

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

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 53
AS AMENDED BY
HOUSE AMENDMENT NO. 1
AND
HOUSE AMENDMENT NO. 2
AND
SENATE AMENDMENT NO. 1
AND
SENATE AMENDMENT NO. 2

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:

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

§ 6901. Selling or possessing fireworks; exceptions.

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

~~The term "fireworks," as used in this chapter, shall mean and include any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation and shall include blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, Daygo bombs, sparklers or other fireworks of like construction and any fireworks containing any explosive or flammable compound, or any caps or tablets or other device containing any explosive substance, except that the term "fireworks" shall not include toy pistols, toy canes, toy guns or other devices in which paper caps manufactured in accordance with the United States Interstate Commerce Commission regulations for packing and~~

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~~shipping of toy paper caps are used and toy pistol paper caps manufactured as provided therein, the sale and use of which shall be permitted at all times.~~

(a) A person may not store, sell, offer or expose for sale, or have in possession with intent to sell or to use, discharge or cause to be discharged, ignited, fired, or otherwise set in action within this State, any fireworks, firecrackers, rockets, torpedoes, Roman candles, fire balloons, or other fireworks or substances of any combination designed or intended for pyrotechnic display; except after having obtained a permit pursuant to § 6903 of this chapter, except for agricultural use pursuant to § 6906 of this chapter, and except pursuant to subsection (c) of this section. This section does not apply to any person established and manufacturing fireworks of any or all kinds in this State on September 5, 1939.

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

(c) The term 'fireworks' does not include toy pistols, toy canes, toy guns, or other devices in which paper caps manufactured in accordance with the United States Interstate Commerce Commission regulations for packing and shipping of toy paper caps are used and toy pistol paper caps manufactured as provided therein; wood stick or wire sparklers which produce a shower of sparks upon ignition and which consist of wire or stick coated with not more than 100 grams of pyrotechnic mixture per item; other hand-held or ground-based sparkling devices which are non-explosive and non-aerial, which sometimes produce a crackling or whistling effect, and which contain 75 grams or less of pyrotechnic mixture per tube or a total of 500 grams or less for multiple tubes; snakes, glow worms, and smoke devices which contain 20 grams or less of pyrotechnic mixture; or trick noisemakers, which include party poppers, snappers, and drop pops, each containing 16 milligrams or less of pyrotechnic mixture. The sale and use, except as provided in subsection (d) of this section, of these exceptions to the term 'fireworks' are permitted at all times.

(d) The sale of wood stick or wire sparklers which produce a shower of sparks upon ignition and which consist of wire or stick coated with not more than 100 grams of pyrotechnic mixture per item; other hand-held or ground-based sparkling devices which are non-explosive and non-aerial, which sometimes produce a crackling or whistling effect, and which contain 75 grams or less of pyrotechnic mixture per tube or a total of 500 grams or less for multiple tubes; snakes, glow worms, and smoke devices which contain 20 grams or less of pyrotechnic mixture; or trick noisemakers, which include party poppers, snappers, and drop pops, each containing 16 milligrams or less of pyrotechnic mixture

excepted under subsection (c) of this section is limited to persons 18 years of age and older during a 30 day period prior to the allowed used of these items, and the use of these items shall be limited to July 4th and December 31st of each year. The regulation of items listed in this paragraph including the storage and sale shall be consistent with the standards set forth in NFPA1124 National Fire protection Association Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles, 2006 edition.

Section 2. This Act expires 3 years after its enactment into law unless otherwise provided by a subsequent act of the General Assembly.