

Senate Bill 133

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

**AS PASSED**

AN ACT

To amend Chapter 10 of Title 25 of the Official Code of Georgia Annotated, relating to the regulation of fireworks, so as to change the definition of the term "fireworks"; to prohibit the sale of certain combustible or explosive compositions to persons under 18 years of age; to provide for certain limitations on such sales; to provide for a monetary penalty for sales made in violation of such prohibition; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

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

"25-10-1.

(a) As used in this chapter, the term:

(1) 'Fireworks' means any combustible or explosive composition or any substance or combination of substances or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, including blank cartridges, balloons requiring fire underneath to propel them, firecrackers, torpedos, skyrockets, Roman candles, bombs, sparklers, and other combustibles and explosives of like construction, as well as articles containing any explosive or flammable compound and tablets and other devices containing an explosive substance.

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

(3) 'Pyrotechnics' means fireworks.

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

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

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

## SECTION 2.

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

"25-10-2.

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

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

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

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

**SECTION 3.**

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

"25-10-9.

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

**SECTION 4.**

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

**SECTION 5.**

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