

Department of Legislative Services
 Maryland General Assembly
 2001 Session

FISCAL NOTE
Revised

Senate Bill 779

(Senators Collins and Baker)

Economic and Environmental Affairs

Environmental Matters

Fireworks - Sparklers and Sparkling Devices

This bill makes various changes under provisions governing the manufacture, sale, and distribution of fireworks.

Fiscal Summary

State Effect: General fund revenue increase of \$37,500 annually beginning in FY 2002 from annual registration fees. Administration of the registration program could be handled with the existing budgeted resources of the State Fire Marshal. Potential minimal increase in general fund revenues and expenditures due to the bill's penalty provisions.

(in dollars)	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
GF Revenue	\$37,500	\$37,500	\$37,500	\$37,500	\$37,500
GF Expenditure	-	-	-	-	-
Net Effect	\$37,500	\$37,500	\$37,500	\$37,500	\$37,500

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: Potential minimal increase in expenditures due to the bill's penalty provisions. Revenues would not be affected.

Small Business Effect: Minimal.

Analysis

Summary: This bill expands the permissible fireworks that may be sold in Maryland to include specified sparkling devices as well as sparklers. Specifically, the bill provides

that the term “fireworks” does not include ground-based sparkling devices that are nonaerial and nonexplosive, and are labeled in accordance with requirements of the U.S. Consumer Product Safety Commission. The bill eliminates cylindrical and cone fountains with a specified total pyrotechnic composition from the definition of common fireworks, also known as 1.4G fireworks. The bill prohibits selling sparklers or sparkling devices to a person under 16. A violator is guilty of a misdemeanor and subject to a maximum monetary penalty of \$1,000.

The bill expands the license to manufacture fireworks to include sparklers or sparkling devices. The bill requires distributors and wholesalers of sparklers or sparkling devices who conduct business in Maryland to register annually with the State Fire Marshal, and pay an annual registration fee of \$750. A violator of the registration requirements is guilty of a misdemeanor and subject to maximum penalties of a fine of \$1,000 and/or imprisonment for one year.

Current Law: The definition of fireworks does not include sparklers that contain no chlorates or perchlorates regardless of safety labeling by the U.S. Product Safety Commission. The term “1.4G fireworks” comes from regulations issued by the U.S. Department of Transportation and include cylindrical fountains with a total pyrotechnic composition up to 75 grams in weight and an inside tube diameter up to 3/4 inch. Cone fountains with a total pyrotechnic composition up to 50 grams are also considered 1.4G fireworks.

Background: According to the U.S. Fireworks Safety Council, Maryland is one of six states that allow only sparklers and other novelties to be sold to consumers. The other states that allow only sparklers and other novelties are Illinois, Iowa, Maine, Ohio, and Pennsylvania. Sparklers are permitted for sale in 41 states. Ten states ban the sale of all types of consumer fireworks (Arizona, Connecticut, Delaware, Georgia, Massachusetts, Minnesota, New Jersey, New York, Rhode Island, and Vermont). Two states (Hawaii and Nevada) do not regulate the sale of fireworks at the state level and the remaining 32 states and the District of Columbia permit the sale of some or all types of consumer fireworks.

State Revenues: Maryland has no manufacturers of sparklers or sparkling devices. It is estimated that 50 distributors and/or wholesalers of sparklers or sparkling devices will register to do business in Maryland annually. Accordingly, general fund revenues could increase by an estimated \$37,500 per year.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of State Police (State Fire Marshal), Department of Legislative Services

Fiscal Note History: First Reader – March 12, 2001
cm/jr Revised – Senate Third Reader – March 28, 2001

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