



House of Representatives

General Assembly

File No. 43

February Session, 2006

House Bill No. 5123

House of Representatives, March 20, 2006

The Committee on Public Safety and Security reported through REP. DARGAN of the 115th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING SPARKLERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 29-356 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2006*):

3 As used in sections 29-356 to 29-365, inclusive:

4 (1) "Fireworks" means and includes any combustible or explosive
5 composition, or any substance or combination of substances or article
6 prepared for the purpose of producing a visible or an audible effect by
7 combustion, explosion, deflagration or detonation, and includes blank
8 cartridges, toy pistols, toy cannons, toy canes or toy guns in which
9 explosives are used, the type of balloons which require fire underneath
10 to propel the same, firecrackers, torpedoes, skyrockets, Roman candles,
11 Daygo bombs, [sparklers or other fireworks of like construction] and
12 any fireworks containing any explosive or flammable compound, or
13 any tablets or other device containing any explosive substance, except
14 that the term "fireworks" shall not include sparklers and fountains, toy

15 pistols, toy canes, toy guns or other devices in which paper caps
16 manufactured in accordance with the regulations of the United States
17 Interstate Commerce Commission or its successor agency for packing
18 and shipping of toy paper caps are used and toy pistol paper caps
19 manufactured as provided therein.

20 (2) "Sparklers" means a wire or stick coated with pyrotechnic
21 composition of less than one hundred grams of pyrotechnic mixture,
22 per item, that produces a shower of sparks upon ignition.

23 (3) "Fountain" means any cardboard or heavy paper cone or
24 cylindrical tube that upon ignition produces a shower of colored
25 sparks or smoke. "Fountain" includes, but is not limited to, (A) a spike
26 fountain, which provides a spike for insertion into the ground, (B) a
27 base fountain which has a wooden or plastic base for placing on the
28 ground, or (C) a handle fountain which is a handheld device with a
29 wooden or cardboard handle.

30 Sec. 2. Section 29-357 of the general statutes is repealed and the
31 following is substituted in lieu thereof (*Effective October 1, 2006*):

32 (a) Except as provided in subsection (b) of this section, no person,
33 firm or corporation shall offer for sale, expose for sale, sell at retail or
34 use or explode or possess with intent to sell, use or explode any
35 fireworks. [, except, notwithstanding the provisions of section 29-356,
36 any] A person who is [sixteen] eighteen years of age or older may offer
37 for sale, expose for sale, sell at retail, purchase, use or possess with
38 intent to sell or use sparklers or fountains of not more than one
39 hundred grams of pyrotechnic mixture per item, which are
40 nonexplosive and nonaerial, provided (1) such sparklers and fountains
41 do not contain magnesium, except for magnalium or magnesium-
42 aluminum alloy, (2) such sparklers and fountains containing any
43 chlorate or perchlorate salts do not exceed five grams of composition
44 per item, and (3) when more than one fountain is mounted on a
45 common base, the total pyrotechnic composition does not exceed two
46 hundred grams.

47 (b) The State Fire Marshal shall adopt reasonable regulations, in
48 accordance with chapter 54, for the granting of permits for supervised
49 displays of fireworks or for the indoor use of pyrotechnics for special
50 effects by municipalities, fair associations, amusement parks, other
51 organizations or groups of individuals or artisans in pursuit of their
52 trade. Such permit may be issued upon application to said State Fire
53 Marshal and after (1) inspection of the site of such display or use by
54 the local fire marshal to determine compliance with the requirements
55 of such regulations, (2) approval of the chiefs of the police and fire
56 departments, or, if there is no police or fire department, of the first
57 selectman, of the municipality wherein the display is to be held as is
58 provided in this section, and (3) the filing of a bond by the applicant as
59 provided in section 29-358. No such display shall be handled or fired
60 by any person until such person has been granted a certificate of
61 competency by the State Fire Marshal, in respect to which a fee of fifty
62 dollars shall be payable to the State Treasurer when issued and which
63 may be renewed every three years upon payment of a fee of thirty
64 dollars to the State Treasurer, provided such certificate may be
65 suspended or revoked by said marshal at any time for cause. Such
66 certificate of competency shall attest to the fact that such operator is
67 competent to fire a display. Such display shall be of such a character
68 and so located, discharged or fired as in the opinion of the chiefs of the
69 police and fire departments or such selectman, after proper inspection,
70 will not be hazardous to property or endanger any person or persons.
71 In an aerial bomb, no salute, report or maroon may be used that is
72 composed of a formula of chlorate of potash, sulphur, black needle
73 antimony and dark aluminum. Formulas that may be used in a salute,
74 report or maroon are as follows: (A) Perchlorate of potash, black
75 needle antimony and dark aluminum, and (B) perchlorate of potash,
76 dark aluminum and sulphur. No high explosive such as dynamite,
77 fulminate of mercury or other stimulator for detonating shall be used
78 in any aerial bomb or other pyrotechnics. Application for permits shall
79 be made in writing at least fifteen days prior to the date of display, on
80 such notice as the State Fire Marshal by regulation prescribes, on forms
81 furnished by him, and a fee of thirty-five dollars shall be payable to the

82 State Treasurer with each such application. After such permit has been
 83 granted, sales, possession, use and distribution of fireworks for such
 84 display shall be lawful for that purpose only. No permit granted
 85 hereunder shall be transferable. Any permit issued under the
 86 provisions of this section may be suspended or revoked by the State
 87 Fire Marshal or the local fire marshal for violation by the permittee of
 88 any provision of the general statutes, any regulation or any ordinance
 89 relating to fireworks.

