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By: **Senators Collins and Baker**

Introduced and read first time: February 9, 2001

Assigned to: Rules

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A BILL ENTITLED

1 AN ACT concerning

2 **Fireworks - Exceptions and Expansion of Types of 1.4 G Fireworks**

3 FOR the purpose of excluding certain sparklers or sparkling devices from the  
4 definition of "fireworks" under certain circumstances; expanding the categories  
5 of certain 1.4 G fireworks to include certain cylindrical fountains that exceed a  
6 certain weight or exceed a certain diameter and certain cone fountains that  
7 exceed a certain weight; and generally relating to the classification of fireworks.

8 BY repealing and reenacting, with amendments,  
9 Article 38A - Fires and Investigations  
10 Section 15(a) and (c)  
11 Annotated Code of Maryland  
12 (1997 Replacement Volume and 2000 Supplement)

13 BY repealing and reenacting, without amendments,  
14 Article 38A - Fires and Investigations  
15 Section 15(b) and 19(e)  
16 Annotated Code of Maryland  
17 (1997 Replacement Volume and 2000 Supplement)

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

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

21 15.

22 (a) The term "fireworks" as used in this subtitle means firecrackers, squibs,  
23 rockets, Roman candles, fire balloons, signal lights, and any combustible, explosive or  
24 implosive composition, or any substance or combination of substances, or article  
25 prepared for the purpose of producing a visible or an audible effect by combustion,  
26 explosion, implosion, deflagration, or detonation. The term "fireworks" does not  
27 include toy pistols, toy canes, toy guns, or other devices in which paper caps  
28 containing twenty-five hundredths grains or less of explosive compound are used,

1 provided they are so constructed that the hand cannot come in contact with the cap  
2 when in place for use; or toy pistol paper caps which contain less than twenty  
3 hundredths grains of explosive mixture; or sparklers [containing] OR SPARKLING  
4 DEVICES THAT ARE NONAERIAL AND NONEXPLOSIVE, CONTAIN no chlorates or  
5 perchlorates, AND ARE LABELED BY THE U.S. CONSUMER PRODUCT SAFETY  
6 COMMISSION; 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) "1.3 G fireworks" means special fireworks, designed primarily to produce  
10 visible or audible effects by combustion or explosion. 1.3 G fireworks includes toy  
11 torpedoes, railway torpedoes, firecrackers and salutes that do not qualify as 1.4 G  
12 fireworks, exhibition display pieces, illuminating projectiles, incendiary projectiles,  
13 incendiary grenades; smoke projectiles or bombs containing expelling charges but  
14 without bursting charges; flash powders in inner units not exceeding two ounces each,  
15 flash sheets in interior packages, flash powder or spreader cartridges containing not  
16 over 72 grains of flash powder each; and flash cartridges consisting of a paper  
17 cartridge shell, small arms primer and flash composition, not exceeding 180 grains all  
18 assembled in one piece. The use of the term "1.3 G fireworks" is based on United  
19 States Department of Transportation regulations.

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

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

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

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

31 (4) Cylindrical fountains with total pyrotechnic composition [not]  
32 exceeding seventy-five grams in weight; [and] OR inside tube diameter [not]  
33 exceeding 3/4 inch;

34 (5) Cone fountains with total pyrotechnic composition [not] exceeding  
35 fifty grams each in weight;

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

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

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

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

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

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

10        The use of the term "1.4 G fireworks" is based on United States Department of  
11 Transportation regulations.

12 19.

13        (e)     A license to manufacture fireworks, granted pursuant to this section,  
14 permits the licensee to manufacture, process, and store 1.4 G fireworks, and rockets  
15 and Roman candles as hereinafter permitted. The manufacture of any 1.3 G display  
16 fireworks other than rockets and Roman candles, fireworks commonly known as  
17 "flash and sound", products utilizing potassium chlorate, and any explosives, is  
18 unlawful, except as authorized by any other law. The storage of 1.3 G display  
19 fireworks other than rockets or Roman candles is prohibited except as permitted by  
20 this subsection. 1.4 G fireworks and 1.3 G display fireworks may be stored by licensed  
21 manufacturers or licensed explosives dealers at approved locations in storage  
22 buildings approved by the State Fire Marshal or the local authority having  
23 jurisdiction over local fire prevention codes. Any person violating this subsection is  
24 guilty of a misdemeanor and upon conviction shall be fined not more than \$1,000.00  
25 or imprisoned for not more than one year, or both.

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