

2015 -- H 5187 SUBSTITUTE A

=====
LC000009/SUB A
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

—————
A N A C T

RELATING TO CRIMINAL OFFENSES - EXPLOSIVES AND FIREWORKS; HEALTH AND
SAFETY - FIREWORKS AND PYROTECHNICS

Introduced By: Representatives Corvese, O'Brien, Costantino, and Shekarchi

Date Introduced: January 21, 2015

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 11-13-1 of the General Laws in Chapter 11-13 entitled "Explosives
2 and Fireworks" is hereby amended to read as follows:

3 **11-13-1. Sale, use or possession of fireworks.** -- (a) No person shall offer for sale at
4 retail or at wholesale, shall possess or have under his or her control, use or explode, or cause to
5 explode for exhibition or amusement, display fireworks or aerial consumer fireworks unless
6 permits are obtained pursuant to this chapter and chapter 23-28.11. Display fireworks are defined
7 in the American pyrotechnic association standard 87-1 (APA 87-1) 2001 Edition section 2.7.2
8 and are classified as explosives 1.3G by the U.S. department of transportation (U.S. DOT),
9 UN0335. Aerial consumer fireworks are defined in APA 87-1 2001 Edition section 3.1.2. and are
10 classified 1.4G U.S. DOT, UN 0336. Certain fireworks and devices that are exempt from the
11 definitions of display fireworks and aerial consumer fireworks shall include, but are not limited
12 to, the following: ground-based and hand-held sparkling devices (non-aerial fireworks) as defined
13 in APA 87-1 2001 Edition sections 3.1.1 and 3.5, and include the following: fountains,
14 illuminating torches, wheels, ground spinners, flutter sparklers, sparkers; novelties, which are
15 defined in the APA 87-1 2001 Edition section 3.2 and include the following: party poppers,
16 snappers, toy smoke devices, snakes, glow worms, wire sparklers and dipped sticks; paper caps
17 containing not more than twenty-five hundredths (0.025) grains of explosive mixture ammunition
18 to be consumed by weapons used for sporting and hunting purposes, and model rockets and

1 model rocket engines, designed, sold and used for the purpose of propelling recoverable aero
2 models). The storage, possession, sale, transportation and use of the items in the above reference
3 section that are not included in the definition of display fireworks and aerial consumer fireworks
4 shall be allowed at all times throughout the state for persons at least sixteen (16) years of age.
5 Permits for display fireworks and aerial consumer fireworks for commercial display may be
6 issued in accordance with provisions of the Rhode Island Fire Safety Code, chapters 28.1 -- 28.39
7 of title 23. Fireworks display of display and aerial consumer fireworks by any municipality, fair
8 association, amusement park, or other organization or group of individuals is permitted, on
9 condition that the display shall be made by a competent operator approved by the local fire
10 authority and shall be of such character as in the opinion of the fire authority will not be
11 hazardous to persons or property; and, provided further, that the foregoing shall not apply the use
12 of display and aerial consumer fireworks by common carriers for signal or illumination purposes,
13 the use of blank cartridges in any show or theater, the use of explosives for blasting, the use of
14 display and aerial consumer fireworks as signals in any athletic or sporting event, the use of
15 display and aerial consumer fireworks for ceremonial or military purposes, the sale of fireworks
16 for shipment out of this state, or the sale of fireworks for any use permitted pursuant to this
17 section, provided the person who sells, stores or transports display and aerial consumer fireworks
18 has a permit as required by the Rhode Island Fire Safety Code, chapters 28.1 -- 28.39 of title 23.

19 (b) Any person violating the provisions of this section shall be guilty of a felony and
20 shall be fined not exceeding one thousand dollars (\$1,000) for each offense and/or imprisoned for
21 not more than one year for each offense; except that any person using or having in his or her
22 possession without a permit with intent to use display and aerial consumer fireworks with a value
23 of under five hundred dollars (\$500) shall be guilty of a misdemeanor and shall upon conviction
24 be fined not exceeding five hundred dollars (\$500) for each offense and/or imprisoned for not
25 more than one year for each offense.

26 (c) The use of display fireworks or aerial consumer fireworks without a permit as
27 provided in subsection (a) of this section, is prohibited during the hours of 12:00 a.m. and 7:00
28 a.m. on any day, unless a permit for such use has been issued pursuant to this chapter and chapter
29 23-28.11.

30 (d) Any person violating the provisions of subsection (a) of this section shall be guilty of
31 a civil offense, and shall be fined in the amount of seventy-five dollars (\$75.00) and costs. Cities
32 and towns having municipal or police courts shall refer alleged violations of this statute to those
33 municipal and police courts, which are hereby granted jurisdiction. Cities and towns not having
34 such courts shall refer alleged violations to the appropriate district court, which shall remit one-

1 [half \(1/2\) of the amount of the fine assessed to the referring city or town and retain the costs](#)
2 [assessed.](#)

3 SECTION 2. This act shall take effect upon passage.

=====
LC000009/SUB A
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO CRIMINAL OFFENSES - EXPLOSIVES AND FIREWORKS; HEALTH AND
SAFETY - FIREWORKS AND PYROTECHNICS

1 This act would prohibit the use of display fireworks, or aerial consumer fireworks
2 without a permit between the hours of 12:00 a.m. and 7:00 a.m. on any day and would make a
3 violation of this permit requirement a civil violation punishable by a fine of seventy-five dollars
4 (\$75.00) and costs.

5 This act would take effect upon passage.

=====
LC000009/SUB A
=====