

HOUSE BILL 696

E4

1lr0833

By: **Delegate Hornberger**

Introduced and read first time: January 26, 2021

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Consumer and Display Fireworks**

3 FOR the purpose of authorizing a person who is at least a certain age and meets certain
4 requirements to purchase, possess, and use certain consumer fireworks; prohibiting
5 a person from intentionally igniting or discharging certain consumer fireworks in
6 certain circumstances; altering certain provisions to establish that certain provisions
7 authorizing the State Fire Marshal to issue a certain permit relating to fireworks
8 apply only to certain display fireworks; applying certain penalties to a violation of
9 this Act; establishing that certain consumer fireworks may be sold only from certain
10 structures, with certain exceptions; defining certain terms; altering certain
11 definitions; and generally relating to consumer and display fireworks.

12 BY repealing and reenacting, with amendments,
13 Article – Public Safety
14 Section 10–101, 10–103, 10–104, and 10–110
15 Annotated Code of Maryland
16 (2018 Replacement Volume and 2020 Supplement)

17 BY adding to
18 Article – Public Safety
19 Section 10–102.1 and 10–114
20 Annotated Code of Maryland
21 (2018 Replacement Volume and 2020 Supplement)

22 BY repealing and reenacting, without amendments,
23 Article – Public Safety
24 Section 10–109 and 10–111
25 Annotated Code of Maryland
26 (2018 Replacement Volume and 2020 Supplement)

27 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 That the Laws of Maryland read as follows:

2 **Article – Public Safety**

3 10–101.

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

5 (b) **[(1)]** “1.3 G fireworks” means special fireworks:

6 **(1)** designed primarily to produce visible or audible effects by combustion
7 or explosion;

8 **(2) THAT MEET THE FEDERAL REGULATIONS FOR 1.3 G FIREWORKS;**

9 **AND**

10 **(3) THAT COMPLY WITH THE CONSTRUCTION, PERFORMANCE,**
11 **COMPOSITION, AND LABELING REQUIREMENTS ADOPTED BY THE CONSUMER**
12 **PRODUCTS SAFETY COMMISSION IN TITLE 16 OF THE CODE OF FEDERAL**
13 **REGULATIONS RELATING TO COMMERCIAL PRACTICES.**

14 **[(2)]** “1.3 G fireworks” includes:

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

18 (ii) smoke projectiles or bombs containing expelling charges but
19 without bursting charges;

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

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

25 (c) **[(1)]** “1.4 G fireworks” means common fireworks:

26 **(1)** designed primarily to produce visible effects by combustion;

27 **(2) THAT MEET THE FEDERAL REGULATIONS FOR 1.4 G FIREWORKS;**

28 **AND**

29 **(3) THAT COMPLY WITH THE CONSTRUCTION, PERFORMANCE, AND**

1 LABELING REQUIREMENTS ADOPTED BY THE CONSUMER PRODUCTS SAFETY
2 COMMISSION IN TITLE 16 OF THE CODE OF FEDERAL REGULATIONS RELATING TO
3 COMMERCIAL PRACTICES.

4 [(2) "1.4 G fireworks" includes:

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

7 (ii) Roman candles, not exceeding 10 balls, that have a total
8 pyrotechnic composition not exceeding 20 grams and inside tube diameter not exceeding
9 3/8 inch;

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

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

14 (v) wheels that have a total pyrotechnic composition not exceeding
15 60 grams for each driver unit or 240 grams for each wheel and an inside tube diameter of
16 driver units not exceeding 1/2 inch;

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

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

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

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

26 (x) novelties that consist of two or more 1.4 G fireworks.]

27 (D) "APA 87-1" MEANS THE AMERICAN PYROTECHNICS ASSOCIATION
28 STANDARD 87-1: "STANDARD FOR CONSTRUCTION AND APPROVAL FOR
29 TRANSPORTATION OF FIREWORKS, NOVELTIES, AND THEATRICAL
30 PYROTECHNICS", 2001 EDITION, OR ANY SUBSEQUENT EDITION.

