



SPONSOR: Rep. Miro & Sen. Lawson
Reps. Briggs King, Collins, Dukes, Gray, Hensley,
Keeley, Kenton, Outten, Ramone, Schwartzkopf,
Spiegelman, Wilson; Sens. Bonini, Pettyjohn, Richardson

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 53

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO SELLING OR POSSESSING
FIREWORKS; EXCEPTIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members
elected to each house thereof concurring therein):

1 Section 1. Amend § 6901, Title 16 of the Delaware Code by making deletions as shown by strikethrough and
2 insertions as shown by underline as follows:

3 § 6901. Selling or possessing fireworks; exceptions.

4 ~~No person shall store, sell, offer or expose for sale, or have in possession with intent to sell or to use, discharge or~~
5 ~~cause to be discharged, ignited, fired or otherwise set in action within this State, any fireworks, firecrackers, rockets,~~
6 ~~sparklers, torpedoes, Roman candles, fire balloons or other fireworks or substances of any combination whatsoever~~
7 ~~designed or intended for pyrotechnic display except after having obtained a permit as provided in § 6903 of this title and~~
8 ~~also except as provided in § 6906 of this title. This section shall not apply to any person established and manufacturing~~
9 ~~fireworks of any or all kinds in this State on September 5, 1939.~~

10 ~~The term "fireworks," as used in this chapter, shall mean and include any combustible or explosive composition,~~
11 ~~or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible~~
12 ~~effect by combustion, explosion, deflagration or detonation and shall include blank cartridges, toy pistols, toy cannons, toy~~
13 ~~canes or toy guns in which explosives are used, the type of balloons which require fire underneath to propel the same,~~
14 ~~firecrackers, torpedoes, skyrocket, Roman candles, Daygo bombs, sparklers or other fireworks of like construction and any~~
15 ~~fireworks containing any explosive or flammable compound, or any caps or tablets or other device containing any explosive~~
16 ~~substance, except that the term "fireworks" shall not include toy pistols, toy canes, toy guns or other devices in which paper~~
17 ~~caps manufactured in accordance with the United States Interstate Commerce Commission regulations for packing and~~
18 ~~shipping of toy paper caps are used and toy pistol paper caps manufactured as provided therein, the sale and use of which~~
19 ~~shall be permitted at all times.~~

20 (a) A person may not store, sell, offer or expose for sale, or have in possession with intent to sell or to use,
21 discharge or cause to be discharged, ignited, fired, or otherwise set in action within this State, any fireworks, firecrackers,

22 rockets, torpedoes, Roman candles, fire balloons, or other fireworks or substances of any combination designed or intended
23 for pyrotechnic display; except after having obtained a permit pursuant to § 6903 of this chapter, except for agricultural use
24 pursuant to § 6906 of this chapter, and except pursuant to subsection (c) of this section. This section does not apply to any
25 person established and manufacturing fireworks of any or all kinds in this State on September 5, 1939.

26 (b) The term 'fireworks', as used in this chapter, includes any combustible or explosive composition, or any
27 substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by
28 combustion, explosion, deflagration, or detonation and includes blank cartridges, toy pistols, toy cannons, toy canes or toy
29 guns in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers,
30 torpedoes, skyrockets, Roman candles, Daygo bombs, or other fireworks of like construction and any fireworks containing
31 any explosive or flammable compound, or any caps or tablets or other device containing any explosive substance.

32 (c) The term 'fireworks' does not include toy pistols, toy canes, toy guns, or other devices in which paper caps
33 manufactured in accordance with the United States Interstate Commerce Commission regulations for packing and shipping
34 of toy paper caps are used and toy pistol paper caps manufactured as provided therein; wood stick or wire sparklers which
35 produce a shower of sparks upon ignition and which consist of wire or stick coated with not more than 100 grams of
36 pyrotechnic mixture per item; other hand-held or ground-based sparkling devices which are non-explosive and non-aerial,
37 which sometimes produce a crackling or whistling effect, and which contain 75 grams or less of pyrotechnic mixture per
38 tube or a total of 200 grams or less for multiple tubes; snakes, glow worms, and smoke devices which contain 20 grams or
39 less of pyrotechnic mixture; or trick noisemakers, which include party poppers, snappers, and drop pops, each containing
40 16 milligrams or less of pyrotechnic mixture. The sale and use, except as provided in subsection (d) of this section, of these
41 exceptions to the term 'fireworks' are permitted at all times.

42 (d) The sale of wood stick or wire sparklers which produce a shower of sparks upon ignition and which
43 consist of wire or stick coated with not more than 100 grams of pyrotechnic mixture per item; other hand-held or ground-
44 based sparkling devices which are non-explosive and non-aerial, which sometimes produce a crackling or whistling effect,
45 and which contain 75 grams or less of pyrotechnic mixture per tube or a total of 200 grams or less for multiple tubes;
46 snakes, glow worms, and smoke devices which contain 20 grams or less of pyrotechnic mixture; or trick noisemakers,
47 which include party poppers, snappers, and drop pops, each containing 16 milligrams or less of pyrotechnic mixture
48 excepted under subsection (c) of this section is limited to persons 18 years of age and older during a 30 day period prior to
49 the allowed used of these items, and the use of these items shall be limited to July 4th and December 31st of each year.

SYNOPSIS

This bill allows ground-based and hand-held sparklers and certain other nonexplosive, nonairborne novelty items regulated by the federal government to be sold and used in the State. The bill does not legalize firecrackers, bottle rockets,

aerials, or any other device that explodes or shoots into the air. The use of those items that may be sold only to persons 18 years of age and older is limited to July 4th and December 31st of each year and sales are limited to the 30 days prior to the allowable use day.

This bill allows paper caps used in toy guns contain 16 milligrams or less of pyrotechnic mixture.

The sale of sparklers and most other items permitted under this bill is limited to persons 18 and older.

The penalty section of 16 Del. C. §6905 applies to this bill.

At least forty-three states allow the sale and use of sparklers and other nonexplosive, nonairborne novelty items that are regulated by the U.S. Consumer Product Safety Commission.