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IN THE HOUSE

BY MRS. FISCHER

HOUSE BILL NO. 297

IN THE LEGISLATURE OF THE STATE OF ALASKA
FIRST LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act to prohibit the sale, offering or exposing for sale of fireworks; defining fireworks and regulating the manner of using fireworks, and to provide penalties for the violation of the provisions of the Act; and providing an effective date."

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

Section 1. The term "fireworks" shall mean and include any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, sky-rockets, roman candles, Daygo bombs, sparklers, or other fireworks of like construction and any fireworks containing any explosives or flammable compound, or any tablets or other device containing any explosive substance, except that the term "fireworks" shall not include toy pistols, toy canes, toy guns or other devices in which paper caps manufactured in accordance with the United States Interstate Commerce Commission regulations for packing and shipping of toy paper caps are used and toy

1 pistol paper caps manufactured as provided therein, the sale and
2 use of which shall be permitted at all times.

3 Sec. 2. Except as hereinafter provided it shall be unlawful
4 for any person, firm, co-partnership, or corporation to offer
5 for sale, expose for sale, sell at retail, or use or explode any
6 fireworks; provided that the State Fire Marshal shall have power
7 to adopt reasonable rules and regulations for the granting of
8 permits for supervised public displays of fireworks by municipi-
9 palities, fair associations, amusement parks, and other organi-
10 zations or groups of individuals. Every such display shall be
11 handled by a competent operator to be approved by the Chiefs of
12 the Police and Fire Departments of the municipality in which the
13 display is to be held and shall be such a character, and so
14 located, discharged or fired as in the opinion of the Chief of
15 the Fire Department, after proper inspection, shall not be
16 hazardous to property or endanger any person or persons. Appli-
17 cation for permits shall be made in writing at least 15 days in
18 advance of the date of the display. After such privilege shall
19 have been granted, sales, possession, use and distribution of
20 fireworks for such display shall be lawful for that purpose only.
21 No permit granted hereunder shall be transferable.

22 Sec. 3. The governing body of the municipality shall require
23 a bond deemed adequate by the municipality from the licensee in
24 a sum not less than \$500.00 conditioned for the payment of all
25 damages which may be caused either to a person or persons or to
26 property by reason of the licensed display, and arising from any
27 acts of the licensee, his agents, employees or subcontractors.

28 Sec. 4. Nothing in this act shall be construed to prohibit
29 any resident wholesaler, dealer or jobber to sell at wholesale

1 such fireworks as are not herein prohibited; or the sale of any
2 kind of fireworks provided the same are to be shipped directly
3 out of the state; or the use of fireworks by railroads or other
4 transportation agencies for signal purposes or illumination, or
5 the sale or use of blank cartridges for a show or theater, or
6 for signal or ceremonial purposes in athletics or sports or for
7 use by military organizations.

8 Sec. 5. The State Fire Marshal shall seize, take, remove
9 or cause to be removed at the expense of the owner all stocks
10 of fireworks or combustibles offered or exposed for sale, stored
11 or held in violation of this Act.

12 Sec. 6. Any person, firm, co-partnership or corporation
13 violating the provisions of this Act shall be guilty of a mis-
14 demeanor and upon conviction thereof shall be punished by a fine
15 not exceeding \$100.00 or by imprisonment in jail not exceeding
16 90 days or both such fine and imprisonment.

17 Sec. 7. Any provision of any Act in this state inconsistent
18 with any provision of this Act is hereby repealed.

19 Sec. 8. This Act may be cited as the Model State Fireworks
20 Act.

21 Sec. 9. Effective date. This Act shall take effect
22 August 1, 1960.

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