31 (E) "CONSUMER FIREWORKS" MEANS ANY COMBUSTIBLE OR EXPLOSIVE
32 COMPOSITION OR ANY SUBSTANCE OR COMBINATION OF SUBSTANCES THAT:

1 **(1) IS INTENDED TO PRODUCE VISIBLE OR AUDIBLE EFFECTS BY**
2 **COMBUSTION;**

3 **(2) IS SUITABLE FOR USE BY THE PUBLIC;**

4 **(3) COMPLIES WITH THE CONSTRUCTION, PERFORMANCE,**
5 **COMPOSITION, AND LABELING REQUIREMENTS ADOPTED BY THE CONSUMER**
6 **PRODUCTS SAFETY COMMISSION IN TITLE 16 OF THE CODE OF FEDERAL**
7 **REGULATIONS RELATING TO COMMERCIAL PRACTICES; AND**

8 **(4) COMPLIES WITH THE PROVISIONS FOR “CONSUMER FIREWORKS”**
9 **AS DEFINED IN APA 87–1 OR ANY SUCCESSOR STANDARD.**

10 **(F) (1) “DISPLAY FIREWORKS” MEANS LARGE FIREWORKS TO BE USED**
11 **SOLELY BY PROFESSIONAL PYROTECHNICIANS AND DESIGNED PRIMARILY TO**
12 **PRODUCE VISIBLE OR AUDIBLE EFFECTS BY COMBUSTION, DEFLAGRATION, OR**
13 **DETONATION.**

14 **(2) “DISPLAY FIREWORKS” INCLUDES:**

15 **(I) SALUTES THAT CONTAIN MORE THAN 2 GRAINS OR 130**
16 **MILLIGRAMS OF EXPLOSIVE MATERIALS;**

17 **(II) AERIAL SHELLS CONTAINING MORE THAN 60 GRAMS OF**
18 **PYROTECHNIC COMPOSITIONS; AND**

19 **(III) OTHER DISPLAY PIECES THAT EXCEED THE LIMITS OF**
20 **EXPLOSIVE MATERIALS FOR CLASSIFICATION AS CONSUMER FIREWORKS AND ARE**
21 **CLASSIFIED AS FIREWORKS UN0333, UN0334, OR UN0335, UNDER TITLE 49, §**
22 **172.101 OF THE CODE OF FEDERAL REGULATIONS, RELATING TO PURPOSE AND**
23 **USE OF THE HAZARDOUS MATERIALS TABLE.**

24 **[(d)] (G) “Explosive composition” means a mixture or substance that, when**
25 **ignited, may cause such a generation of highly heated gases that the resulting gaseous**
26 **pressures are capable of producing destructive effects on contiguous objects.**

27 **[(e)] (H) “Finishing and assembling building” means a structure in which**
28 **fireworks are assembled and packed but are not mixed or pressed.**

29 **[(f)] (I) (1) [“Fireworks” means combustible, implosive or explosive**
30 **compositions, substances, combinations of substances, or articles that are prepared to**
31 **produce a visible or audible effect by combustion, explosion, implosion, deflagration, or**
32 **detonation.**

1 (2) “Fireworks” includes 1.3 G fireworks, 1.4 G fireworks, [firecrackers,
2 squibs, rockets, Roman candles, fire balloons, and signal lights] **CONSUMER FIREWORKS,**
3 **AND DISPLAY FIREWORKS.**

4 [(3)] (2) “Fireworks” does not include:

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

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

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

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

14 (v) paper wrapped snappers that contain less than 0.03 grains of
15 explosive composition; or

16 (vi) ash-producing pellets known as “snakes” that do not contain
17 mercury and are not regulated by the U.S. Department of Transportation.

18 [(g)] (J) (1) “Fireworks plant” means land and any building on the land used
19 in connection with the manufacture, packaging, repackaging, or processing of fireworks.

20 (2) “Fireworks plant” includes a storage building used in connection with
21 plant operation.

22 [(h)] (K) “Mixing building” means a building primarily used to mix and blend
23 pyrotechnic composition other than wet sparkler mixes.

24 [(i)] (L) “Press building” means a building used primarily for pressing or
25 loading pyrotechnic composition into tubes or containers.

