

Senate Bill 133

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

**AS PASSED SENATE**

**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 18 years of age; to  
4 provide for certain limitations on such sales; to provide for a monetary penalty for sales made  
5 in violation of such prohibition; to provide an effective date; to repeal conflicting laws; and  
6 for other purposes.

7 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

8 **SECTION 1.**

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

12 "25-10-1.

13 As used in this chapter, the term:

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

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

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

9 (3) 'Pyrotechnics' means fireworks."

## 10 SECTION 2.

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

14 "25-10-2.

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

18 (b)(1) Notwithstanding any provision of this chapter to the contrary, it shall be unlawful  
 19 for any person, firm, corporation, association, or partnership to sell to any person under  
 20 18 years of age any wire or wood sparklers of not more than 100 grams of mixture per  
 21 item, other sparkling items which are nonexplosive and nonaerial and contain 75 grams  
 22 or less of chemical compound per tube or a total of 200 grams or less for multiple tubes,  
 23 snake and glow worms, or trick noise makers which include paper streamers, party  
 24 poppers, string poppers, snappers, and drop pops each consisting of 0.25 grains or less  
 25 of explosive mixture.

26 (2) It shall be unlawful to sell any wire or wood sparklers of not more than 100 grams  
 27 of mixture per item, other sparkling items which are nonexplosive and nonaerial and  
 28 contain 75 grams or less of chemical compound per tube or a total of 200 grams or less  
 29 for multiple tubes, snake and glow worms, or trick noise makers which include paper  
 30 streamers, party poppers, string poppers, snappers, and drop pops each consisting of 0.25  
 31 grains or less of explosive mixture to any person by any means other than an in-person,  
 32 face-to-face sale. Such person shall provide identification containing a photograph of  
 33 such person to the seller at the time of such purchase.

34 (3) It shall be unlawful to use any wire or wood sparklers of not more than 100 grams  
 35 of mixture per item, other sparkling items which are nonexplosive and nonaerial and  
 36 contain 75 grams or less of chemical compound per tube or a total of 200 grams or less

1 for multiple tubes, snake and glow worms, or trick noise makers which include paper  
2 streamers, party poppers, string poppers, snappers, and drop pops each consisting of 0.25  
3 grains or less of explosive mixture indoors."

4 **SECTION 3.**

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

6 "25-10-9.

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

12 **SECTION 4.**

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

15 **SECTION 5.**

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