

The House Committee on Regulated Industries offers the following substitute to SB 133:

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 proper identification to the seller at the time
 33 of such purchase. For purposes of this paragraph, the term 'proper identification' means
 34 any document issued by a governmental agency containing a description of the person,
 35 such person's photograph, or both, and giving such person's date of birth and includes

1 without being limited to, a passport, military identification card, driver's license, or an
2 identification card authorized under Code Sections 40-5-100 through 40-5-104.

3 (3) It shall be unlawful to use any wire or wood sparklers of not more than 100 grams
4 of mixture per item, other sparkling items which are nonexplosive and nonaerial and
5 contain 75 grams or less of chemical compound per tube or a total of 200 grams or less
6 for multiple tubes, snake and glow worms, or trick noise makers which include paper
7 streamers, party poppers, string poppers, snappers, and drop pops each consisting of 0.25
8 grains or less of explosive mixture indoors."

9 **SECTION 3.**

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

11 "25-10-9.

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

17 **SECTION 4.**

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

20 **SECTION 5.**

21 All laws and parts of laws in conflict with this Act are repealed.