
By: **Delegates Boutin, Amedori, Aumann, Elliott, McComas, and F. Turner**
Introduced and read first time: February 11, 2004
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Fireworks - Discharge of Fireworks Inside a Building - Criminal Penalties**

3 FOR the purpose of requiring, as a condition for issuing a permit to discharge
4 fireworks, that the State Fire Marshal determine that the proposed discharge
5 will not occur inside a building; prohibiting a person from discharging fireworks
6 inside a building; increasing certain penalties for possessing or discharging
7 fireworks under certain circumstances; establishing certain criminal penalties
8 for discharging fireworks inside a building resulting in certain injury, risk of
9 death, or death; and generally relating to the regulation of fireworks.

10 BY repealing and reenacting, with amendments,
11 Article - Public Safety
12 Section 10-103, 10-110, and 10-111
13 Annotated Code of Maryland
14 (2003 Volume)

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

17 **Article - Public Safety**

18 10-103.

19 (a) Subject to subsections (b) and (c) of this section, the State Fire Marshal
20 may issue a permit to authorize the discharge of fireworks in a place where the
21 discharge of fireworks is legal.

22 (b) The State Fire Marshal shall issue a permit to discharge fireworks only if
23 the State Fire Marshal determines that the proposed discharge of fireworks will:

24 (1) not endanger health or safety or damage property; [and]

25 (2) NOT OCCUR INSIDE A BUILDING; AND

1 [(2)] (3) be supervised by an experienced and qualified person who has
2 previously secured written authority from the State Fire Marshal to discharge
3 fireworks.

4 (c) A permit to discharge fireworks:

5 (1) does not authorize the holder of the permit to possess or discharge
6 fireworks in violation of an ordinance or regulation of the political subdivision where
7 the fireworks are to be discharged; and

8 (2) does not relieve an applicant for a permit from any requirement to
9 obtain any additional license or authority from the governing body of the political
10 subdivision where the fireworks are to be discharged.

11 10-110.

12 (A) A PERSON MAY NOT DISCHARGE FIREWORKS INSIDE A BUILDING.

13 [(a)] (B) Unless the person holds a permit issued under this subtitle, a person
14 may not:

15 (1) discharge fireworks; or

16 (2) possess fireworks:

17 (i) with intent to discharge or allow the discharge of the fireworks
18 in violation of this subtitle; or

19 (ii) for the purpose of disposing or selling the fireworks to a person
20 for use or discharge without a permit, if a permit is required by this subtitle.

21 [(b)] (C) (1) Except as otherwise provided in this subtitle, a person may not
22 sell fireworks to another person without a permit issued under this subtitle.

23 (2) (i) A person licensed by the State Fire Marshal under Subtitle 2 of
24 this title may sell or deliver fireworks to a bona fide distributor, jobber, or wholesaler
25 with a principal place of business in a state where the sale or possession of fireworks
26 is allowed.

27 (ii) The State Fire Marshal may require a person who is an
28 out-of-state distributor, jobber, or wholesaler to submit a certificate issued by the
29 person's state of operation that demonstrates authority to buy and receive fireworks.
30 10-111.

31 (A) A PERSON WHO DISCHARGES FIREWORKS IN VIOLATION OF § 10-110(A) OF
32 THIS SUBTITLE AND, AS A RESULT OF THE VIOLATION, CAUSES DEATH TO ANOTHER
33 IS GUILTY OF THE CRIME OF MANSLAUGHTER AND ON CONVICTION IS SUBJECT TO
34 THE PENALTIES UNDER § 2-207(A) OF THE CRIMINAL LAW ARTICLE.

1 (B) A PERSON WHO DISCHARGES FIREWORKS IN VIOLATION OF § 10-110(A) OF
2 THIS SUBTITLE AND, AS A RESULT OF THE VIOLATION, CREATES A SUBSTANTIAL
3 RISK OF DEATH OR SERIOUS PHYSICAL INJURY TO ANOTHER IS GUILTY OF THE
4 CRIME OF RECKLESS ENDANGERMENT AND ON CONVICTION IS SUBJECT TO THE
5 PENALTIES UNDER § 3-204(B) OF THE CRIMINAL LAW ARTICLE.

6 [(a)] (C) [A] EXCEPT AS PROVIDED IN SUBSECTIONS (A) AND (B) OF THIS
7 SECTION, A person who possesses or discharges fireworks in violation of this subtitle
8 is guilty of a misdemeanor and on conviction is subject to a fine not exceeding [\$250]
9 \$2,500 for each offense.

10 [(b)] (D) A person who sells fireworks in violation of this subtitle is guilty of a
11 misdemeanor and on conviction is subject to a fine not exceeding \$1,000 for each
12 offense.

13 [(c)] (E) (1) At the expense of the owner, the State Fire Marshal shall seize
14 and remove all fireworks possessed or sold in violation of this subtitle.

15 (2) Fireworks described in paragraph (1) of this subsection shall be
16 forfeited and destroyed.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2004.