

ALASKA LEGISLATURE COMMITTEE FILES 1985-1986 8672

4132 SJUD HB 19 - HB 35 1012

DFYS COMMENTS ON SSHB 670:

1. DFYS representatives were not opposed to SSHB 670. They supported including language in the statutes requiring police to make reasonable efforts to locate runaways, but expressed doubt that the bill would actually increase DFYS involvement with runaway youth who are not detained.

- According to their interpretation, DFYS would only be required to notify parents that their child was located but not detained, which might at times put DFYS in an awkward position.

2. Russ Webb of DFYS suggested that if it was the sponsor's intent to provide services to each runaway youth, that perhaps the statutes should be amended to read:

"Not later than 24 hours after receiving a written request to locate a minor who is evading the person having legal custody of the minor, a law enforcement agency shall make reasonable efforts to locate the minor. Upon locating a runaway minor, the law enforcement agency shall take protective custody of the minor for the sole purpose of either (1) returning the minor to the person having legal custody of him/her or (2) if the minor prefers, taking him/her to an office specified by the Department of Health and Social Services, facility or contract agency of the Department of Health and Social Services..."

3. DFYS also suggested clarifying when a peace officer would not detain a runaway. ("upon determining that the minor is not in immediate or foreseeable danger" or "upon determining that the minor is in a safe environment")
4. Instead of creating a new section, AS 47.10.140 (f) might be replaced with the proposed language so that the order of events in the statutes would be sequential. As such, the statute would read:

AS 47.10.140 (f) Not later than 24 hours after receiving a written request to locate a minor who is evading the person having legal custody of the minor, a law enforcement agency shall make reasonable efforts to locate the minor. If the minor is located, the law enforcement agency may detain the minor if the minor is not otherwise subject to arrest or detention under (a) of this section, for the sole purpose of either (1) returning the minor to the person having legal custody of him/her or (2) if the minor prefers, taking him/her to an office specified by the Department of Health and Social Services... If a peace officer locates the minor and does not detain the minor, the peace officer shall immediately notify the department of the location at which and circumstances under which the minor was found.

(h) Not later than 12 hours after receiving notification under (f) of this section that a minor has been located, the department shall notify the person having legal custody of the minor that the minor has been located.

- (i) No minor who is detained under (f) of this section may be detained in a

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IN THE HOUSE

BY LACHER

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 670  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
THIRTEENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to runaway minors."

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

\* Section 1. AS 47.10 is amended by adding a new section to read:

Sec. 47.10.141. LOCATING RUNAWAY MINORS. (a) Not later than 24 hours after receiving a written request to locate a minor who is evading the person having legal custody of the minor, a law enforcement agency shall make reasonable efforts to locate the minor. If a peace officer locates the minor and does not detain the minor, the peace officer shall immediately notify the department of the location at which and circumstances under which the minor was found.

(b) Not later than 12 hours after receiving notification under (a) of this section that a minor has been located, the department shall notify the person having legal custody of the minor that the minor has been located. As soon as practicable after receiving notification under (a) of this section, and before notifying the person having legal custody of the minor that the minor has been located, the department shall

(1) contact the minor in person;

(2) determine the condition of the minor and the circumstances under which the minor is living; and

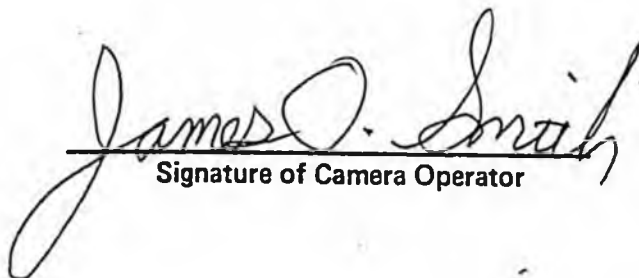
(3) advise the minor in writing of services of the department available to the minor.

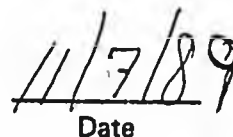


# RECORDS CERTIFICATION



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Signature of Camera Operator

  
Date

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BILL CONTACT/ACTION

DATE	CONTACT/ACTION
5/9	ALASKA END (DRBY) (6 2345)
	RED SWITZ
	DEF 6 - ROLAND SHANNON (4100)

# THE ALASKA WILDLIFE ALLIANCE

P.O. BOX 190953  
ANCHORAGE, ALASKA 99519  
907-277-0897

May 6, 1986

The Honorable Pat Rodey  
Chairman, Senate Judiciary Committee  
Pouch V  
Juneau, Alaska 99811

Dear Senator Rodey,

Because we are an all-volunteer organization and cannot arrange to have a representative present to testify before the Senate Judiciary Committee, we would like the following comments to become part of the Committee record and to be considered in the Committee's deliberations on House Bill 31.

As we have indicated in the past, we are opposed to House Bill 31.

First, it will create a safety problem for anyone enjoying Alaska's outdoors. This bill, as was noted by Alaska Department of Fish and Game, Division of Game Deputy Director Robert Hinman in House Resources Committee hearings, provides for "citizen's arrest" of a person who is perceived by another person to be obstructing or hindering his or her hunting, trapping or fishing privileges. Certainly in the case of hunting and possibly in the case of trapping or fishing, the person performing the citizen's arrest will be armed and more than likely at least somewhat upset. On the other hand, the alleged "perpetrator", who, given the historic lack of such occurrences in Alaska, would more than likely be involved in an equally legitimate wildlife or outdoor-related activity, will see only the approach and apparent aggressive attitude of an armed person. One does not need a great deal of imagination to arrive at any number of tragic conclusions. The likelihood of such events is enhanced in that the definition of obstruction or hindrance in the bill, or even more so the "intent" to obstruct or hinder, is not just vague, it is absent.

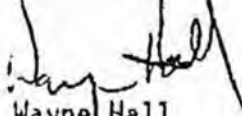
Second, no such harassment of hunters, trappers or fisherman has been documented in Alaska. The only remotely connected case we have heard presented by the proponents of the bill is the harassing of sheep by an aircraft, sheep which were at the time being hunted. Such aerial harassment of wildlife is already illegal and it is unfortunate if the perpetrators in that instance, if the aircraft was identifiable, were not prosecuted under existing law. If the aircraft was not identifiable, it is hard to imagine how HB31 would have made any difference. All kinds of threats of harassment activity might be presented by the bills proponents as a need for this legislation but the plain fact remains that it has not occurred, and is not a problem, here in Alaska. Even if it does occur, other existing statutes could be brought to bear on the perpetrator as already noted.

Third, we feel this kind of legislation is a direct affront to the state's non-consumptive users, both residents and visitors. This is not, as some might suggest, a hunting versus anti-hunting issue but one of equal rights. Hunting is a legitimate and recognized activity in Alaska. But, equally, so is wildlife observation, photography, hiking, boating and dozens of other non-consumptive uses. In a state wildlife management regime which, we feel, is already biased towards consumptive use, HB31 in effect says whenever non-consumptive and consumptive uses compete in the field, non-consumptive users must withdraw or face possible confrontation with consumptive users and threat of legal action. Rather than adding any real protection to the consumptive users, and none at all to the resource itself, HB31 would reduce the privileges and protection of all non-consumptive users. And it will at the same time only serve to increase the conflict between user groups as a result.

In summary, we oppose House Bill 31 because it would place all users of Alaska's great outdoors at added risk for an ill-defined "crime" which has never occurred in Alaska while at the same time increasing the opportunity and privileges of one user group at the expense of another.

We thank the Senate Judiciary Committee for this opportunity to express our views.

Sincerely,



Wayne Hall  
Director

# THE ALASKA WILDLIFE ALLIANCE

P.O. BOX 190953  
ANCHORAGE, ALASKA 99519  
907-277-0897

March 21, 1986

The Honorable Pat Rodey  
Pouch V, Capitol Bldg. Room 504  
Juneau, Alaska 99811

Dear Senator Rodey,

Because we will likely not be able to have a representative present when, or if, the Senate Judiciary Committee considers HB 31, "An Act relating to the obstruction or hindrance of lawful hunting, fishing or trapping", we would appreciate your consideration of the following comments.

We are opposed to this bill for, rather than protecting the activities of hunters, fishermen and trappers, HB 31 restricts or takes away from the rights of non-consumptive users to enjoy the outdoors and wildlife during hunting, fishing and trapping seasons, which for all practical purposes amount to the entire year. Under this bill, non-consumptive users would be subject to arrest, even "citizens arrest" by armed private citizens, as well as jail terms, heavy fines and costs for totally undefined interference or "intent to obstruct or hinder hunting, fishing or trapping". In addition, we believe that this legislation will promote the very kind of conflict (with perhaps the same foreseen tragic circumstances) it allegedly seeks to prevent. In what amounts to nothing less than an insult, the majority of non-consumptive users, already virtually "second class citizens" in the field of wildlife management, will be further deprived of anything approaching equal rights.

Even the proponents and supporters of this bill will admit no such harassment has occurred in Alaska to date. Even if it ever does occur, it can be addressed by existing statutes without further affecting the rights of all non-consumptive users.

This bill, in slightly different forms has been vetoed twice before by Governor Sheffield for much these same reasons. If HB 31 is considered by the Judiciary Committee, we hope that action will not again be necessary.

Thank you very much for your time and if you have any questions or comments, we would be pleased to hear from you.

Sincerely,

  
Wayne Hall  
Director



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*James O. Smith*  
Signature of Camera Operator

*11/7/89*  
Date

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BILL CONTACT/ACTION

DATE	CONTACT/ACTION
5/8	PUNYANOT
	WUPEN (PPS) (1322

# Alaska State Legislature

REPRESENTATIVE  
PAT POURCHOT

HOUSE FINANCE COMMITTEE  
COMMITTEE ON OIL AND GAS



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(907) 465-3712

House of Representatives

April 22, 1986

Wayne Grieme - 488-3083  
c/o Fairbanks Legislative  
Information Office

Dear Wayne:

Once again I want to thank you for your help on the fireworks bill, HB 35.

Yesterday, the bill passed unanimously out of the House Rules Committee and is scheduled for a vote on the Floor this Thursday. Enclosed is a copy of the Rules CS for your review and comments.

Because the definitions of fireworks in the federal regulations cited in the bill use inside diameter (rather than outside diameter) Legal Services advised against changing the bottle rocket definition to outside diameter. Also, a technical change was made on page 3, line 2. The sentence now reads, (A) toy pistols, toy canes, toy guns, or other devices in which are used (added) paper or plastic caps manufactured ("d" added to manufacture), packed, and shipped in accordance with U.S. Department of Transportation regulations...

I spoke to DNR about leasing land to nonresidents for the purpose of setting up fireworks stands. Currently, there are very few restrictions on leasing land to nonresidents. I asked about changing the regulations so that only residents would be considered. They told me it would stir up a hornet's nest as it would affect numerous out-of-state companies doing business in Alaska - such as oil companies and fishermen applying for set-net leases. Also, any changes along this line would have to be very carefully considered in light of the Constitutional guidelines relating to the rights of residents vs. nonresidents.

Regarding the increase in insurance coverage, I spoke with Gordon Brunton from the Division of Fire Prevention. Upping the insurance coverage to \$1 million was done at the request of the

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insurance industry and based upon information they provided. The Division now realizes that the industry provided them with incorrect information, and as soon as the regulations are adopted, the Department of Public Safety will issue an emergency regulation lowering the insurance requirement to \$200,000 as specified in AS 18.72.

Wayne, if you have any questions, please call me collect. And, thanks again for all your help.

Sincerely,

Representative Pat Pourchot

P.S. I'm also sending Louie a copy of the bill.

# Alaska State Legislature

REPRESENTATIVE  
PAT POURCHOT



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House of Representatives

April 22, 1986

Louie March  
c/o Vickie 224-3713  
Seward Information Office

Dear Louie:

Once again I want to thank you for your help on the fireworks bill, HB 35.

