

Introduced: 4/1/69
Referred: Local Govern-
ment

1 IN THE SENATE

BY THE LOCAL
GOVERNMENT COMMITTEE

2 SENATE BILL NO. 302

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act providing for state regulation of fireworks:
7 and providing for an effective date."

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

9 * Section 1. AS 13 is amended by adding a new chapter to read:

10 CHAPTER 72. STATE REGULATION OF FIREWORKS.

11 Sec. 18.72.010. REGULATION OF SALE OF DANGEROUS FIREWORKS. (a)

12 The sale or offer to sell dangerous fireworks at wholesale or retail
13 for any purpose other than industrial, agricultural, wildlife control
14 or public display is prohibited.

15 (b) A person desiring to use dangerous fireworks for industrial,
16 agricultural, wildlife control or public display purposes shall first
17 comply with the permit requirements of the fire safety code.

18 (c) All dangerous fireworks shall be purchased from a fireworks
19 wholesaler licensed as such in this state. No fireworks wholesaler
20 may sell dangerous fireworks to anyone, unless he has a currently valid
21 permit required by the fire safety code, the number of which shall be
22 affixed to each record of sale by the fireworks wholesaler, and
23 maintained as a permanent record of the sale.

24 Sec. 18.72.020. REGULATION OF SALE OF SALABLE FIREWORKS. (a) A
25 person holding a permit required by the fire safety code may sell or
26 offer for sale salable fireworks, if

27 (1) the person has submitted to the state fire marshal a
28 policy, or a certified true copy of a policy, of public liability and
29 products liability insurance, including both accident and occurrence

1 coverage, provided by the wholesale company selling to the fireworks
2 retailer, in the amount of at least \$300,000 for bodily injury or
3 death and at least \$100,000 property damage, upon which policy the
4 state and all governmental subdivisions of the state and the permit
5 holder shall be named as additional insureds and which shall be con-
6 tinuously in force while the permit holder is engaged in the retail
7 sale of fireworks, and

8 (2) an endorsement fee of \$5 is paid to the state fire
9 marshal for each year or fraction of year during which permit holder
10 is engaged in the retail sale of fireworks.

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

17 Sec. 18.72.030. FIREWORKS WHOLESALER'S LICENSE. (a) A person
18 who desires to sell fireworks at wholesale in the state shall first
19 make verified application for a license to the state fire marshal on
20 forms provided by him. The application shall be accompanied by an
21 annual license fee of \$500.

22 (b) The license required under (a) of this section shall be valid
23 until December 31 of the year during which it is issued, and shall be
24 renewable upon the payment of each subsequent annual license fee and
25 affirmation that the information contained in the wholesaler's original
26 application for a fireworks wholesaler's license is currently accurate.

27 Sec. 18.72.040. VIOLATION. A person who knowingly and wilfully
28 fails to comply with a provision of this chapter or fireworks regu-
29 lations adopted under the fire safety code is guilty of a misdemeanor

1 and, upon conviction is punishable by a fine of not more than \$500, or
2 by imprisonment for not more than six months, or by both. Each day of
3 noncompliance shall constitute a separate offense.

4 Sec. 18.72.050. DEFINITIONS. In this chapter and fireworks regu-
5 lations adopted under the state fire safety code

6 (1) "dangerous fireworks" includes all fireworks which are
7 not defined as salable fireworks;

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

11 (3) "fireworks" means salable fireworks or dangerous fire-
12 works;

13 (4) "salable fireworks" are ICC Class C Common Fireworks and
14 shall include only those fireworks enumerated as ICC Class C Common
15 Fireworks in the regulations of the Interstate Commerce Commission, as
16 the regulations are presently constructed, and, more specifically, shall
17 include and be limited to the following:

18 (A) roman candles, not exceeding 10 balls spaced uni-
19 formly in the tube, total pyrotechnic composition not to exceed
20 20 grams each in weight, any inside tube diameter not to exceed
21 3/8 inch;

22 (B) skyrockets with sticks, total pyrotechnic compo-
23 sition not to exceed 20 grams each in weight, and the inside tube
24 diameter not to exceed 1/2 inch, with the rocket sticks being
25 securely fastened to the tubes;

26 (C) helicopter type rockets, total pyrotechnic compo-
27 sition not to exceed 20 grams each in weight, and the inside tube
28 diameter not to exceed 1/2 inch;

29 (D) cylindrical fountains, total pyrotechnic composition

1 not to exceed 75 grams each in weight, and the inside tube diameter
2 not to exceed 3/4 inch.

