

1 IN THE SENATE

BY SENATOR BULLOCK

2

SENATE BILL NO. 48

3

IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4

TWENTY-THIRD SESSION

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A BILL

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For an Act entitled: "An Act relating to the supervision,

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control and prohibition of the sale, use,

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possession, public display and explosion

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of fireworks."

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BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

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Section 1. DANGEROUS FIREWORKS. Dangerous Fireworks as

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used in this Act includes any of the following: Pyrotechnics or

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fireworks containing phosphorous, sulpho-cyanide, mercury,

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chlorate of potash and sulphur or chlorate of potash and sugar;

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Fireworks, salutes, and other explosive articles of similar

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nature; Blank cartridges; Sky rockets, including all devices

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which rise in the air during discharge; Roman candles, flares,

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sparklers, including all devices discharging balls of fire into

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the air; Chasers, including all devices which dart or travel

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about the surface of the ground during discharge; Snakes, boa

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constrictors, and snake nests, containing bichloride of mercury;

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All articles of Pyrotechnic display which contain gun powder;

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Articles commonly known as son-of-a-gun, devil-on-the-rock,

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crackit sticks and automatic torpedoes which contain arsenic;

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Explosives known as devil-on-the-walk, or any other article of

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similar nature which explodes through means of friction, and all

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other similar fireworks, unless otherwise designated; Toy

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torpedoes of all kinds except those specifically designed for

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use only with toy pistol paper caps containing not more than

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1 twenty-five hundredths grain of explosive compound to each paper  
2 cap; Such other fireworks as may be designated as dangerous by  
3 the Attorney General.

4 . Sec. 2. ACTIVITIES PROHIBITED OR REQUIRING PERMIT. No  
5 person shall do any of the following: (a) Manufacture, possess,  
6 or sell any dangerous fireworks; (b) Discharge dangerous fire-  
7 works any place; (c) Make a public display of dangerous fire-  
8 works, without securing a permit.

9 Sec. 3. APPLICATION FOR AND GRANTING OF PERMIT; OPERATION OF  
10 ACT. Any adult person, firm association, or corporation, desir-  
11 ing to do any act mentioned in subsection (c) of Section 2 shall  
12 first make written application for a permit to the United States  
13 Commissioner of the Recording District where said public display  
14 is to be made at least three days in advance of the date of the  
15 proposed display. It shall be the duty of the United States  
16 Commissioner to whom the application is made to make an investiga-  
17 tion as to whether such a display as proposed shall be of such a  
18 character and so located that it may be hazardous to property  
19 or dangerous to any person, and the United States Commissioner  
20 may in the exercise of reasonable discretion grant or deny the  
21 application, subject to such reasonable conditions, if any, as  
22 he or she shall prescribe.

23 This Act does not prohibit any manufacturer, wholesaler,  
24 dealer or jobber from possessing, manufacturing or selling any  
25 kind of fireworks for direct shipment out of the Territory or  
26 from manufacturing or selling any kind of dangerous fireworks  
27 to permittees hereunder, or the use of torpedoes, flares, or  
28 fuses by railroad, transportation agencies, or other persons  
29 for necessary signal purposes or illumination, or the sale,

1 possession, or use of explosives for industrial, mining, agri-  
2 cultural or commercial usage; or the sale or use of blank cart-  
3 ridges for ceremonial purposes, athletic or sports events, or  
4 military ceremonies and demonstrations or maneuvers.

5       Sec. 4. INSURANCE AND BONDS: SUPERVISION OF DISPLAYS. The  
6 applicant for such display permit shall at the time of applica-  
7 tion, furnish proof that he carries compensation insurance for  
8 his employees as provided by the laws of this Territory, and  
9 he shall file with the United States Commissioner to whom the  
10 application is made a bond in the amount of \$10,000.00 with at  
11 least two adequate and sufficient sureties to be approved by  
12 said commissioner conditioned on the applicants payment of all  
13 damages to persons or property which shall or may result from  
14 or be caused by such public display of fireworks, or any negli-  
15 gence on the part of the applicant, or his or its agents, ser-  
16 vants, employees, or subcontractors in the presentation thereof,  
17 or a certificate evidencing the carrying of appropriate liability  
18 insurance issued by an insurance carrier authorized to transact  
19 business in the Territory of Alaska for the benefit of the per-  
20 son named therein as assured, as evidence of ability to respond  
21 in damages in at least such amount, said policies to be similar-  
22 ly approved. If the permit is granted, the sale, possession,  
23 use and display of fireworks for the public display is lawful  
24 for that purpose only; no permit granted is transferable. Every  
25 public display of fireworks shall be handled or supervised by  
26 some competent adult person approved by the United States Com-  
27 missioner, and no person under the age of 21 years shall be per-  
28 mitted to actively participate in the operation or be employed  
29 in such display.

1       Sec. 5. MUNICIPAL ORDINANCES. Nothing contained in this  
2 Act, or the permits issued under it, shall authorize the manu-  
3 facture, use, possession, discharge, or public display of fire-  
4 works of any nature in any municipality in which such manu-  
5 facture, use, possession, discharge, or public display is other-  
6 wise prohibited or regulated by law or municipal ordinance.

7       Sec. 6. FIRE SEASON. Nothing herein contained shall  
8 authorize the use, discharge or display of fireworks in pro-  
9 hibited areas during the fire season as established by law,  
10 or in pursuance of law.

11       Sec. 7. PUNISHMENT. Any person who violates any of the  
12 provisions of this Act shall be guilty of a misdemeanor, and  
13 upon conviction shall be punished by imprisonment for a term  
14 not to exceed six months or a fine not to exceed \$3,000.00 or  
15 by both such fine and imprisonment.

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