



General Assembly

Substitute Bill No. 5177

February Session, 2024



**AN ACT CONCERNING THE SALE AND USE OF CERTAIN
NONAERIAL AND NONEXPLOSIVE CONSUMER FIREWORKS.**

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 Section 29-356 of the general statutes is repealed and the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, 2024*):

3 As used in this section and sections [29-356] 29-357 to 29-365,
4 inclusive:

5 (1) "Fireworks" means and includes any combustible or explosive
6 composition, or any substance or combination of substances or article
7 prepared for the purpose of producing a visible or an audible effect by
8 combustion, explosion, deflagration or detonation, and includes blank
9 cartridges, toy pistols, toy cannons, toy canes or toy guns in which
10 explosives are used, the type of balloons which require fire underneath
11 to propel the same, firecrackers, torpedoes, skyrockets, Roman candles,
12 Daygo bombs, and any fireworks containing any explosive or
13 flammable compound, or any tablets or other device containing any
14 explosive substance, except that the term "fireworks" shall not include
15 sparklers, [and] fountains, nonexplosive and nonaerial consumer
16 fireworks and toy pistols, toy canes, toy guns or other devices in which
17 paper caps manufactured in accordance with the regulations of the
18 United States Interstate Commerce Commission or its successor agency

19 for packing and shipping of toy paper caps are used and toy pistol paper
20 caps manufactured as provided [therein] in such regulations.

21 (2) "Sparklers" means a wire or stick coated with pyrotechnic
22 composition that produces a shower of sparks upon ignition.

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

30 (4) "Nonexplosive and nonaerial consumer fireworks" means flitter
31 sparklers, ground spinners and novelties, including, but not limited to,
32 party poppers, novelty smoke devices, snappers and novelty snakes, as
33 such terms are described in American Pyrotechnics Association
34 Standard 87-1A, as amended from time to time.

35 Sec. 2. Section 29-357 of the general statutes is repealed and the
36 following is substituted in lieu thereof (*Effective October 1, 2024*):

37 (a) (1) Except as provided in subsection (b) of this section, no person,
38 firm or corporation shall offer for sale, expose for sale, sell at retail or
39 use or explode or possess with intent to sell, use or explode any
40 fireworks. A person who is [sixteen] eighteen years of age or older may
41 offer for sale, expose for sale, sell at retail, purchase, use or possess with
42 intent to sell or use sparklers, [or] fountains or nonexplosive and
43 nonaerial consumer fireworks, of not more than one hundred grams of
44 pyrotechnic mixture per item, which are nonexplosive and nonaerial,
45 provided [(1)] (A) such nonexplosive and nonaerial consumer fireworks
46 may not be offered for sale, exposed for sale, sold at retail, purchased,
47 used or possessed with intent to sell or used in violation of an ordinance
48 adopted pursuant to subdivision (2) of this subsection, (B) such
49 sparklers and fountains do not contain magnesium, except for

50 magnalium or magnesium-aluminum alloy, [(2)] (C) such sparklers [and
51 fountains] containing any chlorate or perchlorate salts do not exceed
52 five grams of composition per item, and [(3)] (D) when more than one
53 fountain is mounted on a common base, the total pyrotechnic
54 composition does not exceed [two] five hundred grams.

55 (2) Any municipality, as defined in section 7-148, may, by vote of its
56 legislative body, adopt an ordinance to prohibit offering for sale,
57 exposing for sale, selling at retail, purchasing, using or possessing with
58 intent to sell or using nonexplosive and nonaerial consumer fireworks
59 at places of public assembly, which may include, but need not be limited
60 to, public events such as fairs, carnivals, craft shows and music events
61 and municipal, educational or commercial property.

