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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

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A N A C T

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

Introduced By: Senators Nesselbush, and Ciccone

Date Introduced: February 25, 2015

Referred To: Senate 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 ~~airial~~ 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~~ Consumer fireworks are defined in APA 87-1 2001 Edition section
10 ~~3.1.2.~~ 2.7.1 and are classified 1.4G U.S. DOT, UN 0336. Certain fireworks and devices that are
11 exempt from the definitions of display fireworks and ~~airial~~ consumer fireworks shall include, but
12 are not limited to, ~~the following: ground-based and hand-held sparkling devices (non-airial~~
13 ~~fireworks) as defined in APA 87-1 2001 Edition sections 3.1.1 and 3.5, and include the following:~~
14 ~~fountains, illuminating torches, wheels, ground spinners, flitter sparklers, sparkers; novelties,~~
15 ~~which are defined in the APA 87-1 2001 Edition section 3.2 and include the following: party~~
16 ~~poppers, snappers, toy smoke devices, snakes, glow worms, wire sparklers and dipped sticks;~~
17 paper caps containing not more than twenty-five hundredths (0.025) grains of explosive mixture
18 ammunition to be consumed by weapons used for sporting and hunting purposes, and model

1 rockets and model rocket engines, designed, sold and used for the purpose of propelling
2 recoverable aero models). ~~The storage, possession, sale, transportation and use of the items in the~~
3 ~~above reference section that are not included in the definition of display fireworks and aerial~~
4 ~~consumer fireworks shall be allowed at all times throughout the state for persons at least sixteen~~
5 ~~(16) years of age.~~ Permits for display fireworks and ~~aerial~~ consumer fireworks for commercial
6 display may be issued in accordance with provisions of the Rhode Island Fire Safety Code,
7 chapters 28.1 -- 28.39 of title 23. Fireworks display of display and ~~aerial~~ consumer fireworks by
8 any municipality, fair association, amusement park, or other organization or group of individuals
9 is permitted, on condition that the display shall be made by a competent operator approved by the
10 local fire 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 SECTION 2. Sections 23-28.11-3, 23-28.11-4, 23-28.11-7, 23-28.11-8, 23-28.11-9 and
27 23-28.11-10 of the General Laws in Chapter 23-28.11 entitled "Fireworks and Pyrotechnics" are
28 hereby amended to read as follows:

29 ~~23-28.11-3. Permits for storage, handling, transportation and display of display~~
30 ~~fireworks, aerial consumer fireworks, and pyrotechnics. --~~ 23-28.11-3. Permits for storage,
31 handling, transportation and display of display fireworks, consumer fireworks, and
32 pyrotechnics. -- (a) All storage, handling, transportation and display of fireworks shall be in
33 accordance with the National Fire Protection Association (NFPA) Standard 1123 entitled "Code
34 for Fireworks Display" 2006 Edition, and NFPA Standard 1124 entitled "Code for the

1 Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles"
2 2006 Edition, and the requirements of this chapter. ~~For purposes of this chapter, §§ 28.11-3—~~
3 ~~28.11-10 of title 23 shall not apply to the storage, handling, transportation, use and (display) sale~~
4 ~~of ground based hand held devices (non aerial consumer fireworks), novelties and other items~~
5 ~~exempted from the definition of display fireworks and aerial consumer fireworks in § 11-13-1~~
6 ~~Rhode Island explosive and fireworks code chapter 13 of title 11.~~

7 (b) All storage, handling, transportation and display of pyrotechnics shall be in
8 accordance with the National Fire Protection Association (NFPA) Standard 1126 entitled
9 "Standard for the Use of Pyrotechnics before a Proximate Audience" 2006 Edition, and NFPA
10 Standard 1124 entitled "Code for the Manufacture, Transportation, Storage, and Retail Sales of
11 Fireworks and Pyrotechnic Articles" 2006 Edition, and the requirements of this chapter.

12 (c) Permits to possess and display display fireworks, ~~and aerial~~ consumer fireworks or
13 pyrotechnics shall be issued by the local fire authority on forms provided by the state fire
14 marshal. No permit shall be issued until the applicant's certificate of competency and insurance
15 coverage is verified as being current and the applicant has submitted a fifty dollar (\$50.00) fee.
16 Verification will be determined by the state fire marshal office.

