

Offered: 3/20/85
Referred: Judiciary

Original sponsor: Pourchot

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE
2 CS FOR HOUSE BILL NO. 35 (State Affairs)
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, possession with intent to
11 sell, or manufacture of dangerous fireworks at wholesale or retail for
12 a [ANY] purpose other than industrial, agricultural, wildlife control
13 or public display purposes is prohibited.
14 * Sec. 2. AS 18.72.010(c) is amended to read:
15 (c) All dangerous fireworks shall be purchased from a fireworks
16 wholesaler licensed as such in this state. A [NO] fireworks whole-
17 saler may not sell dangerous fireworks to anyone, unless the wholesal-
18 er [HE] has a currently valid permit required by the fire safety code,
19 the number of which shall be affixed to each record of sale by the
20 [FIREWORKS] wholesaler, and maintained as a permanent record of the
21 sale.
22 * Sec. 3. AS 18.72.030(a) is amended to read:
23 (a) A person who desires to sell fireworks at wholesale in the
24 state shall first make verified application for a license to the state
25 fire marshal on forms provided by the state fire marshal [HIM]. The
26 application shall be accompanied by an annual license fee of \$50.
27 * Sec. 4. AS 18.72.040 is amended to read:
28 Sec. 18.72.040. PENALTIES [VIOLATION]. A person who recklessly
29 [KNOWINGLY AND WILFULLY] fails to comply with a provision of this

1 chapter or fireworks regulations adopted in the fire safety code is
2 guilty of a class B misdemeanor [AND UPON CONVICTION IS PUNISHABLE BY
3 A FINE OF NOT MORE THAN \$500, OR BY IMPRISONMENT FOR NOT MORE THAN SIX
4 MONTHS, OR BY BOTH]. Each day of noncompliance constitutes a separate
5 offense.

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 AS 18.72.050 is repealed and reenacted to read:

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

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

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

17 (3) "dangerous fireworks" includes all fireworks that are
18 not defined as salable fireworks;

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

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

26 (6) "fireworks" means a composition or device designed to
27 produce a visible or an audible effect by combustion, deflagration or
28 detonation, and that meets the definition of "common" or "special"
29 fireworks as set out in the hazardous materials regulations of the

1 United States Department of Transportation, but does not include

2 (A) toy pistols, toy canes, toy guns, or other devices
3 in which paper or plastic caps manufacture, packed, and shipped
4 in accordance with United States Department of Transportation
5 regulations; and

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

9 (7) "flitter sparkler" means a narrow paper tube filled
10 with pyrotechnic composition that produces color and sparks upon
11 ignition; this device does not have a fuse for ignition; the paper at
12 one end of the tube is ignited to make the device function;

13 (8) "ground spinner" means a small device similar to wheel
14 in design and effect and placed on the ground and ignited; a shower of
15 sparks and color is produced by the rapidly spinning device;

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

20 (10) "recklessly" has the meaning given in AS 11.81.900(a)-
21 (3);

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

- 24 (A) cone fountains;
25 (B) cylindrical fountains;
26 (C) dipped sticks;
27 (D) flitter sparklers;
28 (E) ground spinners;
29 (F) illuminating torches;

1 (G) wheels;

2 (12) "wheel" means a pyrotechnic device attached to a post
3 or tree by means of a nail or string, containing a total pyrotechnic
4 composition of not more than 60 grams in each driver unit or 240 grams
5 in each complete wheel, and that, upon ignition, revolves and produces
6 a shower of color and sparks and, sometimes, a whistling effect.

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

8 Sec. 18.72.060. APPLICATION OF CHAPTER. This chapter and fire-
9 works regulations adopted under the fire safety code supersede the
10 provisions of an ordinance adopted by a city or borough, whether
11 before or after May 23, 1969, that [WHICH] are less restrictive than
12 this chapter or the code. However, nothing in this section affects
13 the authority of a city or organized borough under other law to pro-
14 hibit or regulate more restrictively than this chapter the offering
15 for sale, exposure for sale, sale, use, or explosion of fireworks.

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

17 (b) This chapter does not apply to

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

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

23 (3) gold star producing sparklers that contain no magnesium
24 or chlorate;

25 (4) toy snakes that contain no mercury;

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

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

29 (7) blank cartridges used for a theatrical or other

1 entertainment production, or for signal or ceremonial purposes in
2 sporting events or by military organizations.

3 * Sec. 8. This Act takes effect December 31, 1985.