26 [(j)] (M) “Pyrotechnic composition” means a chemical mixture that on burning
27 and without explosion produces visible or brilliant displays, bright lights, or whistles.

28 [(k)] (N) “Storage building” means a structure in which finished fireworks or
29 fireworks in any state of processing are stored, but in which processing or manufacturing
30 is not performed.

31 **10-102.1.**

1 (A) A PERSON WHO IS AT LEAST 18 YEARS OLD AND MEETS THE
2 REQUIREMENTS OF THIS TITLE MAY PURCHASE, POSSESS, AND USE CONSUMER
3 FIREWORKS.

4 (B) A PERSON MAY NOT INTENTIONALLY IGNITE OR DISCHARGE CONSUMER
5 FIREWORKS:

6 (1) ON PUBLIC PROPERTY OR ON PRIVATE PROPERTY WITHOUT THE
7 EXPRESS PERMISSION OF THE OWNER;

8 (2) WITHIN, INTO, AT, OR FROM A MOTOR VEHICLE, A WATERCRAFT,
9 AN AIRCRAFT, AN UNMANNED AIRCRAFT SYSTEM, OR A BUILDING;

10 (3) AT ANOTHER PERSON;

11 (4) WHILE THE PERSON IS UNDER THE INFLUENCE OF ALCOHOL, A
12 CONTROLLED SUBSTANCE, OR ANOTHER DRUG; OR

13 (5) WITHIN 300 FEET OF A STRUCTURE.

14 (C) THIS SECTION MAY NOT BE CONSTRUED TO REGULATE THE SALE,
15 POSSESSION, OR USE OF ANY OF THE DEVICES LISTED IN § 10-101(I)(2) OF THIS
16 SUBTITLE.

17 10-103.

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

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

23 (1) not endanger health or safety or damage property; and

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

26 (c) A permit to discharge **DISPLAY** fireworks:

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

30 (2) does not relieve an applicant for a permit from any requirement to

1 obtain any additional license or authority from the governing body of the political
2 subdivision where the fireworks are to be discharged.

3 10–104.

4 (a) A person must have a permit to discharge **DISPLAY** fireworks as provided by
5 this subtitle before the person:

6 (1) discharges **DISPLAY** fireworks; or

7 (2) possesses **DISPLAY** fireworks with the intent to discharge **DISPLAY**
8 fireworks or to allow the discharge of **DISPLAY** fireworks.

9 (b) An applicant for a permit to discharge **DISPLAY** fireworks shall:

10 (1) apply to the State Fire Marshal for the permit at least 10 days before
11 the date of discharge;

12 (2) pay to the State Fire Marshal a permit fee of \$50; and

13 (3) post a bond with the State Fire Marshal in accordance with § 10–105 of
14 this subtitle.

15 (c) If the State Fire Marshal does not receive the application for a permit required
16 under subsection (b) of this section at least 10 days before the date of the discharge, the
17 State Fire Marshal shall charge the applicant a late fee of \$50 in addition to all required
18 fees.

19 (d) The permit fee required under subsection (b)(2) of this section and the late fee
20 required under subsection (c) of this section do not apply to a volunteer fire department or
21 volunteer ambulance and rescue company.

22 (e) A permit to discharge **DISPLAY** fireworks is nontransferable.

23 10–109.

24 The State Fire Prevention Commission shall adopt regulations to carry out this
25 subtitle.

26 10–110.

27 (a) Unless the person holds a permit issued under this subtitle, a person may not:

28 (1) discharge **DISPLAY** fireworks; or

29 (2) possess **DISPLAY** fireworks:

1 (i) with intent to discharge or allow the discharge of the **DISPLAY**
2 fireworks in violation of this subtitle; or

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

5 (b) (1) Except as otherwise provided in this subtitle, a person may not sell
6 **DISPLAY** fireworks to another person without a permit issued under this subtitle.

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

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

13 10-111.

14 (a) A person who possesses or discharges fireworks in violation of this subtitle is
15 guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$250 for each
16 offense.

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

19 (c) (1) At the expense of the owner, the State Fire Marshal shall seize and
20 remove all fireworks possessed or sold in violation of this subtitle.

