
By: **Delegates Moe, Bozman, Conway, Costa, DeBoy, Frush, Glassman,
Healey, Jennings, Malone, Menes, Parrott, Ross, and Weir**

Introduced and read first time: February 6, 2003

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Fireworks - Classification and Regulation of Sparkling Devices**

3 FOR the purpose of including certain cylindrical fountains and certain cone fountains
4 in the category of 1.4 G fireworks; including certain sparkling devices in the
5 definition of "fireworks"; repealing the exclusion of certain sparkling devices
6 from the definition of "fireworks"; and generally relating to the classification
7 and regulation of fireworks.

8 BY repealing and reenacting, without amendments,
9 Article - Public Safety
10 Section 10-101(a) and (b), 10-104(a), and 10-201(a)
11 Annotated Code of Maryland
12 (As enacted by Chapter _____(S.B. 1) of the Acts of the General Assembly of
13 2003)

14 BY repealing and reenacting, with amendments,
15 Article - Public Safety
16 Section 10-101(c) and (f)
17 Annotated Code of Maryland
18 (As enacted by Chapter _____(S.B. 1) of the Acts of the General Assembly of
19 2003)

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

22 **Article - Public Safety**

23 10-101.

24 (a) In this title the following words have the meanings indicated.

25 (b) (1) "1.3 G fireworks" means special fireworks designed primarily to
26 produce visible or audible effects by combustion or explosion.

1 (2) "1.3 G fireworks" includes:

2 (i) toy torpedoes, railway torpedoes, firecrackers and salutes that
3 do not qualify as 1.4 G fireworks, exhibition display pieces, illuminating projectiles,
4 incendiary projectiles, and incendiary grenades;

5 (ii) smoke projectiles or bombs containing expelling charges but
6 without bursting charges;

7 (iii) flash powders in inner units not exceeding 2 ounces each, flash
8 sheets in interior packages, and flash powder or spreader cartridges containing an
9 amount not exceeding 72 grains of flash powder each; and

10 (iv) flash cartridges consisting of a paper cartridge shell, small arms
11 primer, and flash composition, not exceeding 180 grains, all assembled in one piece.

12 (c) (1) "1.4 G fireworks" means common fireworks designed primarily to
13 produce visible effects by combustion.

14 (2) "1.4 G fireworks" includes:

15 (i) small devices containing less than 2 grains of pyrotechnic
16 composition designed to produce an audible effect;

17 (ii) Roman candles, not exceeding 10 balls, that have a total
18 pyrotechnic composition not exceeding 20 grams and inside tube diameter not
19 exceeding 3/8 inch;

20 (iii) sky rockets with sticks, that have a total pyrotechnic
21 composition not exceeding 20 grams and an inside tube diameter not exceeding 1/2
22 inch;

23 (iv) helicopter-type rockets that have a total pyrotechnic
24 composition not exceeding 20 grams and an inside tube diameter not exceeding 1/2
25 inch;

26 (v) wheels that have a total pyrotechnic composition not exceeding
27 60 grams for each driver unit or 240 grams for each wheel and an inside tube
28 diameter of driver units not exceeding 1/2 inch;

29 (vi) illuminating torches and colored fire in any form that have a
30 total pyrotechnic composition not exceeding 100 grams each;

31 (vii) dipped sticks that have a pyrotechnic composition containing
32 any perchlorate not exceeding 5 grams;

33 (viii) mines or shells in which the mortar is an integral part, that
34 have a total pyrotechnic composition not exceeding 40 grams;

1 (ix) firecrackers or salutes with casings that have a total
2 pyrotechnic composition not exceeding 2 grains each and external dimensions not
3 exceeding 1 1/2 inches in length or 1/4 inch in diameter; [and]

4 (x) novelties that consist of two or more 1.4 G fireworks;

5 (XI) CYLINDRICAL FOUNTAINS THAT HAVE A TOTAL PYROTECHNIC
6 COMPOSITION NOT EXCEEDING 75 GRAMS AND AN INSIDE TUBE DIAMETER NOT
7 EXCEEDING 3/4 INCH; AND

8 (XII) CONE FOUNTAINS THAT HAVE A TOTAL PYROTECHNIC
9 COMPOSITION NOT EXCEEDING 50 GRAMS EACH.

10 (f) (1) "Fireworks" means combustible, implosive or explosive compositions,
11 substances, combinations of substances, or articles that are prepared to produce a
12 visible or audible effect by combustion, explosion, implosion, deflagration, or
13 detonation.

14 (2) "Fireworks" includes 1.3 G fireworks, 1.4 G fireworks, firecrackers,
15 squibs, rockets, Roman candles, fire balloons, [and] signal lights, AND
16 GROUND-BASED SPARKLING DEVICES THAT ARE NONAERIAL AND NONEXPLOSIVE
17 AND ARE LABELED IN ACCORDANCE WITH THE REQUIREMENTS OF THE U.S.
18 CONSUMER PRODUCT SAFETY COMMISSION.

19 (3) "Fireworks" does not include:

20 (i) toy pistols, toy canes, toy guns, or other devices that use paper
21 caps that contain 0.25 grains or less of explosive composition if the devices are
22 constructed so that a hand cannot touch the cap when the cap is in place for use;

23 (ii) toy pistol paper caps that contain less than 0.20 grains of
24 explosive composition;

25 (iii) sparklers that do not contain chlorates or perchlorates;

26 (iv) [ground-based sparkling devices that are nonaerial and
27 nonexplosive, and are labeled in accordance with the requirements of the U.S.
28 Consumer Product Safety Commission;

29 (v)] paper wrapped snappers that contain less than 0.03 grains of
30 explosive composition; or

31 [(vi)] (V) ash-producing pellets known as "snakes" that do not
32 contain mercury and are not regulated by the U. S. Department of Transportation.

33 10-104.

34 (a) A person must have a permit to discharge fireworks as provided by this
35 subtitle before the person:

36 (1) discharges fireworks; or

1 (2) possesses fireworks with the intent to discharge fireworks or to allow
2 the discharge of fireworks.

3 10-201.

4 (a) (1) Only the State Fire Marshal may issue a license to operate a
5 fireworks plant.

6 (2) A person shall be licensed by the State Fire Marshal before the
7 person may operate a fireworks plant in the State.

8 (3) A license to operate a fireworks plant issued under this subtitle
9 authorizes the licensee to:

10 (i) manufacture, process, and store 1.4 G fireworks, sparklers,
11 sparkling devices, rockets, and Roman candles as authorized under this subtitle; and

12 (ii) store 1.4 G fireworks and 1.3 G fireworks at an approved
13 location in a storage building approved by the State Fire Marshal or a local authority
14 having jurisdiction over local fire prevention codes.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2003.