62 (b) The Commissioner of Emergency Services and Public Protection
63 shall adopt [reasonable] regulations, in accordance with the provisions
64 of chapter 54, for the granting of permits for supervised displays of
65 fireworks or for the indoor use of pyrotechnics, sparklers and fountains
66 for special effects by municipalities, fair associations, amusement parks,
67 other organizations or groups of individuals or artisans in pursuit of
68 their trade. Such permit may be issued upon application to said
69 commissioner and after (1) inspection of the site of such display or use
70 by the local fire marshal to determine compliance with the requirements
71 of such regulations, and (2) approval of the chiefs of the police and fire
72 departments, or, if there is no police or fire department, of the first
73 selectman, of the municipality wherein the display is to be held as is
74 provided in this section. No such display shall be handled or fired by
75 any person until such person has been granted a certificate of
76 competency by the Commissioner of Emergency Services and Public
77 Protection, in respect to which a fee of two hundred dollars shall be
78 payable to the State Treasurer when issued and which may be renewed
79 every three years upon payment of a fee of one hundred ninety dollars
80 payable to the State Treasurer, provided such certificate may be
81 suspended or revoked by said commissioner at any time for cause. Such
82 certificate of competency shall attest to the fact that such operator is

83 competent to fire a display. Such display shall be of such a character and
84 so located, discharged or fired as in the opinion of the chiefs of the police
85 and fire departments or such selectman, after proper inspection, will not
86 be hazardous to property or endanger any person or persons. In an
87 aerial bomb, no salute, report or maroon may be used that is composed
88 of a formula of chlorate of potash, sulphur, black needle antimony and
89 dark aluminum. Formulas that may be used in a salute, report or
90 maroon are as follows: (A) Perchlorate of potash, black needle antimony
91 and dark aluminum, and (B) perchlorate of potash, dark aluminum and
92 sulphur. No high explosive such as dynamite, fulminate of mercury or
93 other stimulator for detonating shall be used in any aerial bomb or other
94 pyrotechnics. Application for permits shall be made in writing at least
95 fifteen days prior to the date of display, on such notice as the
96 Commissioner of Emergency Services and Public Protection by
97 regulation prescribes, on forms furnished by the commissioner, and a
98 fee of one hundred dollars shall be payable to the State Treasurer with
99 each such application. After such permit has been granted, sales,
100 possession, use and distribution of fireworks for such display shall be
101 lawful for that purpose only. No permit granted [hereunder] pursuant
102 to this section shall be transferable. Any permit issued under the
103 provisions of this section may be suspended or revoked by the
104 Commissioner of Emergency Services and Public Protection or the local
105 fire marshal for violation by the permittee of any provision of the
106 general statutes, any regulation or any ordinance relating to fireworks.

107 (c) The Commissioner of Emergency Services and Public Protection
108 may grant variations or exemptions from, or approve equivalent or
109 alternate compliance with, particular provisions of any regulation
110 issued under the provisions of subsection (b) of this section where strict
111 compliance with such provisions would entail practical difficulty or
112 unnecessary hardship or is otherwise adjudged unwarranted, provided
113 any such variation, exemption, approved equivalent or alternate
114 compliance shall, in the opinion of the commissioner, secure the public
115 safety and shall be made in writing.

116 (d) Any person, firm or corporation violating the provisions of this
117 section shall be guilty of a class C misdemeanor, except that (1) any
118 person, firm or corporation violating the provisions of subsection (a) of
119 this section by offering for sale, exposing for sale or selling at retail or
120 possessing with intent to sell any fireworks with a value exceeding ten
121 thousand dollars shall be guilty of a class A misdemeanor, and (2) any
122 person, firm or corporation violating any provision of subsection (b) of
123 this section or any regulation adopted [thereunder] pursuant to said
124 subsection shall be guilty of a class A misdemeanor, except if death or
125 injury results from any such violation, such person, firm or corporation
126 shall be guilty of a class C felony.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2024	29-356
Sec. 2	October 1, 2024	29-357

Statement of Legislative Commissioners:

In Section 1, Subdiv. (4) was rewritten to refer to, and use the terminology of, American Pyrotechnics Association Standard 87-1A.

PS *Joint Favorable Subst.*