

Department of Legislative Services  
Maryland General Assembly  
2003 Session

FISCAL AND POLICY NOTE

House Bill 510  
Judiciary

(Delegate Moe, *et al.*)

---

Fireworks - Classification and Regulation of Sparkling Devices

---

This bill includes cylindrical fountains that have a total pyrotechnic composition of up to 75 grams and an inside tube diameter of up to three-quarters of an inch, and cone fountains that have a total pyrotechnic composition of up to 50 grams, within the definition of common fireworks, also known as 1.4G fireworks. The bill also provides that the term “fireworks” includes ground-based sparkling devices that are nonaerial and nonexplosive, and are labeled in accordance with requirements of the U.S. Consumer Product Safety Commission.

---

Fiscal Summary

**State Effect:** Minimal. The bill’s enforcement requirements could be handled by the existing budgeted resources of the State Fire Marshal. Any change in the application of current law criminal penalty provisions are not expected to significantly affect State finances or operations.

**Local Effect:** Minimal. Any change in the application of current law criminal penalty provisions are not expected to significantly affect local finances or operations.

**Small Business Effect:** Minimal.

---

Analysis

**Current Law:** Chapter 171 of 2001 specifically provided 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 legislation also specifically eliminated cylindrical and cone fountains with the same specified total pyrotechnic composition (up to 75 grams and an inside tube diameter of up to three-quarters of an inch) from the definition of common fireworks, also known as 1.4G fireworks.

A person must have a permit to discharge or sell fireworks, including possessing fireworks with the intent to discharge or to allow discharge. The operation of a fireworks plant must be licensed by the State Fire Marshal.

“Fireworks” means combustible, implosive or explosive compositions, substances, combinations of substances, or articles that are prepared to produce a visible or audible effect by combustion, explosion, implosion, deflagration, or detonation. “Fireworks” does not include certain toy devices, sparklers, ground-based sparking devices, paper-wrapped snappers, and “snakes.” “1.4 G fireworks” are defined as common fireworks designed primarily to produce visible effects by combustion. The statute provides an inclusive list of such fireworks which does not include the types of fireworks addressed by this bill.

A person who illegally possesses or discharges fireworks is guilty of a misdemeanor and subject to a maximum fine of \$250 for each offense. A person who illegally sells fireworks is guilty of a misdemeanor and subject to a maximum fine of \$1,000 for each offense. At the expense of the owner, the State Fire Marshal is required to seize and remove all illegal fireworks possessed or sold in the State. Such fireworks must be forfeited and destroyed.

A person who sells sparklers or sparking devices to someone under age 16 is guilty of a misdemeanor and subject to a maximum fine of \$1,000.

A person who violates provisions relating to manufacturing or processing fireworks is guilty of a misdemeanor and subject to maximum penalties of imprisonment for one year and/or a fine of \$1,000.

**Background:** The term “1.4G fireworks” comes from regulations issued by the U.S. Department of Transportation and includes cylindrical fountains with a total pyrotechnic composition up to 75 grams in weight and an inside tube diameter up to three-quarters of an inch. Cone fountains with a total pyrotechnic composition up to 50 grams are also considered 1.4G fireworks.

According to the American Pyrotechnics Association, Maryland is one of eight states that allow only sparklers and other novelties to be sold to consumers. The other states are Connecticut, Illinois, Iowa, Maine, Minnesota, Ohio, and Pennsylvania. Sparklers are

permitted for sale in 41 states. Eight states ban the sale of all types of consumer fireworks (Arizona, Delaware, Georgia, Massachusetts, 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 42 states and the District of Columbia permit the sale of some or all types of consumer fireworks. Five states allow only wire wood stick sparklers and other novelty items (Illinois, Iowa, Maine, Ohio, and Pennsylvania).

---

### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of State Police (State Fire Marshal), American Pyrotechnics Association, Department of Legislative Services

**Fiscal Note History:** First Reader - February 28, 2003  
ncs/cer

---

Analysis by: Guy G. Cherry

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510