17 (d) No permit to possess and display display fireworks, ~~and aerial~~ consumer fireworks or
18 pyrotechnics shall be issued by the local fire authority until the applicant has first obtained a valid
19 certificate of competency from the state fire marshal. For the purposes of this chapter,
20 "pyrotechnics" means a chemical mixture, including pyrotech-compositions, intended to produce
21 a visible and/or audible effect by combustion, deflagration or detonation before a proximate
22 audience closer than allowed for outdoor display fireworks and ~~aerial~~ consumer fireworks
23 displays as permitted under this chapter. All pyrotechnics shall be in accordance with the
24 requirements of the National Fire Protection Association Standard 1126, entitled "Use of
25 Pyrotechnics Before A Proximate Audience", 2006 Edition, and the requirements of this chapter.
26 For purposes of this chapter, "display" means to ignite, set-off or otherwise use.

27 (e) All fees collected pursuant to this section shall be deposited as general revenue.

28 **23-28.11-4. Certificate of competency.** -- (a) Every person desiring to obtain a
29 certificate of competency to possess and display display fireworks, ~~and aerial~~ consumer fireworks
30 and/or pyrotechnics shall make application to the state fire marshal. A fee of ten dollars (\$10.00)
31 shall accompany each application and shall be for processing the application and for examination
32 to be given within ninety (90) days of receipt of application to determine applicant's experience
33 and ability to conduct display fireworks, ~~and aerial~~ consumer fireworks and/or pyrotechnics
34 demonstrations. Separate applications, examinations and certificates shall be issued by the state

1 fire marshal for fireworks and pyrotechnics and shall be in such form as the state fire marshal
2 may require. The examinations herein provided for shall require the applicant to demonstrate
3 adequate understanding of applicable NFPA requirements.

4 (b) Each applicant found to be qualified by examination shall forthwith be issued a
5 certificate of competency upon payment of fifty dollars (\$50.00) and submission of certification
6 indicating satisfactory completion of psychiatric examination administered by a qualified
7 physician within the previous year. All fees collected pursuant to this section shall be deposited as
8 general revenue.

9 **23-28.11-7. Financial responsibility.** -- No permit shall be issued to any applicant
10 desiring to possess and display display fireworks, ~~and aerial~~ consumer fireworks and/or
11 pyrotechnics until the applicant furnishes to the local fire authority satisfactory proof of financial
12 responsibility in an amount not less than one million dollars (\$1,000,000) to satisfy claims for
13 damage to property or persons resulting from the possession or use of display fireworks, ~~and~~
14 ~~aerial~~ consumer fireworks and/or pyrotechnics. The local fire authority may require additional
15 financial responsibility as he or she may deem necessary due to existing conditions.

16 **23-28.11-8. Nonresident.** -- No permit shall be issued under the provisions of this
17 chapter to a nonresident person to conduct a display fireworks, ~~and aerial~~ consumer fireworks
18 and/or pyrotechnics display in this state, until that person shall have appointed in writing a
19 member of the Rhode Island bar association to be his or her attorney upon whom all processes in
20 any action or proceeding against the person may be served.

21 **23-28.11-9. Violations.** -- (a) Any person found to be in violation of the provisions of
22 this chapter relating to possession of display fireworks, ~~and aerial~~ consumer fireworks or
23 pyrotechnics shall be fined not less than one hundred (\$100) nor more than five hundred dollars
24 (\$500) or imprisoned for not more than one year. Any person found to be in violation of the
25 provisions of this chapter relating to use or display of display fireworks, ~~and aerial~~ consumer
26 fireworks or pyrotechnics shall be guilty of a felony, and shall be fined not less than one thousand
27 dollars (\$1,000), or imprisoned for not more than five (5) years, or both.

28 (b) The state fire marshal or the fire marshal's deputies or any officer qualified to serve
29 criminal process may arrest without a warrant any person found in violation of this chapter and
30 shall seize immediately any and all of the display fireworks, ~~and aerial~~ consumer fireworks and/or
31 pyrotechnics in illegal use, possession, or under that person's control, and the display fireworks
32 and ~~aerial~~ consumer fireworks seized shall upon conviction of the person be forfeited to the state.

33 (c) Notice of the seizure of the display fireworks, ~~and aerial~~ consumer fireworks and/or
34 pyrotechnics shall immediately be sent to the marshal by the officer making the seizure and the

1 fireworks and/or pyrotechnics seized shall be held and securely stored by that department until
2 the marshal or the marshal's authorized explosives technician takes them into his or her
3 possession for disposal.

4 **23-28.11-10. Rules and regulations.** -- The state fire marshal is hereby authorized and
5 directed to promulgate reasonable rules and regulations governing the possession, sale, wholesale
6 and retail, and use of display fireworks, ~~and aerial~~ consumer fireworks and pyrotechnics in the
7 state.

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

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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 amend and repeal certain provisions of the Rhode Island general laws so
- 2 as to prohibit the sale of consumer fireworks to the general public.
- 3 This act would take effect upon passage.

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