Yesterday, the bill passed unanimously out of the House Rules Committee and is scheduled for a vote on the Floor this Thursday. Enclosed is a copy of the Rules CS for your review and comments.

One of the questions Wayne brought up related to inside vs outside diameter. Because the definitions of fireworks in the federal regulations cited in the bill use inside diameter (rather than outside diameter) Legal Services advised against changing the bottle rocket definition to outside diameter. Also, a technical change was made on page 3, line 2. The sentence now reads, (A) toy pistols, toy canes, toy guns, or other devices in which are used (added) paper or plastic caps manufactured ("d" added to manufacture), packed, and shipped in accordance with U.S. Department of Transportation regulations...

Also, I have some good news. I spoke with Gordon Brunton from the Division of Fire Prevention regarding the new regulations upping the insurance coverage to \$1 million. These regulations were promulgated at the request of the insurance industry and based upon information they provided. The Division now realizes that the industry provided them with incorrect information, and as soon as the regulations are adopted, the Department of Public Safety will issue an emergency regulation lowering the insurance requirement to \$200,000 as specified in AS 18.72.

Louie, if you have any questions, please call me collect. And, thanks again for all your help.

Sincerely,

Representative Pat Pourchot

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## House of Representatives

April 8, 1986

Wayne Grieme  
Phone: 488-3083  
Fairbanks LIO

Louie March  
Phone 224-8913  
Seward LIO

Dear Wayne and Louie:

Thank you for taking time to participate in last Tuesday evening's work session on fireworks. Your comments and suggestions were most helpful.

For your review and comments I have attached a copy of a work draft based upon the suggestions that came out of our meeting. I agree, the bill was too long and becoming too complicated. Hopefully, we will now have a "cleaner" bill. As compared to the Judiciary version of HB 35:

- 1) Section 3 is a new subsection.

It prohibits the sale of fireworks to a person under 16 years of age and requires that a person under 18 years of age must be supervised by a person 18 years of age or older.

- 2) Section 6 has been rewritten.

The original bill defined the items which could be legally sold. Some items currently legal which have not been associated with particular problems were left off this list. Thus, the new section permits the sale of all Class C fireworks currently permitted under federal regulations except for two items most frequently associated with injuries and nuisance: firecrackers and bottle rockets (other skyrockets would continue to be allowed).

- 3) A definition of "manufacture" was added (p. 3, line 8) to ensure that the prohibition of manufacture of certain fireworks would not prohibit repackaging of items by retail dealers.

There was a suggestion that smaller "lady finger" firecrackers be allowed. We contacted several fireworks manufacturers and the American Pyrotechnic Association to see if there was a standard for such firecrackers which would contain less powder (and less problems). However, all persons contacted agreed that "lady fingers" contained the same amount of powder as larger firecrackers (and problem potential), just less paper.

There also was discussion that some kind of seasonal ban be implemented on firework sales. While most agreed the idea had merit, there were conflicting reasons for such a ban resulting in different seasons of sales depending on the objective. Additionally, the ban on the most dangerous and nuisance-causing fireworks, bottle rockets and firecrackers, would achieve many of the objectives of a seasonal ban. Therefore, it was decided not to include a seasonal ban on sales at this time.

Wayne and Louie, Please don't hesitate to contact me if you have any questions - call collect, or your local LIO can telefax your comments.

Thanks again for all your help. I look forward to hearing from you.

Sincerely,

Representative Pat Pourchot

# Alaska State Legislature

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## House of Representatives

March 25, 1986

Louie March - 224-8913  
c/o Seward Legislative  
Information Office

Dear Louie:

Just a note to confirm the teleconference work session on fire-works bill, HB 35, scheduled for Wednesday, April 2, from 7:35 to 8:35 p.m.

For our discussion, I have compiled the following list of suggestions from letters, testimony given at previous hearings on HB 35, and other legislators which appear to have merit.

- 1) Ban firecrackers.
- 2) Ban bottle rockets.
- 3) Permit helicopters, mines and shells in addition to items in existing bill.
- 4) Prohibit sale of fireworks to minors under 16.
- 5) Restrict the sale of fireworks during high fire seasons or limit the sale to a specific time frame, such as two weeks before the 4th of July and 2 weeks before New Year's Eve, or from June 17 to July 8.

If there are any other suggestions you'd like added to the list, please let me know.

I appreciate your concerns and your willingness to work toward a bill we can all live with. I look forward to meeting with you via teleconference. Don't hesitate to give me a call if you have any questions.

Sincerely,

Representative Pat Pourchot

# Alaska State Legislature

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## House of Representatives

### MEMORANDUM

DATE: May 7, 1986

TO: Senator Patrick Rodey, Chairman  
Senate Judiciary Committee

FROM: Representative Pat Pourchot

SUBJECT: CSHB 35 (Rules), Regulation of Fireworks

Pat, as you know, last week the House passed the above bill over to the Senate by a vote of 27 to 11. Today, Senate State Affairs passed HB 35 with three "do pass" and one "no rec."

CSHB 35 (Rules) would:

- 1) allow the sale of all Class C fireworks currently permitted under federal regulation - except for firecrackers and bottle rockets;
- 2) restrict sales to persons age 16 years or older; and
- 3) require supervision of fireworks sales by a person age 18 or older.

CSHB 35 (Rules) has received strong support from the Alaska Department of Public Safety, the Alaska Department of Health and Human Services, and the state Division of Forestry, as well as from most of the municipalities in the state. Additionally, representatives of the Alaska Fireworks Retailers Association have worked on the bill and support its provisions.

Most people who have worked on the bill, including dealers, have agreed that most of the personal injury, fire and nuisance problems can be attributed to the two types of fireworks prohibited by this bill. Ironically, retail profits from firecrackers and bottle rockets are reported by wholesalers and retailers to be small when compared to all other items sold.

Page 2

Virtually all of our municipalities currently have a total ban on sale and use of fireworks within their jurisdictions. However, numerous problems still occur due to the availability of these items outside a municipality's boundaries.

CSHB 35 (Rules) would not affect public fireworks displays in any way. The bill seeks only to prevent injuries and to restore a small amount of peace to our neighborhoods.

I would greatly appreciate your consideration of this bill as soon as possible. Attached is a packet containing information on this legislation. Please contact me if you have any questions or desire additional information.

# Alaska State Legislature

REPRESENTATIVE  
PAT POURCHOT

HOUSE FINANCE COMMITTEE  
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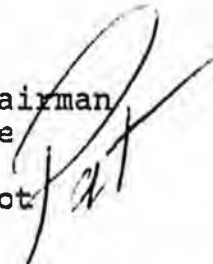
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# Alaska State Legislature

REPRESENTATIVE  
PAT POURCHOT

HOUSE FINANCE COMMITTEE  
COMMITTEE ON OIL AND GAS



House of Representatives

April 22, 1986

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# Alaska State Legislature

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House of Representatives

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Louie March  
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Seward Information Office

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## House of Representatives

April 8, 1986

Wayne Grieme  
Phone: 488-3083  
Fairbanks LIO

Louie March  
Phone 224-8913  
Seward LIO

Dear Wayne and Louie:

Thank you for taking time to participate in last Tuesday evening's work session on fireworks. Your comments and suggestions were most helpful.

For your review and comments I have attached a copy of a work draft based upon the suggestions that came out of our meeting. I agree, the bill was too long and becoming too complicated. Hopefully, we will now have a "cleaner" bill. As compared to the Judiciary version of HB 35:

- 1) Section 3 is a new subsection.

It prohibits the sale of fireworks to a person under 16 years of age and requires that a person under 18 years of age must be supervised by a person 18 years of age or older.

- 2) Section 6 has been rewritten.

The original bill defined the items which could be legally sold. Some items currently legal which have not been associated with particular problems were left off this list. Thus, the new section permits the sale of all Class C fireworks currently permitted under federal regulations except for two items most frequently associated with injuries and nuisance: firecrackers and bottle rockets (other skyrockets would continue to be allowed).

- 3) A definition of "manufacture" was added (p. 3, line 8) to ensure that the prohibition of manufacture of certain fireworks would not prohibit repackaging of items by retail dealers.

There was a suggestion that smaller "lady finger" firecrackers be allowed. We contacted several fireworks manufacturers and the American Pyrotechnic Association to see if there was a standard for such firecrackers which would contain less powder (and less problems). However, all persons contacted agreed that "lady fingers" contained the same amount of powder as larger firecrackers (and problem potential), just less paper.

There also was discussion that some kind of seasonal ban be implemented on firework sales. While most agreed the idea had merit, there were conflicting reasons for such a ban resulting in different seasons of sales depending on the objective. Additionally, the ban on the most dangerous and nuisance-causing fireworks, bottle rockets and firecrackers, would achieve many of the objectives of a seasonal ban. Therefore, it was decided not to include a seasonal ban on sales at this time.

Wayne and Louie, Please don't hesitate to contact me if you have any questions - call collect, or your local LIO can telefax your comments.

Thanks again for all your help. I look forward to hearing from you.

Sincerely,

Representative Pat Pourchot

# Alaska State Legislature

REPRESENTATIVE  
PAT POURCHOT

HOUSE FINANCE COMMITTEE  
COMMITTEE ON OIL AND GAS



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907 465 3712

## House of Representatives

March 25, 1986

Louie March - 224-8913  
c/o Seward Legislative  
Information Office

Dear Louie:

Just a note to confirm the teleconference work session on fire-works bill, HB 35, scheduled for Wednesday, April 2, from 7:35 to 8:35 p.m.

For our discussion, I have compiled the following list of suggestions from letters, testimony given at previous hearings on HB 35, and other legislators which appear to have merit.

- 1) Ban firecrackers.
- 2) Ban bottle rockets.
- 3) Permit helicopters, mines and shells in addition to items in existing bill.
- 4) Prohibit sale of fireworks to minors under 16.
- 5) Restrict the sale of fireworks during high fire seasons or limit the sale to a specific time frame, such as two weeks before the 4th of July and 2 weeks before New Year's Eve, or from June 17 to July 8.

If there are any other suggestions you'd like added to the list, please let me know.

I appreciate your concerns and your willingness to work toward a bill we can all live with. I look forward to meeting with you via teleconference. Don't hesitate to give me a call if you have any questions.

Sincerely,

Representative Pat Pourchot

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## House of Representatives

March 25, 1986

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c/o Fairbanks Legislative  
Information Office

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- 3) Permit helicopters, mines and shells in addition to items in existing bill.
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Representative Pat Pourchot

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McFarland, Lynne, et al. 1984. "Risk Factors for Fireworks-Related Injury in Washington State," JAMA, Vol. 251, No. 24, pp. 3251-3254.

Alaska Department of Natural Resources. "Wildland Fires Caused by Fireworks."

National Safety Council. "Policy on the Use of Fireworks."

Kale, Deborah and Beatrice Harwood. 1981. "Fireworks Injuries." U.S. Consumer Product Safety Commission, Directorate for Epidemiology, Division of Hazard Analysis. (Summary only)

# Alaska State Legislature

REPRESENTATIVE  
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## House of Representatives

### MEMORANDUM

DATE: May 7, 1986

TO: Senate Judiciary Committee  
Senator Pat Rodey, Chairman  
Senator Tim Kelly, Vice-Chairman  
Senator Robert Ziegler  
Senator Jan Faiks  
Senator Rick Halford

FROM: Representative Pat Pourchot 

SUBJECT: CSHB 35 (Rules), Regulation of Fireworks

Last week the House passed the above bill over to the Senate by a vote of 27 to 11. Today, the Senate State Affairs Committee passed HB 35 with three "do pass" and one "no rec."

CSHB 35 (Rules) would:

- 1) allow the sale of all Class C fireworks currently permitted under federal regulation - except for fire-crackers and bottle rockets;
- 2) restrict sales to persons age 16 years or older; and
- 3) require supervision of fireworks sales by a person age 18 or older.

