

AMENDMENT #7

OFFERED IN THE HOUSE  
TO: CSHB 146(STA)

BY REPRESENTATIVE EASTMAN

1 Page 1, line 1: (title amendment):

2 Delete "repealing"

3 Insert "relating to"

4

5 Page 1, following line 11:

6 Insert a new bill section to read:

7 **"\* Sec. 2.** AS 11.81.900(b)(24), as amended by sec. 1 of this Act, is amended to read:

8 (24) "explosive" means a chemical compound, mixture, or device that  
9 is commonly used or intended for the purpose of producing a chemical reaction  
10 resulting in a substantially instantaneous release of gas and heat, including dynamite,  
11 blasting powder, nitroglycerin, blasting caps, and nitrojelly, but excluding salable  
12 fireworks as defined in AS 18.72.100 [REGULATION], black powder, smokeless  
13 powder, small arms ammunition, and small arms ammunition primers;"

14

15 Renumber the following bill sections accordingly.

16

17 Page 2, following line 10:

18 Insert new bill sections to read:

19 **"\* Sec. 4.** AS 18.72.010 is repealed and reenacted to read:

20 **Sec. 18.72.010. Regulation of sale of dangerous fireworks.** (a) The sale or  
21 offer to sell dangerous fireworks at wholesale or retail for any purpose other than  
22 industrial, agricultural, wildlife control, or public display is prohibited.

23 (b) A person desiring to use dangerous fireworks for industrial, agricultural,

1 wildlife control, or public display purposes shall first comply with the permit  
2 requirements of the fire safety code.

3 (c) All dangerous fireworks shall be purchased from a fireworks wholesaler  
4 licensed as such in this state. A fireworks wholesaler may not sell dangerous fireworks  
5 to anyone unless the wholesaler has a currently valid permit required by the fire safety  
6 code, the number of which shall be affixed to each record of sale by the fireworks  
7 wholesaler and maintained as a permanent record of the sale.

8 \* **Sec. 5.** AS 18.72 is amended by adding new sections to read:

9 **Sec. 18.72.021. Regulation of sale of salable fireworks.** (a) A person holding  
10 a permit required by the fire safety code may sell or offer for sale salable fireworks if

11 (1) the person has submitted to the state fire marshal a policy, or a  
12 certified true copy of a policy, of public liability and products liability insurance,  
13 including both accident and occurrence coverage, provided by the wholesale company  
14 selling fireworks to the person, in the amount of at least \$200,000 for bodily injury or  
15 death and at least \$50,000 property damage and the person is named as an insured  
16 party upon the policy and the policy is continuously in force while the person is  
17 engaged in the retail sale of fireworks; and

18 (2) an endorsement fee of \$10 is paid to the state fire marshal for an  
19 endorsement that is valid for two years or portions of two years during which the  
20 permit holder is engaged in the retail sale of fireworks.

21 (b) Upon approval of the insurance required in (a) of this section, the permit of  
22 the holder shall be endorsed by the state fire marshal to indicate the holder's right to  
23 sell fireworks at retail, and shall indicate an expiration of the authority. The expiration  
24 date shall coincide with the expiration date of the permit holder's liability insurance.

25 **Sec. 18.72.031. Fireworks wholesaler's license.** (a) A person who desires to  
26 sell fireworks at wholesale in the state shall first make verified application for a  
27 license to the state fire marshal on forms provided by the state fire marshal. The forms  
28 must require the applicant to supply the applicant's social security number if the  
29 applicant is a natural person. The application shall be accompanied by an annual  
30 license fee of \$50.

31 (b) The license required under (a) of this section is valid until December 31 of

1 the year during which it is issued and is renewable upon

2 (1) the payment of each subsequent annual license fee and affirmation  
3 that the information contained in the wholesaler's original application for a fireworks  
4 wholesaler's license is currently accurate; and

5 (2) supplying the wholesaler's social security number if it has not  
6 previously been supplied under (a) of this section and if the wholesaler is a natural  
7 person."  
8

9 Renumber the following bill sections accordingly.

10  
11 Page 2, following line 16:

12 Insert a new bill section to read:

13 **"\* Sec. 7.** AS 18.72.040, as amended by sec. 6 of this Act, is amended to read:

14 **Sec. 18.72.040. Criminal penalty.** A person who recklessly fails to comply  
15 with a provision of this chapter or fireworks regulations adopted in the fire safety  
16 code [UNDER AS 18.72.010] is guilty of a class B misdemeanor. Each day of  
17 noncompliance constitutes a separate offense. In this section, "recklessly" has the  
18 meaning given in AS 11.81.900."  
19

20 Renumber the following bill sections accordingly.

21  
22 Page 2, following line 25:

23 Insert new bill sections to read:

24 **"\* Sec. 9.** AS 18.72.060, as amended by sec. 8 of this Act, is amended to read:

25 **Sec. 18.72.060. Municipal regulation of fireworks.** This chapter and  
26 fireworks [FIREWORKS] regulations adopted under the fire safety code  
27 [AS 18.72.010] supersede the provisions of an ordinance adopted by a city or borough,  
28 whether before or after May 23, 1969, that are less restrictive than this chapter or the  
29 code [REGULATIONS]. However, nothing in this section affects the authority of a  
30 city or organized borough under other law to prohibit or regulate more restrictively  
31 than this chapter [REGULATIONS ADOPTED UNDER AS 18.72.010] the offering

1 for sale, exposure for sale, sale, use, or explosion of fireworks.

2 \* **Sec. 10.** AS 18.72 is amended by adding a new section to read:

3 **Sec. 18.72.101. Definitions.** In this chapter and fireworks regulations adopted  
4 in the state fire safety code,

5 (1) "dangerous fireworks" includes all fireworks that are not defined as  
6 salable fireworks;

7 (2) "fire safety code" means the fire safety code of the state adopted  
8 and administered by the division of fire prevention of the Department of Public Safety;

9 (3) "fireworks" means salable fireworks or dangerous fireworks;

10 (4) "salable fireworks" are 1.4 G fireworks, as defined by the National  
11 Fire Protection Association, and, more specifically, shall include and be limited to the  
12 following:

13 (A) roman candles, not exceeding 10 balls spaced uniformly in  
14 the tube, total pyrotechnic composition not to exceed 20 grams each in weight,  
15 any inside tube diameter not to exceed 3/8 inch;

16 (B) skyrockets with sticks, total pyrotechnic composition not to  
17 exceed 20 grams each in weight, and the inside tube diameter not to exceed 1/2  
18 inch, with the rocket sticks being securely fastened to the tubes;

19 (C) helicopter type rockets, total pyrotechnic composition not  
20 to exceed 20 grams each in weight, and the inside tube diameter not to exceed  
21 1/2 inch;

22 (D) cylindrical fountains, total pyrotechnic composition not to  
23 exceed 75 grams each in weight, and the inside tube diameter not to exceed 3/4  
24 inch;

25 (E) cone fountains, total pyrotechnic composition not to exceed  
26 50 grams each in weight;

27 (F) wheels, total pyrotechnic composition not to exceed 60  
28 grams for each driver unit or 240 grams for each complete wheel, and the  
29 inside tube diameter of driver units not to exceed 1/2 inch;

30 (G) illuminating torches and colored fire in any form, total  
31 pyrotechnic composition not to exceed 100 grams each in weight;

1 (H) dipped sticks, the pyrotechnic composition of which  
2 contains chlorate or perchlorate, that do not exceed five grams, and sparklers,  
3 the composition of which does not exceed 100 grams each and that contains no  
4 magnesium or magnesium and a chlorate or perchlorate;

5 (I) mines and shells of which the mortar is an integral part, total  
6 pyrotechnic composition not to exceed 40 grams each in weight;

7 (J) firecrackers with soft casings, the external dimensions of  
8 which do not exceed one and one-half inches in length or one-quarter inch in  
9 diameter, total pyrotechnic composition not to exceed two grains each in  
10 weight;

11 (K) novelties consisting of two or more devices enumerated in  
12 this paragraph when approved by the Bureau of Explosives."  
13

14 Renumber the following bill sections accordingly.

15  
16 Page 3, line 2:

17 Delete "Section 6"

18 Insert "Section 12"  
19

20 Page 3, following line 2:

21 Insert a new bill section to read:

22 **\*\* Sec. 14.** Sections 2, 4, 5, 7, 9, and 10 of this Act take effect two years after the effective  
23 date of secs. 1, 3, 6, 8, and 11 of this Act."