

Introduced: 1/14/85
Referred: State Affairs and
Judiciary

1 IN THE HOUSE

BY POURCHOT

2

HOUSE BILL NO. 35

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to 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 18.72.010(a) is amended to read:

10 (a) The sale or offer to sell dangerous fireworks at wholesale
11 or retail for a [ANY] purpose other than industrial, agricultural,
12 wildlife control or public display purposes is prohibited.

13 * Sec. 2. AS 18.72.010(c) is amended to read:

14 (c) All dangerous fireworks shall be purchased from a fireworks
15 wholesaler licensed as such in this state. A [NO] fireworks whole-
16 saler may not sell dangerous fireworks to anyone, unless the wholesal-
17 er [HE] has a currently valid permit required by the fire safety code,
18 the number of which shall be affixed to each record of sale by the
19 [FIREWORKS] wholesaler, and maintained as a permanent record of the
20 sale.

21 * Sec. 3. AS 18.72.030(a) is amended to read:

22 (a) A person who desires to sell fireworks at wholesale in the
23 state shall first make verified application for a license to the state
24 fire marshal on forms provided by the state fire marshal [HIM]. The
25 application shall be accompanied by an annual license fee of \$50.

26 * Sec. 4. AS 18.72.040 is amended to read:

27 Sec. 18.72.040. VIOLATION. A person who knowingly [AND WILFUL-
28 LY] fails to comply with a provision of this chapter or fireworks
29 regulations adopted in 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 constitutes a separate offense.

4 * Sec. 5. AS 18.72.050 is repealed and reenacted to read:

5 Sec. 18.72.050. DEFINITIONS. In this chapter and in fireworks
6 regulations adopted in the state fire safety code

7 (1) "cone fountain" means a cardboard or heavy paper cone
8 containing not more than 50 grams of pyrotechnic composition and that
9 has the same effect as a cylindrical fountain;

10 (2) "cylindrical fountain" means a cylindrical tube not
11 more than three-fourths of an inch (19 mm) inside diameter, containing
12 up to 75 grams of pyrotechnic composition, that may be supported on a
13 base or spike or may be hand-held and that, upon ignition, produces a
14 shower of colored sparks and, sometimes, a whistling effect;

15 (3) "dangerous fireworks" includes all fireworks that are
16 not defined as salable fireworks;

17 (4) "dipped stick" means a stick or wire coated with not
18 more than 100 grams of pyrotechnic composition, or if containing
19 perchlorate or chlorate salts, not more than five grams of pyrotechnic
20 composition, and that produces a shower of sparks upon ignition;

21 (5) "fire safety code" means the fire safety code of the
22 state adopted and administered by the division of fire prevention of
23 the Department of Public Safety;

24 (6) "fireworks" means a composition or device designed to
25 produce a visible or an audible effect by combustion, deflagration or
26 detonation, and that meets the definition of "common" or "special"
27 fireworks as set out in the hazardous materials regulations of the
28 United States Department of Transportation, but does not include

29 (A) toy pistols, toy canes, toy guns, or other devices

1 in which paper or plastic caps manufacture, packed, and shipped
2 in accordance with United States Department of Transportation
3 regulations; and

4 (B) model rockets and model rocket motors designed,
5 sold, and used for the purpose of propelling recoverable aero
6 models;

7 (7) "illuminating torch" means a cylindrical tube contain-
8 ing not more than 100 grams of pyrotechnic composition, that may be
9 supported on a base or spike or may be hand-held and that, upon igni-
10 tion, produces a colored fire;

11 (8) "salable fireworks" includes only the following United
12 States Department of Transportation common fireworks:

- 13 (A) cone fountains;
14 (B) cylindrical fountains;
15 (C) dipped sticks;
16 (D) illuminating torches;
17 (E) wheels;

18 (9) "wheel" means a pyrotechnic device attached to a post
19 or tree by means of a nail or string, containing a total pyrotechnic
20 composition of not more than 60 grams in each driver unit or 240 grams
21 in each complete wheel, and that, upon ignition, revolves and produces
22 a shower of color and sparks and, sometimes, a whistling effect.

23 * Sec. 6. AS 18.72.060 is amended to read:

24 Sec. 18.72.060. APPLICATION OF CHAPTER. This chapter and fire-
25 works regulations adopted under the fire safety code supersede the
26 provisions of an ordinance adopted by a city or borough, whether
27 before or after May 23, 1969, that [WHICH] are less restrictive than
28 this chapter or the code. However, nothing in this section affects
29 the authority of a city or organized borough under other law to

1 prohibit or regulate more restrictively than this chapter the offering
2 for sale, exposure for sale, sale, use, or explosion of fireworks.

3 * Sec. 7. AS 18.72.060 is amended by adding a new subsection to read:

4 (b) This chapter does not apply to

5 (1) the sale, and use in emergency situations, of pyro-
6 technic signaling devices and distress signals for marine, aviation,
7 and highway use;

8 (2) the retail sale and use of explosives or signaling
9 flares used in the course of ordinary business or industry;

10 (3) gold star producing sparklers that contain no magnesium
11 or chlorate;

12 (4) toy snakes that contain no mercury;

13 (5) smoke novelties and party novelties that contain less
14 than 0.25 grain of explosive mixture;

15 (6) shells or cartridges used as ammunition in firearms;

16 (7) blank cartridges used for a theatrical or other enter-
17 tainment production, or for signal or ceremonial purposes in sporting
18 events or by military organizations.

19 * Sec. 8. This Act takes effect immediately in accordance with AS 01.-
20 10.070(c).