

2021 -- H 5294

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO CRIMINAL OFFENSES - EXPLOSIVES AND FIREWORKS

Introduced By: Representatives Diaz, Slater, Perez, Giraldo, Biah, and Tobon

Date Introduced: January 29, 2021

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.**

4 (a) No person shall offer for sale at retail or at wholesale, shall possess or have under his
5 or her control, use or explode, or cause to explode for exhibition or amusement, display fireworks
6 or aerial consumer fireworks unless permits are obtained pursuant to this chapter and chapter 23-
7 28.11. Display fireworks are defined in the American pyrotechnic association standard 87-1 (APA
8 87-1) 2001 Edition section 2.7.2 and are classified as explosives 1.3G by the U.S. department of
9 transportation (U.S. DOT), UN0335. Aerial consumer fireworks are defined in APA 87-1 2001
10 Edition section 3.1.2. and are classified 1.4G U.S. DOT, UN 0336. Certain fireworks and devices
11 that are exempt from the definitions of display fireworks and aerial consumer fireworks shall
12 include, but are not limited to, the following: ground-based and hand-held sparkling devices (non-
13 aerial fireworks) as defined in APA 87-1 2001 Edition sections 3.1.1 and 3.5, and include the
14 following: fountains, illuminating torches, wheels, ground spinners, flutter sparklers, sparkers;
15 novelties, which are defined in the APA 87-1 2001 Edition section 3.2 and include the following:
16 party 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 rockets
19 and model rocket engines, designed, sold and used for the purpose of propelling recoverable aero

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

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

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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- 1 This act would limit the sale of fireworks to one week prior to and including the 4th day in
- 2 July, and may only be used, exploded, or cause to exploded between 6 p.m. and 9 p.m.
- 3 This act would take effect upon passage.

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