CSHB 35 (Rules) has received strong support from the Alaska Department of Public Safety, the Alaska Department of Health and Human Services, and the state Division of Forestry, as well as from most of the municipalities in the state. Additionally, representatives of the Alaska Fireworks Retailers Association have worked on the bill and support its provisions.

Most people who have worked on the bill, including dealers, have agreed that most of the personal injury, fire and nuisance problems can be attributed to the two types of fireworks prohibited by this bill. Ironically, retail profits from firecrackers and bottle rockets are reported by wholesalers and retailers to be small when compared to all other items sold.

Virtually all of our municipalities currently have a total ban on sale and use of fireworks within their jurisdictions. However, numerous problems still occur due to the availability of these items outside a municipality's boundaries.

CSHB 35 (Rules) would not affect public fireworks displays in any way. The bill seeks only to prevent injuries and to restore a small amount of peace to our neighborhoods.

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.

Offered: 2/3/86  
Referred: Rules

Original sponsor: Pourchot

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE  
2 CS FOR HOUSE BILL NO. 35 (Judiciary)  
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 18.72.030(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) "Roman candle" means a tube not exceeding three-eighths  
23 inches (9.5 mm) inside diameter, containing not more than 20 grams of  
24 pyrotechnic composition and not more than 10 balls spaced uniformly in  
25 the tube;

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

28 (A) cone fountains;

29 (B) cylindrical fountains;

- 1 (C) dipped sticks;
- 2 (D) flitter sparklers;
- 3 (E) ground spinners;
- 4 (F) illuminating torches;
- 5 (G) Roman candles;
- 6 (H) skyrockets with sticks;
- 7 (I) wheels;

8 (13) "skyrocket with stick" means a tube not exceeding  
9 one-half inch (12.5 mm) inside diameter, containing not more than 20  
10 grams of pyrotechnic composition, with a stick fastened to or con-  
11 tained in the tube for guidance and stability;

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

17 \* Sec. 6. 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. 7. 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. 8. This Act takes effect December 31, 1986.

Offered: 3/20/85  
Referred: Judiciary

Original sponsor: Pourchot

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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

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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  
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21 perchlorate or chlorate salts, not more than five grams of pyrotechnic  
22 composition, and that produces a shower of sparks upon ignition;

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25 the Department of Public Safety;

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- 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
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- 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;
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- 14 in design and effect and placed on the ground and ignited; a shower of
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- 21 (3);
- 22 (11) "salable fireworks" includes only the following United
- 23 States Department of Transportation common fireworks:
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- 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.

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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.

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).

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y STATE CAPITOL  
JUNEAU ALASKA 99811  
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 30, 1986

SUBJECT: Sectional analysis of CSHB 35 (Rules)  
TO: Representative Pat Pourchot  
FROM: Edward H. Hein *EH*  
Legislative Counsel

Section 1 prohibits the possession of dangerous fireworks with the intent to sell or manufacture, unless for industrial, agricultural, wildlife control, or public display purposes.

Sec. 2 makes changes to conform to proper drafting style.

Sec. 3 prohibits the sale of fireworks to persons under 16, and prohibits a person under 18 from selling fireworks unless supervised by an adult.

Sec. 4 substitutes the proper term in place of a personal pronoun to conform to proper drafting style.

Sec. 5 changes the penalty for violation of fireworks laws. The maximum fine is raised from \$500 to \$1,000; the maximum imprisonment is reduced from six months to 90 days. The culpable mental state required for conviction is expanded to include reckless conduct, as well as knowing and intentional conduct.

Sec. 6 retains the current definitions of "dangerous fireworks" and "fire safety code", but removes all other definitions and replaces them with definitions appropriate to the changes made by other sections of the bill. Specifically, "salable fireworks" and "firecracker" are given meanings based on definitions appearing in federal Consumer Product Safety Commission regulations. "Fireworks" is defined in accordance with the definition in the Kentucky Revised Statutes and a model fireworks act. Bottle rockets and firecrackers are, by definition, not allowed to be sold to the general public.

Representative Pat Pourchot  
Page 2  
April 30, 1986

Sec. 7 changes "which" to "that" to conform to proper drafting style.

Sec. 8 creates seven exclusions from fireworks regulation. Specifically, these are: signaling devices for marine, aviation, and highway safety; explosives and signal flares used in business or industry; certain sparklers; toy snakes; certain smoke and party novelties; firearms ammunition; and blank cartridges used for theatrical, sports, or ceremonial purposes.

Sec. 9 provided an effective date of December 31, 1986.

EHH:mkr  
m5/051

SUMMARY

CSHB 35 (Rules) - Regulation of Fireworks

As you know, HB 35 was up on the Floor several weeks ago, lost narrowly and was returned to the Rules Committee.

Over the past several weeks I have had many discussions with legislators and fireworks dealers on the bill. I am happy to say that we have reached agreement on changes to the bill. These changes have been incorporated into a new Rules CS and provide for:

- 1) the sale of all fireworks currently allowable under federal regulation except for firecrackers and bottle rockets; and
- 2) the limitation of sales to persons age 16 or over. Sales must be supervised by a person age 18 or over.

Most people who have worked on the bill, including dealers, have agreed that most of the fire, personal injury and nuisance problems can be attributed to the two types of fireworks prohibited by the new CS. Ironically, these two types contribute only a small part of the dealers' total sales profits. At the same time, some of the types of fireworks left off the allowable list in the original bill contribute substantially to current sales and would continue to be permitted under the new Rules CS.

The new Rules CS is a better bill from both the perspective of fireworks retailers and those of us who seek to reduce public health and safety problems. I urge your support for this bill.

ALASKA DEPARTMENT OF PUBLIC SAFETY  
Position Paper

(January 28, 1985)

HOUSE BILL 35 - An act relating to state regulation of fireworks and providing for an effective date.

The Department of Public Safety supports this bill and any other measures that would help reduce Alaska's fire losses that keep our state first on the lists of property losses and deaths by fire in the entire United States. However, we believe this bill falls short of what is really needed; that is a total ban on the sale of "salable" or so-called "safe and sane" fireworks. Short of that, we will offer an amendment that will tighten up on the sale of fireworks.

The Alaska-National Fire Incident Reporting System (ANFIRS) indicates that, over the last 5 years, 141 fireworks caused fires occurred, with property losses approaching \$700,000. No casualties were reported. Unfortunately, we do not have a burn/injury registry program, so we cannot give you data on the numbers of people who are injured by fireworks and seek treatment at hospital, clinics and doctor's offices. The Consumer Products Safety Commission reported 8,277 fireworks caused injuries nationwide in 1983. 74,000 were injured over the 1975-83 ten year period.

California and Oregon report that 1.5 percent of their fire losses are fireworks related. When you consider Alaska's losses, please remember our small statistical base. There were

130 retail sales permits and 7 wholesale permits issued in 1983 in Alaska. We do not know the quantities sold.

So, what is the answer? It is apparent that local control to enforce bans on the use of fireworks has failed. The following items highlight some of the more graphic incidents that have occurred over the last several years (see also copies of newsclippings, attached):

- \* Wildlands fire caused by fireworks costs \$5,000 to extinguish near Kope.
- \* 339 acre fire near Soldotna costs \$90,000 to extinguish.
- \* \$400,000 plus structure in Metlakatla destroyed by fireworks caused fire.
- \* 26 "minor" fires reported in Anchorage during a 24 hour period--cause?--fireworks.
- \* Anchorage couple awakened when bottle rockets shot through window, igniting bed and living room carpet.

Public education will be suggested to teach the safe use of fireworks. The Journal of the American Medical Association

(June 15, 1984) reports that "public education doesn't seem to help curtail the burns, cuts, and other injuries resulting from fireworks accidents." When Washington changed its laws in 1982, legalizing fire crackers and some aerial devices, "they had a fair amount of public awareness," with a large fireworks safety education campaign. But, during the July 4 holiday after that change there were 82 injuries requiring emergency care--up from 39 a year earlier.

The National Safety Council says that a total ban on all fireworks--except those used by a professional pyrotechnician under controlled circumstances--is the best way to minimize fireworks-related injuries.

We cannot document any fireworks-related injuries in Alaska, but we have the details on property losses. Is more fire protection the answer? It seems ironic for the state to hand out millions of capital dollars for fire stations and equipment each year and, at the same time, to permit the sale of fireworks. That's like taking birth control pills after you're pregnant.

If legislation cannot be written to effect a total ban on the sale of "salable" fireworks, then we suggest this bill be amended to provide:

1. An increase in the amounts of public and property liability insurance.
2. A prohibition on the retail sale of "salable" fireworks by mail or telephone.
3. A limitation on the period of sales.
4. Sales to children under 16 years of age be prohibited.

Because the state licenses fireworks sales, we can be liable. Wrongful deaths create lawsuits of \$500,000; injuries such as the loss of eyesight are being settled for \$1,000,000 or more. The current limits of at least \$200,000 and \$50,000 are grossly inadequate.

The ability to purchase "salable" fireworks over the phone or by "mail order" totally destroys a local community's ability to ban sales and use.

A time limitation on the period of sales, such as from June 15 to July 6 of a calendar year will decrease the availability of fireworks, limiting their sales to the traditional holiday period.

Over 50 percent of the incidents in Alaska are attributable to "children with" as the ignition factor. Limiting sales to those persons over 15 years of age may reduce the number of incidents.

\* \* \* \* \*

Most of the facts are here. The public (silent majority) seems to regard the use of fireworks as, not only a danger, but a nuisance. The Department of Public Safety is charged with the responsibility of developing ways and means of preventing fires. Give us the tools to do our job, if not a total ban, then a strengthening of the law.

Position Paper

CS for House Bill No. 35 (Rules)

For "An Act relating to state regulations of fireworks; and providing for an effective date."

The Department of Health and Social Services supports this bill for two reasons:

- 1) Fireworks contribute to fire losses, as documented by the State Fire Marshal;
- 2) Fireworks cause injuries, often to children, although no one as yet has systematically documented fireworks injuries in Alaska.

BACKGROUND

In 1984, according to the Consumer Product Safety Commission, there were 7 reported deaths and over 9,800 injuries associated with fireworks. Over half of the injuries consisted of burns or lacerations and many were suffered by children under 15. Some of these injuries were quite severe, involving loss of hearing, loss of sight, or loss of limb.

The Center for Disease Control in Atlanta reports that the trend in fireworks related injuries has been generally upward since 1975, when approximately 4,700 persons were treated for fireworks related injuries in hospital emergency rooms.

According to a book on Injury Control, by Dr. Julian A. Waller, bottle rockets, in particular, were associated with high injury rates. These devices are especially likely to cause eye injuries.

The National Fire Protection Association reports that the rate of injuries in states allowing many types of fireworks is significantly greater than in states that ban all fireworks or allow only sparklers and snakes.

POSITION

The Department of Health and Social services believes that restricting the sale of fireworks to persons over 16 years of age,

**POSITION PAPER/Department of Health & Social Services**

and prohibiting the sale of firecrackers and bottle rockets, will result in reduced injuries, especially among children.

Recommended by: Elizabeth Ward  
Elizabeth Ward, M.N.  
Director  
Division of Public Health

Date: 5/5/86

Approved By: John R. Pugh  
John R. Pugh  
Commissioner  
Department of Health and  
Social Services

Date: 5/5/84

CSHB 35 RLS

AN ACT RELATING TO STATE REGULATION OF FIREWORKS; AND PROVIDING FOR AN EFFECTIVE DATE.