90 (c) The State Fire Marshal may grant variations or exemptions from,
 91 or approve equivalent or alternate compliance with, particular
 92 provisions of any regulation issued under the provisions of subsection
 93 (b) of this section where strict compliance with such provisions would
 94 entail practical difficulty or unnecessary hardship or is otherwise
 95 adjudged unwarranted, provided any such variation, exemption,
 96 approved equivalent or alternate compliance shall, in the opinion of
 97 the State Fire Marshal, secure the public safety and shall be made in
 98 writing.

99 (d) Any person, firm or corporation violating the provisions of this
 100 section shall be fined not more than one hundred dollars or
 101 imprisoned not more than ninety days or be both fined and
 102 imprisoned, except that (1) any person, firm or corporation violating
 103 the provisions of subsection (a) of this section by offering for sale,
 104 exposing for sale or selling at retail or possessing with intent to sell any
 105 fireworks with a value exceeding ten thousand dollars shall be guilty
 106 of a class A misdemeanor, and (2) any person, firm or corporation
 107 violating any provision of subsection (b) of this section or any
 108 regulation adopted thereunder shall be guilty of a class A
 109 misdemeanor, except if death or injury results from any such violation,
 110 such person, firm or corporation shall be fined not more than ten
 111 thousand dollars or imprisoned not more than ten years, or both.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2006	29-356

Sec. 2	October 1, 2006	29-357
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PS *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 07 \$	FY 08 \$
Judicial Dept.	GF - Revenue Gain	Minimal	Minimal
Correction, Dept.; Judicial Dept.	GF - Cost	Minimal	Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill increases the legal age from 16 to 18 by which an individual can possess with intent to sell or use, offer to sell, expose for sale, sell at retail, buy, or use sparklers. By increasing the legal age, the population that could be in violation of the statute is larger, and this could result in additional arrests made and fines issued.

On average, it costs the state \$2,150 to supervise an offender on probation in the community as compared to \$35,040 to incarcerate the offender (note that both figures include fringe benefits).

In addition, the bill makes various technical changes including: modifying the definition of sparklers, distinguishing it from the definition of fireworks, defining fountains, and places the same restrictions on fountains, as sparklers.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis
HB 5123

AN ACT CONCERNING SPARKLERS.

SUMMARY:

This bill defines sparklers and excludes them from the definition of fireworks. It increases, from 16 to 18, the legal age at which one may do any of the following with regard to sparklers: offer to sell, expose for sale, sell at retail, buy, use, or possess with intent to sell or use. The bill also defines fountains and places the same restrictions on them as sparklers.

EFFECTIVE DATE: October 1, 2006

SPARKLERS AND FOUNTAINS

The bill defines "sparklers" as a wire or stick coated with pyrotechnic composition of less than 100 grams of pyrotechnic mixture, per item, that gives off sparks when ignited. Under current law, sparklers are considered fireworks. Current law generally bans fireworks, with exceptions for supervised use and display under a permit. But people age 16 or over may do the following with regard to sparklers: offer or expose for sale, sell at retail, buy, use, or possess with intent to sell sparklers with not more than 100 grams of pyrotechnic mixture per item, which are nonexplosive and nonaerial.

The bill raises the age limit to 18 and adds the following restrictions: (1) sparklers cannot contain magnesium, except for magnalium or magnesium-aluminum alloy and (2) they cannot have more than five grams of chlorate or perchlorate salts per item. The bill places all these restrictions on fountains as well, and it limits to 200 grams the total pyrotechnic composition of fountains when more that one fountain is mounted on a common base.

The bill defines "fountain" as any cardboard or heavy paper cone or cylindrical tube that produces a shower of colored sparks or smoke when ignited. Fountain includes (1) a spike fountain, which has a spike for inserting the fountain into the ground; (2) a base fountain, which has a wooden or plastic base for placing the fountain on the ground; or (3) a handle fountain, which is a hand-held device with a wooden or cardboard handle. Under the bill, fountains are not fireworks.

Under existing law, the penalty for violations is up to \$100, imprisonment for up to 90 days, or both. If the violation involves more than \$10,000 in sales, it is a class A misdemeanor, punishable by a fine of up to \$2,000, imprisonment of up to one year, or both.

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable

Yea 17 Nay 3 (03/07/2006)