

Offered: 4/21/86
Referred: Rules

Original sponsor: Pourchot

1 IN THE HOUSE

BY THE RULES COMMITTEE

2

CS FOR HOUSE BILL NO. 35 (Rules)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND 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 is amended by adding a new section to read:

23 Sec. 18.72.025. PURCHASE AND SALE OF FIREWORKS BY MINORS. The
24 sale of fireworks to a person under 16 years of age is prohibited. A
25 person under 18 years of age may not sell fireworks unless supervised
26 by a person 18 years of age or older.

27 * Sec. 4. AS 18.72.030(a) is amended to read:

28 (a) A person who desires to sell fireworks at wholesale in the
29 state shall first make verified application for a license to the state

1 fire marshal on forms provided by the state fire marshal [HIM]. The
2 application shall be accompanied by an annual license fee of \$50.

3 * Sec. 5. AS 18.72.040 is amended to read:

4 Sec. 18.72.040. PENALTIES [VIOLATION]. A person who recklessly
5 [KNOWINGLY AND WILFULLY] fails to comply with a provision of this
6 chapter or fireworks regulations adopted in the fire safety code is
7 guilty of a class B misdemeanor [AND UPON CONVICTION IS PUNISHABLE BY
8 A FINE OF NOT MORE THAN \$500, OR BY IMPRISONMENT FOR NOT MORE THAN SIX
9 MONTHS, OR BY BOTH]. Each day of noncompliance constitutes a separate
10 offense.

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 AS 18.72.050 is repealed and reenacted to read:

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

14 (1) "bottle rocket" means a type of skyrocket consisting of
15 a tube, not exceeding one-half inch (12.5 mm) inside diameter and two
16 and one-half inches in length, and a stick fastened to or contained in
17 the tube for guidance and stability;

18 (2) "dangerous fireworks" includes all fireworks that are
19 not defined as salable fireworks;

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

23 (4) "firecracker" has the meaning given in 49 C.F.R. 173.-
24 100(r);

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

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

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

8 (6) "manufacture" means the preparation of fireworks mixes
9 and the loading and assembly of all fireworks;

10 (7) "recklessly" has the meaning given in AS 11.81.900(a)-
11 (3);

12 (8) "salable fireworks" means common fireworks, as de-
13 scribed in 49 C.F.R. 173.100(r), other than

14 (A) firecrackers; and

15 (B) skyrockets that meet the definition of bottle
16 rockets under this section.

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

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

26 * Sec. 8. AS 18.72.060 is amended by adding a new subsection to read:

27 (b) This chapter does not apply to

28 (1) the sale of pyrotechnic signaling devices and distress
29 signals for marine, aviation, and highway use;

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

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

5 (4) toy snakes that contain no mercury;

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

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

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

12 * Sec. 9. This Act takes effect December 31, 1986.