PRIME SPONSOR: POURCHOT

CO-SPONSORS:

CURRENT STATUS: (S) SA

DATE		PAGE	ACTION
01/14/85	(H)	20	READ THE FIRST TIME - REFERRAL(S)
03/20/85	(H)	638	SA RPT CS 4DP 1NR 1AMEND
03/20/85	(H)	638	2 ZERO FISCAL NOTES
02/03/86	(H)	1960	JUD RPT CS(JUD) 1DP 5NR
02/03/86	(H)	1960	ZERO FISCAL NOTE
03/13/86	(H)		RULES TO CALENDAR 3/14/86
03/14/86	(H)	2378	READ THE SECOND TIME
03/14/86	(H)	2378	JUD CS ADOPTED UNAN CONSENT
03/14/86	(H)	2378	AM NO 1 ADOPTED UNAN CONSENT
03/14/86	(H)	2378	ADVANCED TO THIRD READING UNAN CONSENT
03/14/86	(H)	2379	READ THE THIRD TIME CSHB 35(JUD) AM
03/14/86	(H)	2379	FAILED PASSAGE Y18 N20 X1 A1
03/14/86	(H)	2379	HURLEY NOTICE OF RECONSIDERATION
03/17/86	(H)	2404	RECONSIDERATION HELD TO 3/19/86
03/19/86	(H)	2429	RECON TAKEN UP - IN THIRD READING
03/19/86	(H)	2429	RETURN TO RLS COMMITTEE
04/21/86	(H)	2795	RLS RPT CS(RLS) 4DP
			RULES
04/23/86	(H)		RULES TO CALENDAR 4/24/86
04/24/86	(H)	2877	REREAD THE THIRD TIME
04/24/86	(H)	2878	RETURN TO SECOND UNAN CONSENT
04/24/86	(H)	2878	RLS CS ADOPTED UNAN CONSENT
04/24/86	(H)	2878	RETURN TO 2ND FOR AM 1 FLD Y19 N19 A2
04/24/86	(H)	2878	PASSED ON RECONSIDERATION Y27 N11 A2
04/24/86	(H)	2879	EFFECTIVE DATE SAME AS PASSAGE
04/24/86	(H)	2886	TRANSMITTED TO (S)
04/25/86	(S)	2473	READ THE FIRST TIME - REFERRAL(S)
			STATE AFFAIRS
			JUDICIARY
			RULES

HB 31

HOUSE BILL NO. 31 by Shultz and Marrou, entitled:

"An Act relating to the obstruction or hindrance of lawful hunting, fishing, or trapping."

was read the first time and referred to the Judiciary and Resources Committees.

HB 32

HOUSE BILL NO. 32 by Marrou, entitled:

"An Act relating to the permanent fund; and providing for an effective date."

was read the first time and referred to the State Affairs and Finance Committees.

HB 33

HOUSE BILL NO. 33 by Shultz, entitled:

"An Act relating to agricultural rights to land."

was read the first time and referred to the Resources and Finance Committees.

HB 34

HOUSE BILL NO. 34 by M.M. Miller, entitled:

"An Act relating to the limitation of certain types of liquor licenses."

was read the first time and referred to the State Affairs, Judiciary and Finance Committees.

HB 35

HOUSE BILL NO. 35 by Pourchot, entitled:

"An Act relating to state regulation of fireworks; and providing for an effective date."

was read the first time and referred to the State Affairs and Judiciary Committees.

HB 19

The Judiciary Committee has considered HOUSE BILL NO. 19 (relating to runaway minors), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 19 (Judiciary):

"An Act relating to runaway and missing minors."

and reports it back as follows: M.M. Miller (Chairman), Gruenberg, Taylor, Phillips and Clocksin recommend do pass.

HB 19 was referred to the Finance Committee.

HB 35

The State Affairs Committee has considered HOUSE BILL NO. 35 (relating to state regulation of fireworks; effective date), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 35 (State Affairs) (same title) and reports it back as follows: Hurley (Chairman), Boucher, Cato and M.M. Miller recommend do pass; Navarre has no recommendation; Jenkins signed "with amendments". Two zero fiscal notes were attached.

HB 35 was referred to the Judiciary Committee.

HB 78

The Finance Committee has considered HOUSE BILL NO. 78 (relating to occupational licensing fees; effective date), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 78 (Labor & Commerce) (page 431) and reports it back as follows: Duncan, Ringstad, Pourchot, Frank and Binkley recommend do pass; Uehling recommends do not pass; Adams (Chairman), Szymanski, Larson and Rieger have no recommendation. A zero fiscal note with analysis was attached.

HB 78 was referred to the Rules Committee for placement on the calendar.

The zero fiscal note with analysis appears in House Journal Supplement No. 32.

HB 126

The Judiciary Committee has considered HOUSE BILL NO. 126 (amending the Alaska Securities Act), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 126 (Judiciary) (same title) and reports it back as follows: M.M. Miller (Chairman), Phillips, Pettyjohn, Taylor and Gruenberg recommend do pass.

HB 126 was referred to the Finance Committee.

REPORTS OF STANDING COMMITTEES

The State Affairs Committee has reviewed the qualifications of Eleanor Andrews as Commissioner of the Department of Administration and recommends confirmation. The report was signed by Hurley (Chair), Navarre, Cato, Jenkins, Boucher, Collins and M.M. Miller.

The State Affairs Committee has reviewed the qualifications of Esther Wunnicke, Commissioner of the Department of Natural Resources and recommends confirmation as successor to the Office of Lieutenant Governor. The report was signed by Hurley (Chair), Navarre, Jenkins, Boucher, Collins and M.M. Miller.

HJR 63

The State Affairs Committee has considered HOUSE JOINT RESOLUTION NO. 63 (relating to the International Year of Peace) and reports it back as follows: Hurley (Chair), Navarre, M.M. Miller, Collins, Cato and Boucher recommend do pass; Jenkins has no recommendation.

HJR 60 was referred to the Rules Committee for placement on the calendar.

HB 15

The Judiciary Committee has considered HOUSE BILL NO. 15 (relating to state regulation of fireworks; effective date), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 15 (Judiciary) (same title) and reports it back as follows: M.M. Miller (Chairman) recommends do pass; Sund, Gruenberg, Clocksin, Pettyjohn and Phillips have no recommendation. An updated zero fiscal note was attached.

HB 15 was referred to the Rules Committee for placement on the calendar.

HB 68

The Judiciary Committee has considered HOUSE BILL NO. 68 (relating to motor vehicle liability insurance), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 68 (Labor & Commerce) (page 1053) and reports it back as follows: Pettyjohn and Phillips recommend do pass; M.M. Miller (Chairman), Clocksin and Gruenberg have no recommendation. A zero fiscal note was attached.

HB 68 was referred to the Finance Committee.

HB 699

HOUSE BILL NO. 699, by the Finance Committee, entitled:

"An Act creating the Railbelt energy fund; and providing for an effective date."

was read the first time and referred to the House Special Committee on State Loans and the Finance Committee.

CONSIDERATION OF THE DAILY CALENDARSECOND READING OF HOUSE BILLSHB 35

HOUSE BILL NO. 35 (relating to state regulation of fire-works; effective date) was read the second time with the State Affairs Committee report (page 638) and the Judiciary Committee report (page 1960).

Representative Clocksin moved and asked unanimous consent that COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 35 (Judiciary) (same title) be adopted in lieu of the original bill. There being no objection, it was so ordered.

CSHB 35(Jud)

Amendment No. 1 by Martin and Pourchot:

Page 3, line 3:

Following "in which" insert "are used"

Delete "manufacture" and insert "manufactured"

Representative Martin moved and asked unanimous consent that Amendment No. 1 be adopted. There being no objection, it was so ordered.

CSHB 35(Jud)am

Representative Clocksin moved and asked unanimous consent that CSHB 35(Jud)am be considered engrossed, advanced to third reading and placed on final passage. There being no objection, it was so ordered.

CSHB 35(Jud)am

CSHB 35(Jud)am was read the third time.

The question being: "Shall CSHB 35(Jud)am pass the House?"  
The roll was taken with the following result:

## CSHB 35(JUD)AM

Yeas:	18	Cato, Clocksin, Collins, Duncan, Gruenberg, Grussendorf, Hanley, Herrmann, Hurley, Koponen, Larson, Martin, Miller, M.M., Navarre, Pourchot, Rieger, Shultz, Uehling
Nays:	20	Adams, Binkley, Cotten, Davis, Frank, Fuller, Furnace, Goll, Jenkins, Marrou, Miller, M.W., Pearce, Pettyjohn, Phillips, Ringstad, Sund, Szymanski, Taylor, Thompson, Wallis
Excused:	1	Pignalberi
Absent:	1	Boucher

And so, CSHB 35(Jud)am failed to pass the House.

Representative Hurley gave notice of reconsideration of her vote on CSHB 35(Jud)am.

HB 534

HOUSE BILL NO. 534 (relating to violent crimes compensation; effective date) was read the second time with the State Affairs Committee report (page 2127) and the Judiciary Committee report (page 2375).

Representative Clocksin moved and asked unanimous consent that COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 534 (Judiciary) (same title) be adopted in lieu of the original bill. There being no objection, it was so ordered.

CSHB 534(Jud)

Representative Clocksin moved and asked unanimous consent that CSHB 534(Jud) be considered engrossed, advanced to third reading and placed on final passage. There being no objection, it was so ordered.

CSHB 534(Jud) was read the third time.

LEGISLATIVE CITATIONS

Representative Clocksin moved and asked unanimous consent that the House approve the citations on the calendar. There being no objection, the House approved the following citations:

Honoring - Don Harrison

Honoring - Young Alaskans, Alaska Native  
Leadership Project

Honoring - Chugiak High School Chaparrals  
Dance/Drill Team

Honoring - Hoonah Alaska Native Brotherhood  
Basketball Team, 1986 Gold Medal 'B'  
Bracket Champions

which were referred to the Chief Clerk for transmittal to the Senate; and

Honoring - William "Bill" Green

which was sent to enrolling.

UNFINISHED BUSINESS

Representative Clocksin moved and asked unanimous consent that the following members be excused from a call of the House as noted:

Representative Fuller - March 20 through  
plane time, March 24, 1986

Representative M.W. Miller - March 24  
through March 27, 1986

Representative Pettyjohn - April 3, 1986

Representative Furnace - March 19 through  
March 23, 1986

There being no objection, it was so ordered.

CSHB 35(Jud)am

Representative Clocksin moved and asked unanimous consent that the reconsideration of COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 35 (Judiciary) amended (relating to state regulation of fireworks; effective date) be held until Wednesday, March 19, 1986. There being no objection, it was so ordered.

March 19, 1986

HOUSE JOURNAL

2-28

Honoring - William "Bill" Mendenhall

which was referred to the Chief Clerk for transmittal to the Senate; and

In Memoriam - Bertha Porter

which was sent to enrolling.

UNFINISHED BUSINESS

Representative Clocksin moved and asked unanimous consent that the following members be excused from a call of the House as noted:

Representative Davis - March 21 through plane time, March 24, 1986

Representative Boucher - from adjournment, March 27 through March 31, 1986

Representative Pourchot - from adjournment, March 27 through plane time, April 1, 1986

Representative Ringstad - March 27 - March 30, 1986

Representative Clocksin - March 21, 1986

Representative Adams - March 21, 1986

There being no objection, it was so ordered.

CSHB 35(Jud)am

Representative Pourchot brought up reconsideration of COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 35 (Judiciary) amended (relating to state regulation of fireworks; effective date), which had been held over (page 2404).

Representative Clocksin moved and asked unanimous consent that CSHB 35(Jud)am be returned to the Rules Committee. There being no objection, it was so ordered.

CSHB 224(Jud)am

Representative M.M. Miller brought up reconsideration of COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 224 (Judiciary) amended (relating to mandatory use of safety devices), which had been held over (page 2381).

HJR 72

A zero fiscal note was attached.

HJR 72 was referred to the Rules Committee for placement on the calendar.

CSHB 35(Jud)am

The Rules Committee has considered COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 35 (Judiciary) amended (relating to state regulation of fireworks; effective date), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 35 (Rules) (same title) and reports it back as follows: M.W. Miller (Chairman), Grussendorf, Fuller and Martin recommend do pass.

CSHB 35(Jud)am was returned to the Rules Committee for placement on the calendar.

HB 68

The Rules Committee has considered HOUSE BILL NO. 68 (relating to motor vehicle liability insurance), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 68 (Rules) (same title) and reports it back as follows: M.W. Miller and Martin recommend do pass; Grussendorf and Fuller have no recommendation.

