

Senate Bill 133

By: Senators Balfour of the 9th, Johnson of the 1st and Mullis of the 53rd

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 10 of Title 25 of the Official Code of Georgia Annotated, relating to the  
2 regulation of fireworks, so as to change the definition of the term "fireworks"; to prohibit the  
3 sale of certain combustible or explosive compositions to persons under 16 years of age; to  
4 provide for a monetary penalty for sales made in violation of such prohibition; to provide an  
5 effective date; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 10 of Title 25 of the Official Code of Georgia Annotated, relating to the regulation  
9 of fireworks, is amended by striking Code Section 25-10-1, relating to definition of  
10 "fireworks," and inserting in lieu thereof a new Code Section 25-10-1 to read as follows:

11 "25-10-1.

12 As used in this chapter, the term:

13 (1) 'Fireworks' means any combustible or explosive composition or any substance or  
14 combination of substances or article prepared for the purpose of producing a visible or  
15 audible effect by combustion, explosion, deflagration, or detonation, including blank  
16 cartridges, balloons requiring fire underneath to propel them, firecrackers, torpedos,  
17 skyrockets, Roman candles, bombs, sparklers, and other combustibles and explosives of  
18 like construction, as well as articles containing any explosive or flammable compound  
19 and tablets and other devices containing an explosive substance. The term 'fireworks'  
20 shall not include model rockets and model rocket engines, designed, sold, and used for  
21 the purpose of propelling recoverable aero models; wire or wood sparklers of not more  
22 than 100 grams of mixture per item; other sparkling items which are nonexplosive and  
23 nonaerial and contain 75 grams or less of chemical compound per tube or a total of 200  
24 grams or less for multiple tubes; snake and glow worms; trick noise makers which  
25 include paper streamers, party poppers, string poppers, snappers, and drop pops each  
26 consisting of 0.25 grains or less of explosive mixture; toy pistol paper caps in which the

1 explosive content does not average more than 0.25 grains of explosive mixture per paper  
 2 cap; nor toy pistols, toy cannons, toy canes, toy guns, or other devices using such paper  
 3 caps; nor shall the term 'fireworks' include ammunition consumed by weapons used for  
 4 sporting and hunting purposes.

5 (2) 'Proximate audience' means an audience closer to pyrotechnic devices than permitted  
 6 by the National Fire Protection Association Standard 1123, *Code for Fireworks Display*,  
 7 as adopted by the Safety Fire Commissioner.

8 (3) 'Pyrotechnics' means fireworks."

## 9 SECTION 2.

10 Said chapter is further amended by striking Code Section 25-10-2, relating to prohibited acts  
 11 with respect to fireworks, and inserting in lieu thereof a new Code Section 25-10-2 to read  
 12 as follows:

13 "25-10-2.

14 (a) It shall be unlawful for any person, firm, corporation, association, or partnership to  
 15 offer for sale at retail or wholesale, to use or explode or cause to be exploded, or to possess,  
 16 manufacture, transport, or store any fireworks, except as otherwise provided in this chapter.

17 (b) Notwithstanding any provision of this chapter to the contrary, it shall be unlawful for  
 18 any person, firm, corporation, association, or partnership to sell to any person under 16  
 19 years of age any wire or wood sparklers of not more than 100 grams of mixture per item,  
 20 other sparkling items which are nonexplosive and nonaerial and contain 75 grams or less  
 21 of chemical compound per tube or a total of 200 grams or less for multiple tubes, snake and  
 22 glow worms, or trick noise makers which include paper streamers, party poppers, string  
 23 poppers, snappers, and drop pops each consisting of 0.25 grains or less of explosive  
 24 mixture."

## 25 SECTION 3.

26 Said chapter is further amended by adding a new Code Section 25-10-9 to read as follows:

27 "25-10-9.

28 Notwithstanding any provision of this chapter to the contrary, any person, firm,  
 29 corporation, association, or partnership who or which knowingly violates subsection (b)  
 30 of Code Section 25-10-2 may be punished by a fine not to exceed \$100.00. Each sales  
 31 transaction in violation of subsection (b) of Code Section 25-10-2 shall be a separate  
 32 offense."

1 **SECTION 4.**

2 This Act shall become effective upon its approval by the Governor or upon its becoming law  
3 without such approval.

4 **SECTION 5.**

5 All laws and parts of laws in conflict with this Act are repealed.