtaining a license to
2 manufacture, deal in or possess explosives under § 28 of this subtitle.

3 (c) A person may not engage in the business of loading or reloading small
4 arms ammunition without first obtaining a license to deal in explosives under § 28(b)
5 of this subtitle.

6 (d) (1) A person may not possess or store explosives for use in firearms in
7 any quantity in multifamily dwellings, apartments, dormitories, hotels, schools or
8 other public buildings, or buildings or structures open for public use.

9 (2) However, the State Fire Marshal may issue a permit to allow
10 temporary possession of explosives for use in firearms in a building or structure open
11 for public use.

12 (E) A PERSON OR DEALER MAY NOT SELL OR DISTRIBUTE ANY SMOKELESS
13 POWDER, BLACK POWDER, OR EXPLOSIVES AS DEFINED IN § 26(1) AND (6) OF THIS
14 SUBTITLE TO A PERSON UNDER THE AGE OF 21 YEARS.

15 (F) (1) A PERSON UNDER THE AGE OF 21 YEARS MAY NOT POSSESS, USE,
16 SELL, OR DISTRIBUTE ANY SMOKELESS POWDER, BLACK POWDER, OR EXPLOSIVES AS
17 DEFINED IN § 26(1) AND (6) OF THIS SUBTITLE.

18 (2) HOWEVER, THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION
19 DO NOT APPLY TO ANY PERSON ACTING AS THE AGENT OF THE PERSON'S EMPLOYER
20 WITHIN THE SCOPE OF THE PERSON'S EMPLOYMENT OR ANY PERSON POSSESSING
21 ANY SMOKELESS POWDER, BLACK POWDER, OR ANY EXPLOSIVES FOR USE IN
22 FIREARMS FOR REENACTMENT PURPOSES, SPORT HUNTING, OR SHOOTING
23 PURPOSES.

24 (G) A PERSON UNDER THE AGE OF 21 YEARS MAY NOT USE ANY FALSIFIED
25 IDENTIFICATION OR USE ANY IDENTIFICATION OTHER THAN THE PERSON'S OWN
26 FOR THE PURPOSE OF OBTAINING OR ATTEMPTING TO OBTAIN SMOKELESS POWDER,
27 BLACK POWDER, OR ANY EXPLOSIVES.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2001.