HB 68 was returned to the Rules Committee for placement on the calendar.

HB 284

The Rules Committee has considered HOUSE BILL NO. 284 (relating to elections), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 284 (Rules):

"An Act relating to elections; and providing for an effective date."

and reports it back as follows: M.W. Miller (Chairman) recommends do pass; Fuller, Grussendorf and Martin have no recommendation. A letter of intent, signed by the Chairman, appears below:

House Rules Committee  
Letter of Intent  
for  
CSHB 284(Rules)

"New Section 47 of CSHB 284 (Rules), which requires that the permanent fund dividend application include a voter registration form, has an immediate effective date. This section takes effect immediately, instead of January 1, 1987, because the Department of Revenue solicits bids for printing of the permanent fund dividend application in December. It is the intent of the House Rules Committee that 1987 be the first year that a voter registration form is included in the permanent fund dividend application."

CSSSHB 700(Fin)am

Representative Clocksin moved and asked unanimous consent that CSSSHB 700(Fin)am be considered engrossed, advanced to third reading and placed on final passage. There being no objection, it was so ordered.

CSSSHB 700(Fin)am was read the third time.

The question being: "Shall CSSSHB 700(Fin)am pass the House?" The roll was taken with the following result:

CSSSHB 700(FIN)AM

Yeas:	38	Adams, Binkley, Birchler, Cato, Clocksin, Collins, Cotten, Davis, Duncan, Fuller, Furnace, Goll, Gruenberg, Grussendorf, Hanley, Herrmann, Hurley, Jenkins, Koponen, Larson, Martin, Miller, M.M., Miller, M.W., Navarre, Pearce, Pettyjohn, Phillips, Pignalberi, Pourchot, Rieger, Ringstad, Shultz, Sund, Szymanski, Taylor, Thompson, Uehling, Wallis
Nays:	2	Frank, Marrou
Excused:	0	
Absent:	0	

And so, CSSSHB 700(Fin)am passed the House.

Representative Pettyjohn gave notice of reconsideration of his vote on CSSSHB 700(Fin)am and moved and asked unanimous consent that the reconsideration be held until Monday, April 28, 1986. There being no objection, it was so ordered.

THIRD READING OF HOUSE BILLSCSHB 35(Jud)am

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 35 (Judiciary) amended (relating to state regulation of fireworks: effective date), which had been returned to the Rules Committee after its reconsideration had been brought up (page 2429), was read the third time.

CSHB 35(Jud)am

Representative Clocksin moved and asked unanimous consent that CSHB 35(Jud)am be returned to second reading for the purpose of specific amendment, namely COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 35 (Rules) (same title) (page 2795). There being no objection, it was so ordered.

Representative Clocksin moved and asked unanimous consent that CSHB 35(R1s) be adopted in lieu of CSHB 35(Jud)am.

Representative Marrou objected and withdrew his objection. There being no further objection, it was so ordered.

CSHB 35(R1s)

CSHB 35(R1s) was automatically in third reading.

Representative Jenkins moved and asked unanimous consent that CSHB 35(R1s) be returned to second reading for the purpose of specific Amendment No. 1.

Representative Pourchot objected.

Amendment No. 1 by Jenkins:

Page 2, lines 23 - 24:

Delete all material and renumber remaining paragraphs consecutively.

Page 3, line 14, after "firecrackers":

Insert "containing more than 50 milligrams of pyrotechnic composition"

The question being: "Shall CSHB 35(R1s) be returned to second reading for the purpose of specific Amendment No. 1?"  
The roll was taken with the following result:

CSHB 35(RLS) MOTION

Yeas: 19 Collins, Frank, Furnace,  
Gruenberg, Hanley, Jenkins,  
Larson, Marrou, Martin, Navarre,  
Pearce, Pettyjohn, Phillips,  
Pignalberi, Rieger, Ringstad,  
Scymanski, Taylor, Thompson

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CSHB 35(R1s)

Nays: 19 Adams, Binkley, Boucher, Caro,  
Clocksin, Cotten, Davis, Duncan,  
Fuller, Goll, Grussendorf,  
Herrmann, Hurley, Koponen,  
Miller, M.M., Pourchot, Shultz,  
Sund, Wallis

Excused: 0

Absent: 2 Miller, M.W., Uehling

And so, the motion failed.

The question to be reconsidered: "Shall CSHB 35(R1s) pass the House?" The roll was taken with the following result:

CSHB 35(RLS) RECONSIDERATION

Yeas: 27 Binkley, Boucher, Caro, Clocksin,  
Collins, Cotten, Duncan, Fuller,  
Furnace, Gruenberg, Grussendorf,  
Hanley, Herrmann, Hurley, Koponen,  
Larson, Martin, Miller, M.M.,  
Navarre, Pearce, Pettyjohn,  
Phillips, Pourchot, Rieger,  
Shultz, Taylor, Thompson

Nays: 11 Adams, Davis, Frank, Goll,  
Jenkins, Marrou, Pignalberi,  
Ringstad, Sund, Szymanski, Wallis

Excused: 0

Absent: 2 Miller, M.W., Uehling

And so, CSHB 35(R1s) passed the House on reconsideration.

Representative Clocksin moved and asked unanimous consent that the roll call on the passage of the bill be considered the roll call on the effective date clause. There being no objection, it was so ordered.

CSHB 35(R1s) was referred to the Chief Clerk for engrossment.

LEGISLATIVE CITATIONS

Representative Clocksin moved and asked unanimous consent that the House approve the citations on the calendar. There

ENGROSSMENTCSHB 35(R1s)

CSHB 35(R1s) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

CSHB 284(R1s)am

CSHB 284(R1s)am was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 418

HB 418 was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

CSHB 494(Jud)

Reconsideration of the following was not taken up on this legislative day. It was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration:

CSHB 494(Jud)  
Relating to liens for labor or material furnished.

ANNOUNCEMENTS

Labor & Commerce Time changed		On adjournment
Judiciary Time changed		2:30 p.m., 4/24
Finance Time changed		2:15 p.m., 4/24
Minority Caucus	Court 603	3:00 p.m., 4/24
Majority Caucus	Majority Room	9:00 a.m., 4/25

NOTES TO DECISIONS

This section represents an erroneous belief that cities are not liable in tort for negligence connected with fire-fighting activities. *City of Fairbanks v. Schaible*, Sup. Ct. Op. No. 97 (File Nos. 112, 113), 375 P.2d 201 (1962).

As a city which maintains a fire department may be held liable for injuries resulting from negligence con-

nected with the department's firefighting activities. *City of Fairbanks v. Schaible*, Sup. Ct. Op. No. 97 (File Nos. 112, 113), 375 P.2d 201 (1962). See contra: *City of Fairbanks v. Gilbertson*, 16 Alaska 590 (1957), aff'd, 262 F.2d 734 (9th Cir. 1959), where § 56-2-2 ACLA 1949 (now AS 09.65.070) was ignored by both the district court and the Court of Appeals.

Collateral references. — Fire departments as pertaining to the governmental or to the proprietary branch of munic-

ipality. 9 ALR 143; 33 ALR 688; 84 ALR 514.

**Sec. 18.70.160. Agreement not to affect insurance rates or liability.** An agreement made under AS 18.70.150 and 18.70.160 shall be carried out in a manner which does not raise insurance rates. An agreement may not reduce the liability of an insurance company in case of loss during the absence of men and equipment. (§ 1 ch 92 SLA 1957)

Article 4. General Provisions.

Section

300. Definition of building

**Sec. 18.70.300. Definition of building.** In this chapter "building" means a structure, installation, facility, or edifice erected or in the process of being erected and which is used or intended for use as a commercial, industrial, business, institutional, other public building, or residential building containing four or more dwelling units. (§ 4 ch 176 SLA 1968; am § 27 ch 32 SLA 1971)

Revisor's notes. — In ch. 176, SLA 1968, this section was numbered 18.70.163.

Chapter 72. State Regulation of Fireworks.

Section

10. Regulation of sale of dangerous fireworks  
20. Regulation of sale of salable fireworks

Section

30. Fireworks wholesaler's license  
40. Violation  
50. Definitions  
60. Application of chapter

Collateral references. — 31 Am. Jur. 2d, Explosions and Explosives, §§ 1-3, 48-52.

35 C.J.S., Explosives, §§ 1-3, 12, 13.  
Bond conditioned for payment of damages for injury to person or damage to

property, given as condition of permission by public for fireworks display or other exhibition or entertainment, as covering non-negligent injury or damage. 138 ALR 938.

**Sec. 18.72.010. Regulation of sale of dangerous fireworks.**  
(a) The sale or offer to sell dangerous fireworks at wholesale or retail for any purpose other than industrial, agricultural, wildlife control or public display is prohibited.

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

(c) All dangerous fireworks shall be purchased from a fireworks wholesaler licensed as such in this state. No fireworks wholesaler may sell dangerous fireworks to anyone, unless he has a currently valid permit required by the fire safety code, the number of which shall be affixed to each record of sale by the fireworks wholesaler, and maintained as a permanent record of the sale. (§ 1 ch 116 SLA 1969)

**Sec. 18.72.020. Regulation of sale of salable fireworks.** (a) A person holding a permit required by the fire safety code may sell or offer for sale salable fireworks, if

(1) the person has submitted to the state fire marshal a policy, or a certified true copy of a policy, of public liability and products liability insurance, including both accident and occurrence coverage, provided by the wholesale company selling fireworks to the person, in the amount of at least \$200,000 for bodily injury or death and at least \$50,000 property damage and the person is named as an insured party upon the policy and the policy is continuously in force while the person is engaged in the retail sale of fireworks, and

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

(b) Upon approval of the insurance required in (a) of this section, the permit of the holder shall be endorsed by the state fire marshal to indicate the holder's right to sell fireworks at retail, and shall indicate an expiration of the authority. The expiration date shall coincide with the expiration date of the permit holder's liability insurance. (§ 1 ch 116 SLA 1969; am § 1 ch 24 SLA 1981)

Effect of amendments. — The 1981 amendment deleted "to the" preceding "fireworks," substituted "to the person for" following "fireworks," substi-

tuted "\$200,000" for "\$300,000" preceding "for bodily injury," substituted "\$50,000" for "\$100,000" preceding "property damage," deleted "upon which policy the state

and all governmental subdivisions of the state' preceding "and the," substituted "person is" for "permit holder shall be" preceding "named as," substituted "an insured party upon the policy" for "additional insureds," following "named as,"

substituted "the policy is" for "which shall be" preceding "continuously in force," and substituted "person" for "permit holder" preceding "is engaged" in subsection (a) (1).

NOTES TO DECISIONS

Injunction to halt enforcement of section. — See *State v. Norens*, Sup. Ct. Op. No. 372 (File No. 1167), 457 P.2d 926 (1969).

**Sec. 18.72.030. Fireworks wholesaler's license.** (a) A person who desires to sell fireworks at wholesale in the state shall first make verified application for a license to the state fire marshal on forms provided by him. The application shall be accompanied by an annual license fee of \$50.

(b) The license required under (a) of this section is valid until December 31 of the year during which it is issued, and is renewable upon the payment of each subsequent annual license fee and affirmation that the information contained in the wholesaler's original application for a fireworks wholesaler's license is currently accurate. (§ 1 ch 116 SLA 1969; am § 2 ch 24 SLA 1981)

**Effect of amendments.** — The 1991 amendment substituted "\$50" for "\$300" following "annual license fee of" in subsection (a).

