

2017 -- H 5040

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

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A N A C T

RELATING TO CRIMINAL OFFENSES -- EXPLOSIVES AND FIREWORKS

Introduced By: Representatives Hearn, Corvese, Fellela, Canario, and Ruggiero

Date Introduced: January 06, 2017

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
8 (APA 87-1) 2001 Edition section 2.7.2 and are classified as explosives 1.3G by the U.S.
9 department of transportation (U.S. DOT), UN0335. Aerial consumer fireworks are defined in
10 APA 87-1 2001 Edition section 3.1.2. and are classified 1.4G U.S. DOT, UN 0336. Certain
11 fireworks and devices that are exempt from the definitions of display fireworks and aerial
12 consumer fireworks shall include, but are not limited to, the following: ground-based and hand-
13 held sparkling devices (non-aerial fireworks) as defined in APA 87-1 2001 Edition sections 3.1.1
14 and 3.5, and include the following: fountains, illuminating torches, wheels, ground spinners,
15 flitter sparklers, sparkers; novelties, which are defined in the APA 87-1 2001 Edition section 3.2
16 and include the following: party poppers, snappers, toy smoke devices, snakes, glow worms, wire
17 sparklers and dipped sticks; paper caps containing not more than twenty-five hundredths (0.025)
18 grains of explosive mixture ammunition to be consumed by weapons used for sporting and
19 hunting purposes, and model rockets and model rocket engines, designed, sold and used for the

1 purpose of propelling recoverable aero models). The storage, possession, sale, and transportation
2 ~~and use~~ of the items in the above reference section that are not included in the definition of
3 display fireworks and aerial consumer fireworks shall be allowed at all times throughout the state
4 for persons at least sixteen (16) years of age. The use of the items in the above referenced section
5 that are not included in the definition of display fireworks and aerial consumer fireworks, other
6 than by lawfully issued permit, shall be allowed only between June 30 and July 9 and shall
7 otherwise be prohibited. Permits for display fireworks and aerial consumer fireworks for
8 commercial display may be issued in accordance with provisions of the Rhode Island Fire Safety
9 Code, chapters 28.1 -- 28.39 of title 23. Fireworks display of display and aerial consumer
10 fireworks by any municipality, fair association, amusement park, or other organization or group
11 of individuals is permitted, on condition that the display shall be made by a competent operator
12 approved by the local fire authority and shall be of such character as in the opinion of the fire
13 authority will not be hazardous to persons or property; and, provided further, that the foregoing
14 shall not apply the use of display and aerial consumer fireworks by common carriers for signal or
15 illumination purposes, the use of blank cartridges in any show or theater, the use of explosives for
16 blasting, the use of display and aerial consumer fireworks as signals in any athletic or sporting
17 event, the use of display and aerial consumer fireworks for ceremonial or military purposes, the
18 sale of fireworks for shipment out of this state, or the sale of fireworks for any use permitted
19 pursuant to this section, provided the person who sells, stores or transports display and aerial
20 consumer fireworks has a permit as required by the Rhode Island Fire Safety Code, chapters 28.1
21 -- 28.39 of title 23.

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

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO CRIMINAL OFFENSES -- EXPLOSIVES AND FIREWORKS

1 This act would prohibit the use of certain fireworks, other than by lawfully issued permit,
2 anytime other than between the dates of June 30 and July 9.

3 This act would take effect upon passage.

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