

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 150

Short Title: Prohibit Sale of Some Pyrotechnics.

(Public)

Sponsors: Representatives Easterling; Adams, Alexander, Boyd-McIntyre, Clary, Cunningham, Dickson, Hackney, Hensley, Luebke, McCrary, Moore, Mosley, Nye, Smith, Wright, and Yongue.

Referred to: Judiciary I.

February 13, 1997

A BILL TO BE ENTITLED

1 AN ACT TO PROHIBIT THE SALE OF CERTAIN PYROTECHNICS IN NORTH
2 CAROLINA.

3
4 Whereas, in North Carolina, between December 1, 1993, and July 15, 1994,
5 over 50% of the fire departments, hospitals, and forestry departments that responded to a
6 survey reported injury or property damage due to fireworks; and

7 Whereas, of the 41 injuries reported, half were second-degree burns, one
8 person lost an eye, 51% of the victims were age 20 or younger, and 64% were male; and

9 Whereas, 62% of the fireworks-related fires involved fireworks that are now
10 exempt in G.S. 14-414; and

11 Whereas, 22% of the fires and injuries were caused by firecrackers, 21% by
12 rockets, 20% involved sparklers, and 16% involved smoke bombs; and

13 Whereas, nationally collected data indicate that legalized fireworks have
14 proven to be costly in both human injury and property damage; and

15 Whereas, the United States Consumer Product Safety Commission reported
16 that 12,900 injuries from fireworks were seen at hospital emergency departments in 1993;
17 and

1 Whereas, in 1991, an estimated 28,000 fires involving fireworks were reported
2 to fire departments across the nation, causing direct property damages estimated at
3 \$19,900,000; Now, therefore,

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 14-414 reads as rewritten:

6 **"§ 14-414. Pyrotechnics defined; exceptions.**

7 For the proper construction of the provisions of this Article, 'pyrotechnics,' as is
8 herein used, shall be deemed to be and include any and all kinds of fireworks and
9 explosives, which are used for exhibitions or amusement purposes: provided, however,
10 that nothing herein contained shall prevent the manufacture, purchase, sale,
11 transportation, and use of explosives or signaling flares used in the course of ordinary
12 business or industry, or shells or cartridges used as ammunition in firearms. This Article
13 shall not apply to the sale, use, or possession of the following:

- 14 (1) ~~Explosive~~ explosive caps designed to be fired in toy pistols, provided
15 that the explosive mixture of the explosive caps shall not exceed twenty-
16 five hundredths (.25) of a gram for each cap.
- 17 (2) ~~Snake and glow worms composed of pressed pellets of a pyrotechnic~~
18 ~~mixture that produce a large, snake-like ash when burning.~~
- 19 (3) ~~Smoke devices consisting of a tube or sphere containing a pyrotechnic~~
20 ~~mixture that produces white or colored smoke.~~
- 21 (4) ~~Trick noisemakers which produce a small report designed to surprise the~~
22 ~~user and which include:~~
- 23 a. ~~A party popper, which is a small plastic or paper item containing~~
24 ~~not in excess of 16 milligrams of explosive mixture. A string~~
25 ~~protruding from the device is pulled to ignite the device,~~
26 ~~expelling paper streamers and producing a small report.~~
- 27 b. ~~A string popper, which is a small tube containing not in excess of~~
28 ~~16 milligrams of explosive mixture with string protruding from~~
29 ~~both ends. The strings are pulled to ignite the friction sensitive~~
30 ~~mixture, producing a small report.~~
- 31 c. ~~A snapper or drop pop, which is a small, paper wrapped item~~
32 ~~containing no more than 16 milligrams of explosive mixture~~
33 ~~coated on small bits of sand. When dropped, the device produces~~
34 ~~a small report.~~
- 35 (5) ~~Wire sparklers consisting of wire or stick coated with nonexplosive~~
36 ~~pyrotechnic mixture that produces a shower of sparks upon ignition.~~
37 ~~These items must not exceed 100 grams of mixture per item.~~
- 38 (6) ~~Other sparkling devices which emit showers of sparks and sometimes a~~
39 ~~whistling or crackling effect when burning, do not detonate or explode,~~
40 ~~do not spin, are hand-held or ground-based, cannot propel themselves~~
41 ~~through the air, and contain not more than 75 grams of chemical~~
42 ~~compound per tube, or not more than a total of 200 grams if multiple~~
43 ~~tubes are used."~~

1 Section 2. G.S. 14-410 reads as rewritten:

2 **"§ 14-410. Manufacture, sale and use of pyrotechnics prohibited; exceptions; sale to**
3 **persons under the age of 16 prohibited.**

4 (a) It shall be unlawful for any individual, firm, partnership or corporation to
5 manufacture, purchase, sell, deal in, transport, possess, receive, advertise, use or cause to
6 be discharged any pyrotechnics of any description whatsoever within the State of North
7 Carolina: provided, however, that it shall be permissible for pyrotechnics to be exhibited,
8 used or discharged at public exhibitions, such as fairs, carnivals, shows of all descriptions
9 and public celebrations: provided, further, that the use of said pyrotechnics in connection
10 with public exhibitions, such as fairs, carnivals, shows of all descriptions and public
11 celebrations, shall be under supervision of experts who have previously secured written
12 authority from the board of county commissioners of the county in which said
13 pyrotechnics are to be exhibited, used or discharged; provided, further, that such written
14 authority from the board of commissioners is not required for a public exhibition
15 authorized by The University of North Carolina or the University of North Carolina at
16 Chapel Hill and conducted on lands or buildings in Orange County owned by The
17 University of North Carolina or the University of North Carolina at Chapel Hill;
18 provided, further, that it shall not be unlawful for a common carrier to receive, transport,
19 and deliver pyrotechnics in the regular course of its business.

20 (b) ~~Notwithstanding the provisions of G.S. 14-414, it shall be unlawful for any~~
21 ~~individual, firm, partnership, or corporation to sell pyrotechnics as defined in G.S. 14-414~~
22 ~~(2), (3), (4)c., (5), or (6) to persons under the age of 16."~~

23 Section 3. This act becomes effective December 1, 1997, and applies to
24 offenses committed on or after that date.