**Sec. 18.72.040. Violation.** A person who knowingly and wilfully fails to comply with a provision of this chapter or fireworks regulations adopted in the fire safety code is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$500, or by imprisonment for not more than six months, or by both. Each day of noncompliance constitutes a separate offense. (§ 1 ch 116 SLA 1969)

**Sec. 18.72.050. Definitions.** In this chapter and fireworks regulations adopted in the state fire safety code

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

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

(3) "fireworks" means salable fireworks or dangerous fireworks;

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

(A) roman candles, not exceeding 10 balls spaced uniformly in the tube, total pyrotechnic composition not to exceed 20 grams each in weight, any inside tube diameter not to exceed  $\frac{3}{8}$  inch;

(B) skyrockets with sticks, total pyrotechnic composition not to exceed 20 grams each in weight, and the inside tube diameter not to exceed  $\frac{1}{2}$  inch, with the rocket sticks being securely fastened to the tubes;

(C) helicopter type rockets, total pyrotechnic composition not to exceed 20 grams each in weight, and the inside tube diameter not to exceed  $\frac{1}{2}$  inch;

(D) cylindrical fountains, total pyrotechnic composition not to exceed 75 grams each in weight, and the inside tube diameter not to exceed  $\frac{3}{4}$  inch;

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

(F) wheels, total pyrotechnic composition not to exceed 60 grams for each driver unit or 240 grams for each complete wheel, and the inside tube diameter of driver units not to exceed  $\frac{1}{2}$  unit;

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

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

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

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

(K) novelties consisting of two or more devices enumerated in this paragraph when approved by the Bureau of Explosives. (§ 1 ch 116 SLA 1969)

**Sec. 18.72.060. Application of chapter.** This chapter and fireworks regulations adopted under the fire safety code supersede the provisions of an ordinance adopted by a city or borough, whether before or after May 23, 1969, which are less restrictive than this chapter or the code. However, nothing in this section affects the authority of a city or organized borough under other law to prohibit or regulate more restrictively than this chapter the offering for sale, exposure for sale, sale, use, or explosion of fireworks. (§ 1 ch 116 SLA 1969)

each side or end of such package shall be not less than ¼-inch in height. The number of caps in these inside packages shall be limited so that not more than 10 grains of explosives composition shall be packed into one cubic inch of space and not exceeding 17.5 grains of the explosive composition of toy caps shall be packed in any inside container. These inner containers must be packed in outside containers as specified in § 173.109.

(q) Explosive rivets, each containing not more than 375 milligrams of explosive composition, are exempt from specification packaging and labeling requirements when packed in pasteboard or other inside boxes in securely closed strong wooden boxes, fiberboard boxes or metal containers. Each outside container must be marked "EXPLOSIVE RIVETS". No other restrictions apply in this part.

(r) Common fireworks are fireworks devices suitable for use by the public and designed primarily to produce visible effects by combustion. Some small devices designed to produce audible effects are also included in this class. The types, sizes and amount of pyrotechnic contents of these devices are limited as enumerated in this paragraph. No component, of any device listed in this paragraph, which produces or is intended to produce an audible effect shall contain pyrotechnic composition in excess of 2 grains in weight; nor shall such device or component, upon functioning, project or disperse any metal, glass or brittle plastic fragments. (Propelling or expelling charges consisting of a mixture of sulfur, charcoal, and saltpeter are not considered as designed to produce audible effects). Any new device, not enumerated in this paragraph, must be examined by the Bureau of Explosives and approved by the Director, OHMT, before being offered for transportation as Common Fireworks. Common fireworks must be in a finished state exclusive of mere ornamentation as supplied to the retail trade and must be so constructed and packed that loose pyrotechnic composition will not be present in packages in transportation. Fireworks, except articles defined in paragraphs (s) through (y) inclusive, of this section,

other than common fireworks as defined in this paragraph, and those forbidden for transportation in § 173.51, are classed as Special Fireworks (see § 173.88(d)).

(1) Roman candles, not exceeding ten balls spaced uniformly in the tube, total pyrotechnic composition not to exceed twenty grams each in weight. The inside tube diameter shall not exceed ¼ inch.

(2) Sky-rockets with sticks, total pyrotechnic composition not to exceed twenty grams each in weight. The inside tube diameter shall not exceed ¼ inch. The rocket sticks must be securely fastened to the tubes.

(3) Helicopter type rockets, total pyrotechnic composition not to exceed twenty grams each in weight. The inside tube diameter shall not exceed ¼ inch.

(4) Cylindrical fountains, total pyrotechnic composition not to exceed seventy-five grams each in weight. The inside tube diameter shall not exceed ¾ inch.

(5) Cone fountains total pyrotechnic composition not to exceed fifty grams each in weight.

(6) Wheels, total pyrotechnic composition not to exceed sixty grams for each driver unit or two hundred and forty grams for each complete wheel. The inside tube diameter of driver units shall not exceed ¼ inch.

(7) Illuminating torches and colored fire in any form, total pyrotechnic composition not to exceed one hundred grams each in weight.

(8) Dipped sticks, the pyrotechnic composition of which contains any chlorate or perchlorate shall not exceed 5 grams. Sparklers, the composition of which does not exceed 100 grams each and which contain no magnesium or manganese and a chlorate or perchlorate, are not subject to the regulations in Parts 170-189 and 397 of this title.

(9) Mines and shells of which the mortar is an integral part, total pyrotechnic composition not to exceed forty grams each in weight.

(10) Firecrackers and salutes with casings, the external dimensions of which do not exceed one and one-half inches in length or one-quarter inch in diameter, total pyrotechnic composition

tion not to exceed two grains each in weight.

(1) Devices consisting of two or more devices enumerated in this paragraph when examined by the Bureau of Explosives and approved by the Director, OHMT.

(s) Igniter cord consists of textile yarns and/or a wire uniformly covered with a combustible chemical mixture, with or without additional textile or wire counterings, waterproofing or finishing coatings which, when ignited burns externally at various rates according to design. Igniter cord must be packed in strong, tight, outside fiberboard boxes or drums, wooden boxes or metal containers plainly marked "IGNITER CORD."

(t) Explosive auto alarms are tubular devices containing a small amount of explosive composition and igniting compound which is ignited by an electric spark. These devices must be so designed that they will neither burst nor cause external flame on functioning.

(u) Toy propellant devices and toy smoke devices consist of small paper or composition tubes or containers containing a small charge of slow burning propellant powder or smoke producing powder. These devices must be so designed that they will neither burst nor produce external flame on functioning. Ignition elements attached, must be of a design approved by the Bureau of Explosives and approved by the Director, OHMT.

(v) Oil well cartridges are tubular devices each containing not more than 350 grains of propellant powder and having no ignition device or element. Cartridges must be constructed and packed so that they will be incapable of functioning en masse as a result of exposure to external flame.

(w) Actuator cartridges, explosive, fire extinguisher or valve consist of a small metal or fiber housing containing a small amount of initiating explosive and a propellant and are used to actuate valves on remotely controlled fire extinguishers or other apparatus.

(x) Cigarette loads, trick matches, and trick noise makers, explosive, must be of type examined by the Bureau of Explosives and approved by

the Director, OHMT and are described as follows:

(1) Cigarette loads consist of wooden pegs to which are affixed a small amount of explosive composition.

(2) Trick matches consist of book matches, strike anywhere matches, or strike-on-box matches which have small amounts of explosive or pyrotechnic composition affixed to the match stem just below the match head.

(3) Trick noise makers, explosive, consist of spheres containing a small amount of explosive composition.

(y) Smoke candles, smokepots, smoke grenades, smoke signals, signal flares, hand signal devices, and very signal cartridges are devices designed to produce visible effects for signal purposes. These devices must contain no bursting charges and no more than 200 grams of pyrotechnic composition each (see Note 1), exclusive of smoke composition (see Note 2), unless greater weight of composition is examined by the Bureau of Explosives and approved by the Director, OHMT.

Note 1: Pyrotechnic compositions (other than smoke compositions) are defined as chemical mixtures which on burning and without explosion, produce visible or brilliant displays or bright lights.

Note 2: Pyrotechnic smoke compositions are defined as chemical smoke producing mixtures, which on ignition burn at a controlled rate, without the production of flame and without the build-up of internal pressure that would rupture or burst the end product.

(z) Explosive release devices consist of a rod or link fitted with means for mechanical attachment to other apparatus or equipment and containing a small electrically initiated explosive charge which will break the rod or link upon functioning. These devices must be so designed that they will not function other explosive devices in the package sympathetically.

(aa) Explosive power devices, Class C, are devices designed to drive generators or mechanical apparatus by means of propellant explosives, Class B. The devices consist of a housing with a contained propellant charge and an electric igniter or squib. The devices must be of a type examined by the Bureau of Explosives and approved by

CONSUMER PRODUCTS SAFETY COMMISSION

SUBCHAPTER C—FEDERAL HAZARDOUS SUBSTANCES ACT REGULATIONS

PART 1500—HAZARDOUS SUBSTANCES AND ARTICLES; ADMINISTRATION AND ENFORCEMENT REGULATIONS

Sec.

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- 1500 2 Authority.
- 1500 3 Definitions.
- 1500 4 Human experience with hazardous substances.
- 1500 5 Hazardous mixtures.
- 1500 13 Products declared to be hazardous substances under section 3(a) of the act.
- 1500 12 Listing of "strong sensitizer" substances.
- 1500 14 Products requiring special labeling under section 3(b) of the act.
- 1500 15 Labeling of fire extinguishers.
- 1500 17 Banned hazardous substances.
- 1500 18 Banned toys and other banned articles intended for use by children.
- 1500 40 Method of testing toxic substances.
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- 1500 42 Test for eye irritants.
- 1500 43 Method of test for flashpoint of volatile flammable materials by Tagliabue open-cup apparatus.
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- 1500 48 Technical requirements for determining a sharp point in toys and other articles intended for use by children under 8 years of age.
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- 1500 50 Test methods for simulating use and abuse of toys and other articles intended for use by children.
- 1500 51 Test methods for simulating use and abuse of toys and other articles intended for use by children 18 months of age or less.
- 1500 52 Test methods for simulating use and abuse of toys and other articles intended for use by children over 18 but not over 36 months of age.

Sec.

- 1500 53 Test methods for simulating use and abuse of toys and other articles intended for use by children over 36 but not over 84 months of age.
- 1500 81 Exemptions for food, drugs, cosmetics, and fuels.
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- 1500 83 Exemptions for small packages, minor hazards, and special circumstances.
- 1500 86 Exemptions from classification as banned hazardous substances.
- 1500 84 Exemptions from classification as a banned toy or other banned article for use by children.
- 1500 121 Labeling requirements; prominence, placement, and conspicuousness.
- 1500 122 Deceptive use of disclaimers.
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- 1500 124 Label comment.
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- 1500 132 Ethylene glycol-base radiator antifreeze; labeling.
- 1500 133 Extremely flammable contact adhesives; labeling.
- 1500 134 Policy on first aid labeling for saline emulsions.
- 1500 201 Procedure for the issuance, amendment, or repeal of regulations declaring particular substances to be hazardous substances or banned hazardous substances.
- 1500 210 Responsibility.
- 1500 211 Quaranty.
- 1500 212 Definitions of guaranty; suggested forms.
- 1500 213 Presentation of views under section 7 of the act.
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IMPORTS

- 1500 265 Imports; definitions.
- 1500 266 Notice of sampling.
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- 1500 269 Application for authorization.
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Sec.

1500 272 Costs chargeable in connection with relabeling and reconditioning inadmissible imports.

AUTHORITY: Secs. 2-8, 10, 14, 74 Stat. 373-78, 378-79, as amended, 90 Stat. 1303-05, 82 Stat. 187-89, 84 Stat. 1673 (19 U.S.C. 1261 and note, 1262-64, 1269, 1273) unless otherwise noted.

SOURCE: 28 FR 27012, Sept. 27, 1973, unless otherwise noted.

§ 1500.1 Scope of subchapter.

Set forth in this Subchapter C are the regulations of the Consumer Product Safety Commission issued pursuant to and for the implementation of the Federal Hazardous Substances Act as amended (see § 1500.3(a)(1)).

§ 1500.2 Authority.

Authority under the Federal Hazardous Substances Act is vested in the Consumer Product Safety Commission by section 30(a) of the Consumer Product Safety Act (15 U.S.C. 2073(a)).

