

Senate Bill 133

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

**AS PASSED**

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 (a) 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, toy pistol paper caps in which the~~  
23 ~~explosive content does not average more than 0.25 grains of explosive mixture per paper~~  
24 ~~cap nor toy pistols, toy cannons, toy canes, toy guns, or other devices using such paper~~  
25 ~~caps; nor shall the term 'fireworks' include ammunition consumed by weapons used for~~  
26 ~~sporting and hunting purposes.~~

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

4 (3) 'Pyrotechnics' means fireworks.

5 (b) As used in this chapter, the term 'fireworks' shall not include:

6 (1) Model rockets and model rocket engines, designed, sold, and used for the purpose of  
 7 propelling recoverable aero models, toy pistol paper caps in which the explosive content  
 8 averages 0.25 grains or less of explosive mixture per paper cap or toy pistols, toy  
 9 cannons, toy canes, toy guns, or other devices using such paper caps; nor shall the term  
 10 'fireworks' include ammunition consumed by weapons used for sporting and hunting  
 11 purposes; and

12 (2) Wire or wood sparklers of 100 grams or less of mixture per item; other sparking  
 13 items which are nonexplosive and nonaerial and contain 75 grams or less of chemical  
 14 compound per tube or a total of 200 grams or less for multiple tubes; snake and glow  
 15 worms; trick noise makers which include paper streamers, party poppers, string poppers,  
 16 snappers, and drop pops each consisting of 0.25 grains or less of explosive mixture."

## 17 SECTION 2.

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

21 "25-10-2.

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

25 (b)(1) Notwithstanding any provision of this chapter to the contrary, it shall be unlawful  
 26 for any person, firm, corporation, association, or partnership to sell to any person under  
 27 18 years of age any items defined in paragraph (2) of subsection (b) of Code Section  
 28 25-10-1.

29 (2) It shall be unlawful to sell any items defined in paragraph (2) of subsection (b) of  
 30 Code Section 25-10-1 to any person by any means other than an in-person, face-to-face  
 31 sale. Such person shall provide proper identification to the seller at the time of such  
 32 purchase. For purposes of this paragraph, the term 'proper identification' means any  
 33 document issued by a governmental agency containing a description of the person, such  
 34 person's photograph, or both, and giving such person's date of birth and includes without  
 35 being limited to, a passport, military identification card, driver's license, or an  
 36 identification card authorized under Code Sections 40-5-100 through 40-5-104.

1 (3) It shall be unlawful to use any items defined in paragraph (2) of subsection (b) of  
2 Code Section 25-10-1 indoors."

3 **SECTION 3.**

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

5 "25-10-9.

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

11 **SECTION 4.**

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

14 **SECTION 5.**

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