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

5 (F) wheels, total pyrotechnic composition not to exceed
6 60 grams for each driver unit or 240 grams for each complete wheel,
7 and the inside tube diameter of driver units not to exceed 1/2
8 unit;

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

12 (H) dipped sticks, the pyrotechnic composition of which
13 contains chlorate or perchlorate which do not exceed five grams,
14 and sparklers, the composition of which does not exceed 100 grams
15 each and which contains no magnesium or magnesium and a chlorate
16 or perchlorate;

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

20 (J) firecrackers with soft casings, the external dimen-
21 sions of which do not exceed one and one-half inches in length or
22 one-quarter inch in diameter, total pyrotechnic composition not to
23 exceed two grains each in weight;

24 (K) novelties consisting of two or more devices enum-
25 erated in this paragraph when approved by the Bureau of Explosives;
26 Sec. 18.72.060. APPLICATION OF CHAPTER. This chapter and fire-
27 works regulations adopted under the fire safety code supersede the
28 provisions of an ordinance adopted by a city or borough, whether before
29 or after the effective date of this Act, which are less restrictive than

1 with this chapter or the code. However, nothing in this section affects
2 the authority of a city or organized borough under other law to pro-
3 hibit or regulate more restrictively than this chapter the offering for
4 sale, exposure for sale, sale, use, or explosion of fireworks.

5 * Sec. 2. AS 29.10.193 is amended to read:

6 Sec. 29.10.193. FIREWORKS. The council may by ordinance regulate
7 or prohibit the offering for sale, exposure for sale, sale, use, or
8 explosion of fireworks. The provisions of an ordinance adopted under
9 this section shall not be less restrictive than state regulation of
10 fireworks under AS 18.72 or fireworks regulations adopted by the state
11 in accordance with law.

12 * Sec. 3. AS 29.15.199 is amended to read:

13 Sec. 29.15.199. FIREWORKS. The council may by ordinance regulate
14 or prohibit the offering for sale, exposure for sale, sale, use, or
15 explosion of fireworks. The provisions of an ordinance adopted under
16 this section shall not be less restrictive than state regulation of fire-
17 works under AS 18.72 or fireworks regulations adopted by the state in
18 accordance with law.

19 * Sec. 4. AS 29.25.325 is amended to read:

20 Sec. 29.25.325. FIREWORKS. The council may by ordinance regulate
21 or prohibit the offering for sale, exposure for sale, sale, use, or
22 explosion of fireworks. The provisions of an ordinance adopted under
23 this section shall not be less restrictive than state regulation of
24 fireworks under AS 18.72 or fireworks regulations adopted by the state
25 in accordance with law.

26 * Sec. 5. AS 07.15.724 is amended to read:

27 Sec. 07.15.724. FIREWORKS. The second class borough may provide
28 for fireworks control in the area outside cities and may do so in the
29 manner provided for first class cities under AS 29.10.193. The exercise

1 of the power of fireworks control in the area outside cities is at the
2 option of the borough and is not subject to the restrictions on acquir-
3 ing additional powers specified in secs. 720 and 730 - 800 of this
4 chapter. The provisions of an ordinance adopted under this section
5 shall not be less restrictive than state regulation of fireworks under
6 AS 18.70.072 - 18.70.078 or fireworks regulations adopted by the state
7 in accordance with law.

8 * Sec. 6. AS 29.08 is amended by adding a new section to read:

9 Sec. 29.08.210. LIMIT ON HOME RULE POWER RELATING TO FIREWORKS
10 CONTROL. AS 29.10.193, relating to regulation of fireworks, applies
11 to home rule cities.

12 * Sec. 7. AS 07.12 is amended by adding a new section to read:

13 Sec. 07.12.030. LIMIT ON HOME RULE POWER RELATING TO FIREWORKS
14 CONTROL. AS 07.15.724, relating to regulation of fireworks, applies
15 to home rule boroughs.

16 * Sec. 8. This Act takes effect on the day after its passage and approval
17 or on the day it becomes law without approval.