§ 1500.3 Definitions.

(a) Certain terms used in this part. As used in this part:

- (1) "Act" means the Federal Hazardous Substances Act (Pub. L. 86-613, 74 Stat. 372-81 (15 U.S.C. 1261-74)) as amended by:
  - (i) The Child Protection Act of 1966 (Pub. L. 89-766, 80 Stat. 1303-05).
  - (ii) The Child Protection and Toy Safety Act of 1969 (Pub. L. 91-113, 83 Stat. 187-90).
  - (iii) The Poison Prevention Packaging Act of 1970 (Pub. L. 91-601, 84 Stat. 1870-74).

(2) "Commission" means the Consumer Product Safety Commission established May 14, 1973, pursuant to provisions of the Consumer Product Safety Act (Pub. L. 92-573, 86 Stat. 1207-33 (15 U.S.C. 2051-81)).

(b) *Statutory definitions.* Except for the definitions given in section 2 (c) and (d) of the act, which are obsolete, the definitions set forth in section 2 of the act are applicable to this part and are repeated for convenience as follows (some of these statutory definitions are interpreted, supplemented, or provided with alternatives in paragraph (c) of this section):

(1) "Territory" means any territory or possession of the United States, including the District of Columbia and the Commonwealth of Puerto Rico but excluding the Canal Zone.

(2) "Interstate commerce" means (i) commerce between any State or territory and any place outside thereof and (ii) commerce within the District of Columbia or within any territory not organized with a legislative body.

(3) "Person" includes an individual, partnership, corporation, and association.

(4)(i) "Hazardous substance" means:

(A) Any substance or mixture of substances which is toxic, corrosive, an irritant, a strong sensitizer, flammable or combustible, or generates pressure through decomposition, heat, or other means, if such substance or mixture of substances may cause substantial personal injury or substantial illness during or as a proximate result of any customary or reasonably foreseeable handling or use, including reasonably foreseeable ingestion by children.

(B) Any substance which the Commission by regulation finds, pursuant to the provisions of section 3(a) of the act, meet the requirements of section 2(F)(IXA) of the act (repeated in (A) above).

(C) Any radioactive substance if, with respect to such substance as used in a particular class of article or as packaged, the Commission determines by regulation that the substance is sufficiently hazardous to require labeling in accordance with the act in order to protect the public health.

(D) Any toy or other article intended for use by children which the Commission by regulation determines, in accordance with section 3(e) of the act, presents an electrical, mechanical, or thermal hazard.

(ii) "Hazardous substance" shall not apply to pesticides subject to the Federal Insecticide, Fungicide, and Rodenticide Act, to foods, drugs, and cosmetics subject to the Federal Food, Drug, and Cosmetic Act, nor to substances intended for use as fuels when stored in containers and used in the heating, cooking, or refrigeration system of a house. "Hazardous substance" shall apply, however, to any article which is not itself a pesticide within the mean-

**WARNING (OR CAUTION)**

**FLAMMABLE (OR EMITS SHOWERS OF SPARKS, if more descriptive).**  
Use only under (close) adult supervision.  
(Use of the word close is optional.)  
For outdoor use only.  
Place on level surface.  
Light fuse and get away.

**(ii) California candles.**

**WARNING (OR CAUTION) EMITS SHOWERS OF SPARKS**

Use only under (close) adult supervision.  
(Use of the word close is optional.)  
For outdoor use only.  
Hold in hand at bottom of tube.  
Point away from body so that neither end points toward body.

**(iii) Spike and handle cylindrical fountains.**

**(A) Spike fountains.**

**WARNING (OR CAUTION) EMITS SHOWERS OF SPARKS**

Use only under (close) adult supervision.  
(Use of the word close is optional.)  
For outdoor use only.  
Stick firmly in ground in an upright position.  
Do not hold in hand.  
Light fuse and get away.

**(B) Handle fountains.**

**WARNING (OR CAUTION) EMITS SHOWERS OF SPARKS**

Use only under (close) adult supervision.  
(Use of the word close is optional.)  
For outdoor use only.  
Hold in hand—point away from body.  
Light fuse.

**(iv) Roman Candles.**

**WARNING (OR CAUTION) SHOOTS FLAMING BALLS**

Use only under (close) adult supervision.  
(Use of the word close is optional.)  
For outdoor use only.  
Stick butt end in ground.  
Do not hold in hand.  
Light fuse and get away.

**(v) Rockets with sticks.**

**WARNING (OR CAUTION) FLAMMABLE**

Use only under (close) adult supervision.  
(Use of the word close is optional.)  
For outdoor use only.  
Place in wooden trough or iron pipe at 75° angle, pointing away from people or flammable material.  
Do not hold in hand.  
Light fuse and get away.

**(vi) Wheels.**

**WARNING (OR CAUTION) FLAMMABLE (OR EMITS SHOWERS OF SPARKS, if More Descriptive)**

Use only under (close) adult supervision.  
(Use of the word close is optional.)  
For outdoor use only.  
Attach securely by means of a nail through the hole (or place on hard flat surface, for ground spinners).  
Light fuse and get away.

**(vii) Illuminating torches.**

**WARNING (OR CAUTION) FLAMMABLE (OR EMITS SHOWERS OF SPARKS, if More Descriptive)**

Use only under (close) adult supervision.  
(Use of the word close is optional.)  
For outdoor use only.  
Hold in hand—point away from body, clothing, or other flammable material (or place upright on level ground. Do not hold in hand, if more descriptive).  
Light fuse (or light fuse and get away, if more descriptive).

**(viii) Sparklers.**

On the front and back panels.

**WARNING (OR CAUTION) FLAMMABLE**

On the side, front, back, top, or bottom panel.

**CAUTION**

Use only under (close) adult supervision.  
(Use of the word close is optional.)  
For outdoor use only.  
Do not touch glowing wire (or do not touch hot plastic, wood, etc., if more descriptive).  
Hold in hand with arms extended away from body.  
Keep burning end or sparks away from wearing apparel or other flammable material.

**(ix) Mines and shells.**

**WARNING (OR CAUTION) EMITS SHOWERS OF SPARKS (OR SHOOTS FLAMING BALLS, if More Descriptive)**

Use only under (close) adult supervision.  
(Use of the word close is optional.)  
For outdoor use only.  
Place on hard smooth surface (or place upright on level ground, if more descriptive).  
Do not hold in hand.  
Light fuse and get away.

**(x) Whistles without report.**

**WARNING (OR CAUTION) FLAMMABLE**

**SHOOTS WHISTLE IN AIR (if applicable)**

Use only under (close) adult supervision.  
(Use of the word close is optional.)  
For outdoor use only.  
Do not hold in hand.  
Light fuse and get away.

**(xi) Toy smoke devices and sifter devices.**

**WARNING (OR CAUTION) FLAMMABLE (OR EMITS SHOWERS OF SPARKS, if More Descriptive)**

Use only under (close) adult supervision.  
(Use of the word close is optional.)  
For outdoor use only.  
Do not hold in hand.  
Light fuse and get away.

**(xii) Helicopter-type rockets.**

**WARNING (OR CAUTION) FLAMMABLE (OR EMITS SHOWERS OF SPARKS, if More Descriptive)**

Use only under (close) adult supervision.  
(Use of the word close is optional.)  
For outdoor use only.  
Place on hard, open surface.  
Light fuse and get away.

**(xiii) Party poppers.**

**WARNING (OR CAUTION) FLAMMABLE**

Use only under (close) adult supervision.  
(Use of the word close is optional.)  
Do not point either end toward face or other person.  
Hold in hand—jerk string.

**(xiv) Missile-type rockets.**

**WARNING (OR CAUTION) FLAMMABLE (OR EMITS SHOWERS OF SPARKS, if More Descriptive)**

Use only under (close) adult supervision.  
(Use of the word close is optional.)  
For outdoor use only.  
Place on hard, open surface.  
Light fuse and get away.

**(xv) Labeling—General.** Any fireworks device not required to have a specific label as indicated above shall carry a warning label indicating to the user where and how the item is to be used and necessary safety precautions to be observed. All labels required under this section shall comply with the requirements of § 1500.121 of these regulations. (See also 1500.17(a) (3), (8) and (9); 1500.83(a)(27); 1500.85(a)(2); and Part 1507.)

138 FR 27012, Sept. 27, 1973, as amended at 47 FR 22934, June 8, 1978, 48 FR 18, Jan. 3, 1983

**§ 1500.15 Labeling of fire extinguishers.**

When a substance or mixture of substances labeled for use in or as a fire extinguisher produces substances that are toxic within the meaning of § 1500.3(c) (1) and (2) when used according to label directions to extinguish a fire, the containers for such substances shall bear the following labeling:

(a) When substances are produced that meet the definition of highly toxic in § 1500.3(c)(1), the signal word "Danger" and the statement of hazard "Poisonous gases formed when used to extinguish flame or on contact with heat" are required labeling.

(b) When substances are produced that meet the definition of toxic in § 1500.3(c)(2), the signal word "Caution" or "Warning" and the statement of hazard "Dangerous gas formed when used to extinguish flame or on contact with heat" are required labeling.

(c) Regardless of whether paragraph (a) or (b) of this section applies, any substance or mixture of substances labeled for use as a fire extinguisher that, if applied to an electrical fire, would subject the user to the likelihood of electrical shock shall be conspicuously labeled "Caution: Do not use on electrical wires."

(d) The statements specified in paragraphs (a), (b), and (c) of this section shall be in addition to any other that may be required under the act. All such substances or mixtures of substances shall also bear the additional statements "Use in an enclosed place may be fatal" and "Do not enter area until well ventilated and all odor of chemical has disappeared."

**§ 1500.17 Banned hazardous substances.**

(a) Under the authority of section 21(q)(1)(B) of the act, the Commission declares as banned hazardous substances the following articles because they possess such a degree or nature of hazard that adequate cautionary labeling cannot be written and the public health and safety can be served only by keeping such articles out of interstate commerce:

(1) Mixtures that are intended primarily for application to interior ma-

...ing, waxes, films, etc., as a water repellent treatment and that are "extremely flammable" within the meaning of section 2(1) of the act (repeated in § 1500.31(b)(10)).

(2) Carbon tetrachloride and mixtures containing it (including carbon tetrachloride and mixtures containing it used in fire extinguishers), excluding unavoidable manufacturing residues of carbon tetrachloride in other chemicals that under reasonably foreseeable conditions of use do not result in an atmospheric concentration of carbon tetrachloride greater than 10 parts per million.

(3) Fireworks devices intended to produce audible effects (including but not limited to cherry bombs, M-80 salutes, silver salutes, and other large firecrackers, aerial bombs, and other fireworks designed to produce audible effects, and including kits and components intended to produce such fireworks) if the audible effect is produced by a charge of more than 2 grains of pyrotechnic composition; except that this provision shall not apply to such fireworks devices if all of the following conditions are met:

(i) Such fireworks devices are distributed to farmers, ranchers, or growers through a wildlife management program administered by the U.S. Department of the Interior (or by equivalent State or local government agencies); and

(ii) Such distribution is in response to a written application describing the wildlife management problem that requires use of such devices, is of a quantity no greater than required to control the problem described, and is where other means of control are unavailable or inadequate. (See also 1500.14(b)(7); 1500.17(a) (8) and (9); 1500.83(a)(27); 1500.85(a)(2); and Part 1507).

(4) Liquid drain cleaners containing 10 percent or more by weight of sodium and/or potassium hydroxide; except that this subparagraph shall not apply to such liquid drain cleaners if packaged in accordance with a standard for special packaging of such articles promulgated under the Poison Prevention Packaging Act of 1970 (Pub. L. 91-601, 84 Stat. 1670-74 (15 U.S.C. 1471-76)).

(5) Products containing soluble cyanide salts, excluding unavoidable manufacturing residues of cyanide salts in other chemicals that under reasonable and foreseeable conditions of use will not result in a concentration of cyanide greater than 25 parts per million.

