
By: **Senators Collins and Baker**

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Assigned to: Rules

Re-referred to: Economic and Environmental Affairs, February 21, 2001

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 20, 2001

CHAPTER _____

1 AN ACT concerning

2 **Fireworks - ~~Exceptions and Expansion of Types of 1.4 G Fireworks~~**
3 **Sparklers and Sparkling Devices**

4 FOR the purpose of excluding certain sparklers or sparkling devices from the
5 definition of "fireworks" under certain circumstances; ~~expanding~~ eliminating
6 the categories of certain 1.4 G fireworks ~~to that~~ that include certain cylindrical
7 fountains ~~that exceed a certain weight or exceed a certain diameter~~ and certain
8 cone fountains ~~that exceed a certain weight~~; requiring the licensing of
9 manufacturers of certain sparklers or sparkling devices; requiring certain
10 distributors or wholesalers of certain sparklers or sparkling devices to register
11 annually with the office of the State Fire Marshal; providing an annual
12 registration fee be paid by certain distributors or wholesalers of certain
13 sparklers or sparkling devices; prohibiting the sale of sparklers or sparkling
14 devices to a person under a certain age; providing certain penalties; and
15 generally relating to the classification of fireworks.

16 BY repealing and reenacting, with amendments,
17 Article 38A - Fires and Investigations
18 Section 15(a) and (c) and 19(e)
19 Annotated Code of Maryland
20 (1997 Replacement Volume and 2000 Supplement)

21 BY repealing and reenacting, without amendments,
22 Article 38A - Fires and Investigations
23 Section 15(b) ~~and 19(e)~~
24 Annotated Code of Maryland

1 (1997 Replacement Volume and 2000 Supplement)

2 BY adding to

3 Article 38A - Fires and Investigations

4 Section 16A and 19A

5 Annotated Code of Maryland

6 (1997 Replacement Volume and 2000 Supplement)

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

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

10 15.

11 (a) The term "fireworks" as used in this subtitle means firecrackers, squibs,
12 rockets, Roman candles, fire balloons, signal lights, and any combustible, explosive or
13 implosive composition, or any substance or combination of substances, or article
14 prepared for the purpose of producing a visible or an audible effect by combustion,
15 explosion, implosion, deflagration, or detonation. The term "fireworks" does not
16 include toy pistols, toy canes, toy guns, or other devices in which paper caps
17 containing twenty-five hundredths grains or less of explosive compound are used,
18 provided they are so constructed that the hand cannot come in contact with the cap
19 when in place for use; or toy pistol paper caps which contain less than twenty
20 hundredths grains of explosive mixture; or sparklers ~~{containing}~~ ~~OR SPARKLING~~
21 ~~DEVICES THAT ARE NONAERIAL AND NONEXPLOSIVE, CONTAIN~~ no chlorates or
22 perchlorates, OR GROUND-BASED SPARKLING DEVICES THAT ARE NONAERIAL AND
23 NONEXPLOSIVE, AND ARE LABELED BY IN ACCORDANCE WITH THE REQUIREMENTS
24 OF THE U.S. CONSUMER PRODUCT SAFETY COMMISSION; or paper wrapped snappers
25 containing less than three hundredths grains of explosive composition; or
26 ash-producing pellets known as "snakes" which contain no mercury and are not
27 regulated by the U.S. Department of Transportation.

28 (b) "1.3 G fireworks" means special fireworks, designed primarily to produce
29 visible or audible effects by combustion or explosion. 1.3 G fireworks includes toy
30 torpedoes, railway torpedoes, firecrackers and salutes that do not qualify as 1.4 G
31 fireworks, exhibition display pieces, illuminating projectiles, incendiary projectiles,
32 incendiary grenades; smoke projectiles or bombs containing expelling charges but
33 without bursting charges; flash powders in inner units not exceeding two ounces each,
34 flash sheets in interior packages, flash powder or spreader cartridges containing not
35 over 72 grains of flash powder each; and flash cartridges consisting of a paper
36 cartridge shell, small arms primer and flash composition, not exceeding 180 grains all
37 assembled in one piece. The use of the term "1.3 G fireworks" is based on United
38 States Department of Transportation regulations.

39 (c) "1.4 G fireworks" means common fireworks, designed primarily to produce
40 visible effects by combustion. Some small devices designed to produce an audible

1 effect are included, but only when containing less than two grains of pyrotechnic
2 composition. 1.4 G fireworks include the following:

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

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

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

10 ~~(4) Cylindrical fountains with total pyrotechnic composition [not]~~
11 ~~exceeding seventy five grams in weight; [and] OR inside tube diameter [not]~~
12 ~~exceeding 3/4 inch;~~

13 ~~(5) Cone fountains with total pyrotechnic composition [not] exceeding~~
14 ~~fifty grams each in weight;~~

15 ~~(6)~~ (4) Wheels, with total pyrotechnic composition not exceeding sixty
16 grams for each driver unit or two hundred forty grams for each wheel, and with inside
17 tube diameter of driver units not exceeding 1/2 inch;

18 ~~(7)~~ (5) Illuminating torches and colored fire in any form with total
19 pyrotechnic composition not exceeding one hundred grams each;

20 ~~(8)~~ (6) Dipped sticks, the pyrotechnic composition of which contains
21 any perchlorate not exceeding five grams;

22 ~~(9)~~ (7) Mines and shells of which the mortar is an integral part, total
23 pyrotechnic composition not exceeding forty grams in weight;

24 ~~(10)~~ (8) Firecrackers and salutes with casings, and external dimensions
25 not exceeding one and one-half inches in length, or one-quarter inch in diameter, and
26 total pyrotechnic composition not exceeding two grains each in weight; and

27 ~~(11)~~ (9) Novelties consisting of two or more devices enumerated in this
28 subsection.

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

31 16A.

32 (A) A PERSON MAY NOT SELL SPARKLERS OR SPARKLING DEVICES TO A
33 PERSON UNDER THE AGE OF 16 YEARS.

34 (B) A PERSON WHO VIOLATES THE PROVISIONS OF THIS SECTION IS GUILTY
35 OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING
36 \$1,000.

1 19.

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

16 19A.

17 (A) THIS SECTION APPLIES TO A DISTRIBUTOR OR WHOLESALER OF
18 SPARKLERS OR SPARKLING DEVICES WHO:

19 (1) INTENDS TO CONDUCT BUSINESS IN THE STATE; OR

20 (2) SELLS, SHIPS, OR ASSIGNS FOR SALE IN THE STATE THE PRODUCTS
21 OF THE DISTRIBUTOR OR WHOLESALER.

22 (B) A DISTRIBUTOR OR WHOLESALER SHALL REGISTER ANNUALLY WITH THE
23 OFFICE OF THE STATE FIRE MARSHAL ON FORMS PRESCRIBED BY THE OFFICE.

24 (C) THE ANNUAL FEE FOR REGISTRATION UNDER THIS SECTION SHALL BE
25 \$750.

26 (D) A PERSON WHO VIOLATES THE PROVISIONS OF THIS SECTION IS GUILTY
27 OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING
28 \$1,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

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