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

23 **10-114.**

24 **(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, CONSUMER**
25 **FIREWORKS MAY BE SOLD ONLY FROM A STAND-ALONE PERMANENT STRUCTURE**
26 **THAT:**

27 **(1) IS LICENSED BY THE STATE FIRE MARSHAL;**

28 **(2) HAS A STORAGE AREA THAT IS SEPARATED FROM WHOLESALE OR**
29 **RETAIL SALES AREAS TO WHICH A PURCHASER MAY BE ADMITTED BY**
30 **APPROPRIATELY RATED FIRE SEPARATION;**

1 **(3) IS LOCATED AT LEAST 250 FEET FROM ANY FACILITY THAT**
2 **STORES, SELLS, OR DISPENSES GASOLINE, PROPANE, OR OTHER FLAMMABLE**
3 **PRODUCTS;**

4 **(4) IS LOCATED AT LEAST 1,500 FEET FROM ANY OTHER FACILITY**
5 **LICENSED TO SELL CONSUMER FIREWORKS;**

6 **(5) HAS A MONITORED BURGLAR AND FIRE ALARM SYSTEM; AND**

7 **(6) CONDUCTS QUARTERLY FIRE DRILLS AND PREPLANNING**
8 **MEETINGS AS REQUIRED BY THE PRIMARY FIRE DEPARTMENT IN THE JURISDICTION**
9 **OF THE FACILITY.**

10 **(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, CONSUMER**
11 **FIREWORKS MAY BE SOLD FROM A TEMPORARY STRUCTURE IF THE TEMPORARY**
12 **STRUCTURE:**

13 **(I) IS LICENSED BY THE STATE FIRE MARSHAL;**

14 **(II) IS LOCATED AT LEAST 250 FEET FROM ANY FACILITY THAT**
15 **STORES, SELLS, OR DISPENSES GASOLINE, PROPANE, OR OTHER FLAMMABLE**
16 **PRODUCTS;**

17 **(III) HAS AN EVACUATION PLAN POSTED IN A CONSPICUOUS**
18 **LOCATION FOR A TEMPORARY STRUCTURE IN ACCORDANCE WITH NFPA 1124;**

19 **(IV) IF IT HAS AN OUTDOOR STORAGE UNIT, HAS THE UNIT**
20 **SEPARATED FROM THE WHOLESALE OR RETAIL SALES AREA TO WHICH A**
21 **PURCHASER MAY BE ADMITTED BY APPROPRIATELY RATED FIRE SEPARATION;**

22 **(V) COMPLIES WITH NFPA 1124, AS IT RELATES TO RETAIL**
23 **SALES OF CONSUMER FIREWORKS IN TEMPORARY STRUCTURES;**

24 **(VI) IS LOCATED AT LEAST 2 MILES FROM ANY PERMANENT**
25 **FACILITY LICENSED TO SELL CONSUMER FIREWORKS;**

26 **(VII) DOES NOT EXCEED 2,500 SQUARE FEET;**

27 **(VIII) IS SECURED AT ALL TIMES DURING WHICH CONSUMER**
28 **FIREWORKS ARE DISPLAYED WITHIN THE STRUCTURE;**

29 **(IX) HAS A MINIMUM OF \$2,000,000 IN PUBLIC AND PRODUCT**
30 **LIABILITY INSURANCE;**

1 **(X) HAS A SALES PERIOD LIMITED TO JUNE 15 THROUGH JULY**
2 **8 AND DECEMBER 21 THROUGH JANUARY 2 EACH YEAR; AND**

3 **(XI) STORES CONSUMER FIREWORKS NOT ON DISPLAY FOR**
4 **RETAIL SALE IN AN OUTDOOR STORAGE UNIT.**

5 **(2) THE SALE OF CONSUMER FIREWORKS FROM A TEMPORARY**
6 **STRUCTURE IS LIMITED TO THE FOLLOWING:**

7 **(I) HELICOPTER, AERIAL SPINNER (APA 87-1, 3.1.2.3);**

8 **(II) ROMAN CANDLE (APA 87-1, 3.1.2.4); AND**

9 **(III) MINE AND SHELL DEVICES NOT EXCEEDING 500 GRAMS.**

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2021.