(3)(i) Any paint or other similar surface-coating material intended, or packaged in a form suitable, for use in or around the household that:

(A) Is shipped in interstate commerce after December 31, 1972, and contains lead compounds of which the lead content (calculated as the metal) is in excess of 0.08 percent of the total weight of the contained solids or dried paint film; or

(B) Is shipped in interstate commerce after December 31, 1972, and contains lead compounds of which the lead content (calculated as the metal) is in excess of 0.8 percent of the total weight of the contained solids or dried paint film.

(C) (Reserved)

(D) The provisions of paragraph (a)(6)(ii) of this section do not apply to artists' paints and related materials.

(ii) Any toy or other article intended for use by children that:

(A) Is shipped in interstate commerce after December 31, 1972, and bears any paint or other similar surface-coating material containing lead compounds of which the lead content (calculated as the metal) is in excess of 0.08 percent of the total weight of the contained solids or dried paint film; or

(B) Is shipped in interstate commerce after December 31, 1972, and bears any paint or other similar surface-coating material containing lead compounds of which the lead content (calculated as the metal) is in excess of 0.8 percent of the total weight of the contained solids or dried paint film.

(iii) Since the Commission has issued comprehensive regulations for lead-containing paint and certain consumer products bearing such paint at the 0.08 percent level under the Consumer Product Safety Act (see 16 CFR Part 1303), subparagraphs (i) and (ii) of section 1500.17(a)(8) are revoked as to the subject products manufactured after February 27, 1978.

NOTE: The effective date of paragraphs (a)(6)(i)(A) and (a)(6)(i)(B) was stayed by an order published in the Federal Register of August 18, 1972 (37 FR 16078).

(7) General-use garments containing asbestos (other than garments having a bona fide application for personal protection against thermal injury and so constructed that the asbestos fibers will not become airborne under reasonably foreseeable conditions of use).

(8) Firecrackers designed to produce audible effects, if the audible effect is produced by a charge of more than 50 milligrams (.772 grains) of pyrotechnic composition (not including firecrackers included as components of a rocket), aerial bombs, and devices that may be confused with candy or other foods, such as "dragon eggs" and "cracker balls" (also known as "ball-type caps"), and including kits and components intended to produce such fireworks except such devices which meet all of the following conditions:

(i) The fireworks devices are distributed to farmers, ranchers, or growers through a wildlife management program administered by the U.S. Department of the Interior (or by equivalent State or local governmental agencies); and

(ii) Such distribution is in response to a written application describing the wildlife management problem that requires use of such devices, is of a quantity no greater than required to control the problem described, and is where other means of control are unavailable or inadequate. (See also 1500.17(a) (3) and (9)).

(9) All fireworks devices, other than firecrackers, including kits and components intended to produce such fireworks, not otherwise banned under the act, that do not comply with the applicable requirements of Part 1507 of this chapter, except fireworks devices which meet all the following conditions:

(i) The fireworks devices are distributed to farmers, ranchers, or growers through a wildlife management program administered by the U.S. Department of the Interior (or by equivalent State or local governmental agencies); and

(ii) Such distribution is in response to a written application describing the

wildlife management problem that requires use of such devices, is of a quantity no greater than required to control the problem described, and is where other means of control is unavailable or inadequate. (See also 1500.17(a) (3) and (9)).

(10) Self-pressurized products intended or suitable for household use that contain vinyl chloride monomer as an ingredient or in the propellant manufactured or imported on or after October 7, 1974. (See also 1500.17(a) (3) and (9)).

(Secs. 2(f)(1), (A), (B), (g), (q)(1)(B), 2(a), 74 Stat. 372, 374, as amended 86 Stat. 1204-06, 83 Stat. 187-190, 80 Stat. 503 (15 U.S.C. 1241, 1262); sec. 701 (e), (f), (g), 82 Stat. 1065-68, as amended 78 Stat. 918, 73 Stat. 948 (21 U.S.C. 371 (e), (f), (g)), sec. 30(a), 86 Stat. 1231 (15 U.S.C. 307(a)))

134 FR 27612, Sept. 27, 1973, as amended at 38 FR 27614, Oct. 4, 1973; 38 FR 21530, Nov. 18, 1973; 39 FR 26114, Aug. 21, 1974; 39 FR 42903, Dec. 9, 1974; 41 FR 23025, June 8, 1976; 43 FR 44202, Sept. 1, 1977; 43 FR 12310, Mar. 24, 1978, 48 FR 18, Jan. 2, 1983)

§ 1500.18 Banned toys and other banned articles intended for use by children.

(a) Toys and other children's articles presenting mechanical hazards. Under the authority of section 2(f)(1)(D) of the act and pursuant to provisions of section 3(e) of the act, the Commission has determined that the following types of toys or other articles intended for use by children present a mechanical hazard within the meaning of section 2(a) of the act because in normal use, or when subjected to reasonably foreseeable damage or abuse, the design or manufacture presents an unreasonable risk of personal injury or illness:

(1) Any toy rattle containing, either internally or externally, rigid wires, sharp protrusions, or loose small objects that have the potential for causing lacerations, puncture wound injury, aspiration, ingestion, or other injury. (But see 1500.86(a)(1)).

(2) Any toy having noise-making components or attachments capable of being dislodged by the operating features of the toy or capable of being deliberately removed by a child, which toy has the potential for causing lacer-

ing instrument or cartridge does not exceed 3 grams.

138 FR 27012, Sept. 27, 1973, 42 FR 33026, June 29, 1977, as amended at 42 FR 32745, July 28, 1978, 43 FR 47176, Oct. 13, 1978; 44 FR 42678, July 20, 1979, 46 FR 11513, Feb. 9, 1981, 48 FR 16, Jan. 3, 1983.

**§ 1500.85 Exemptions from classification as banned hazardous substances.**

(a) The term "banned hazardous substances" as used in section 2(q)(1)(A) of the act shall not apply to the following articles provided that these articles bear labeling giving adequate directions and warnings for safe use:

(1) Chemistry sets and other science education sets intended primarily for juveniles, and replacement components for such sets, when labeled in accordance with § 1500.83(a)(23).

(2) Firecrackers designed to produce audible effects, if the audible effect is produced by a charge of not more than 6 milligrams (.772 grains) of pyrotechnic composition. (See also 1500.14(b)(7); 1500.17(a) (3), (8) and (9); and Part 1507).

(3) [Reserved]

(4) Educational materials such as art materials, preserved biological specimens, laboratory chemicals, and other articles intended and used for educational purposes.

(5) Liquid fuels containing more than 4 percent by weight of methyl alcohol that are intended and used for operation of miniature engines for model airplanes, boats, cars, etc.

(6) Novelties consisting of a mixture of polyvinyl acetate, U.S. Certified Colors, and not more than 25 percent by weight of acetone, and intended for blowing plastic balloons.

(7) Games containing, as the sole hazardous component, a self-pressurized container of soap solution or similar foam-generating mixture provided that the foam-generating component has no hazards other than being in a self-pressurized container.

(8) Model rocket propellant devices designed for use in light weight, recoverable, and reusable model rockets, provided such devices:

(i) Are designed to be ignited by electrical means

(ii) Contain no more than 62.5 grams (2.2 ounces) of propellant material and produce less than 80 newton-seconds (17.92 pound seconds) of total impulse with thrust duration not less than 0.050 second.

(iii) Are constructed such that all the chemical ingredients are preloaded into a cylindrical paper or similarly constructed nonmetallic tube that will not fragment into sharp, hard pieces.

(iv) Are designed so that they will not burst under normal conditions of use, are incapable of spontaneous ignition, and do not contain any type of explosive or pyrotechnic warhead other than a small parachute or recovery-system activation charge.

(9) Separate delay train and/or recovery system activation devices intended for use with premanufactured model rocket engines wherein all of the chemical ingredients are preloaded so the user does not handle any chemical ingredient and are so designed that the main casing or container does not rupture during operation.

(10) Solid fuel pellets intended for use in miniature jet engines for propelling model jet airplanes, speed boats, racing cars, and similar models, provided such solid fuel pellets:

(i) Weigh not more than 11.5 grams each.

(ii) Are coated with a protective resinous film.

(iii) Contain not more than 35 percent potassium dichromate.

(iv) Produce a maximum thrust of not more than 7/8 ounces when used as directed.

(v) Burn not longer than 12 seconds each when used as directed.

(11) Fuses intended for igniting fuel pellets exempt under subparagraph (10) of this paragraph.

(12) Kits intended for construction of model rockets and jet propelled model airplanes requiring the use of difluorodichloromethane as a propellant, provided the outer carton bears on the main panel in conspicuous type size the statement "WARNING - Carefully read instructions and cautions before use."

(13) Flammable wire materials intended for electro-mechanical activation and release devices for model kits described in paragraph (12) of this

section, provided each wire does not exceed 15 milligrams in weight.

138 FR 27012, Sept. 27, 1973, as amended at 41 FR 22935, June 8, 1976, 42 FR 42391, Aug. 29, 1977, 48 FR 16, Jan. 3, 1983.

**§ 1500.86 Exemptions from classification as a banned toy or other banned article for use by children.**

(a) The term "banned hazardous substance" as used in section 2(q)(1)(A) of the act (repeated in § 1500.3(b)(15)(1)(A)) of the act shall not apply to the following articles:

(1) Toy rattles described in § 1500.18(a)(1) in which the rigid wires, sharp protrusions, or loose small objects are internal and provided that such rattles are constructed so that they will not break or deform to expose or release the contents either in normal use or when subjected to reasonably foreseeable damage or abuse.

(2) Dolls and stuffed animals and other similar toys described in § 1500.18(a)(3) in which the components that have the potential for causing laceration, puncture wound injury, or other similar injury are internal, provided such dolls, stuffed animals, and other similar toys are constructed so that they will not break or deform to expose such components either in normal use or when subjected to reasonably foreseeable damage or abuse.

(3) Lawn darts and similar sharp pointed articles not intended for toy use and marketed solely as a game of skill for adults, provided such articles:

(i) Bear the following statement on the front of the panel of the carton and on any accompanying literature:

WARNING: Not a toy for use by children. May cause serious or fatal injury. Read instructions carefully. Keep out of reach of children.

Such statement shall be printed in sharply contrasting color within a borderline and in letters at least one-quarter inch high on the main panel of the container and at least one-eighth inch high on all accompanying literature.

(ii) Include in the instructions and rules clear and adequate directions

and warnings for safe use including a warning against use when any person or animal is in the vicinity of the intended play or target area.

(iii) Are not sold by toy stores or store departments dealing predominantly in toys and other children's articles.

(4) Any article known as a "baby-bouncer," "walker-jumper," or "baby-walker" and any other similar article (referred to in this subparagraph as "article(s)") described in § 1500.18(a)(8) provided:

(i) The frames are designed and constructed in a manner to prevent injury from any scissoring, shearing, or pinching when the members of the frame or other components rotate about a common axis or fastening point or otherwise move relative to one another; and

(ii) Any coil springs which expand when the article is subjected to a force that will extend the spring to its maximum distance so that a space between successive coils is greater than one-eighth inch (0.125 inch) are covered or otherwise designed to prevent injuries; and

(iii) All holes larger than one-eighth inch (0.125 inch) in diameter and slots, cracks, or hinged components in any portion of the article through which a child could insert, in whole or in part a finger, toe, or any other part of the anatomy are guarded or otherwise designed to prevent injuries; and

(iv) The articles are designed and constructed to prevent accidental collapse while in use; and

(v) The articles are designed and constructed in a manner that eliminates from any portion of the article the possibility of presenting a mechanical hazard through pinching, bruising, lacerating, crushing, breaking, amputating, or otherwise injuring portions of the human body when in normal use or when subjected to reasonably foreseeable damage or abuse; and

(vi) Any article which is introduced into interstate commerce after the effective date of this subparagraph is labeled.

(A) With a conspicuous statement of the name and address of the manufac-