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DeLuca

HOUSE OF REPRESENTATIVES

142nd GENERAL ASSEMBLY

HOUSE BILL NO. 429

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 striking §6901 in its entirety and by substituting in lieu
2 thereof the following:

3 "§6901. Selling or possessing fireworks; exceptions.

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

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

16 (c) The term 'fireworks' does not include toy pistols, toy canes, toy guns, or other devices in which paper caps
17 manufactured in accordance with the United States Interstate Commerce Commission regulations for packing and shipping of

18 toy paper caps are used and toy pistol paper caps manufactured as provided therein; wood stick or wire sparklers which
19 produce a shower of sparks upon ignition and which consist of wire or stick coated with not more than 100 grams of
20 pyrotechnic mixture per item; other hand-held or ground-based sparkling devices which are non-explosive and non-aerial,
21 which sometimes produce a crackling or whistling effect, and which contain 75 grams or less of pyrotechnic mixture per tube
22 or a total of 200 grams or less for multiple tubes; snakes, glow worms, and smoke devices which contain 20 grams or less of
23 pyrotechnic mixture; or trick noisemakers, which include party poppers, snappers, and drop pops, each containing 16
24 milligrams or less of pyrotechnic mixture. The sale and use of these exceptions to the term 'fireworks' are permitted at all
25 times.

26 (d) The sale of wood stick or wire sparklers which produce a shower of sparks upon ignition and which consist of
27 wire or stick coated with not more than 100 grams of pyrotechnic mixture per item; other hand-held or ground-based sparkling
28 devices which are non-explosive and non-aerial, which sometimes produce a crackling or whistling effect, and which contain
29 75 grams or less of pyrotechnic mixture per tube or a total of 200 grams or less for multiple tubes; snakes, glow worms, and
30 smoke devices which contain 20 grams or less of pyrotechnic mixture; or trick noisemakers, which include party poppers,
31 snappers, and drop pops, each containing 16 milligrams or less of pyrotechnic mixture excepted under subsection (c) of this
32 section is limited to persons 18 years of age and older."

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, aeriels, or any other device that explodes or shoots into the air.

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.

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.