

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 617

Session of
1981

INTRODUCED BY PITTS, LAUGHLIN, KOLTER, GRAY, NOYE, HASAY, HAYES,
GEORGE, DeVERTER, MERRY, PHILLIPS, GAMBLE, PUNT AND
CUNNINGHAM, FEBRUARY 18, 1981

AS REPORTED FROM COMMITTEE ON BUSINESS AND COMMERCE, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 1, 1981

AN ACT

1 ~~Providing for the storage, handling and use of certain~~ <—
2 ~~explosives and imposing penalties.~~
3 AMENDING THE ACT OF JULY 1, 1937 (P.L.2681, NO.537), ENTITLED <—
4 "AN ACT RELATING TO, AND REGULATING THE MANUFACTURE, STORING,
5 AND POSSESSION OF EXPLOSIVES; REQUIRING PERMITS FOR
6 MAGAZINES, AND PRESCRIBING PERMIT FEES; AND PROVIDING
7 PENALTIES," EXEMPTING THE STORAGE OF CERTAIN EXPLOSIVES FROM
8 REGULATION BY THE DEPARTMENT AND REQUIRING CERTAIN QUANTITIES
9 OF EXPLOSIVES IN COMMERCIAL ESTABLISHMENTS TO BE STORED IN
10 SPECIFIED MAGAZINES AND IMPOSING A PENALTY.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 ~~Section 1. Commercially manufactured black powder in~~ <—
14 ~~quantities not to exceed 50 pounds, percussion caps, safety and~~
15 ~~pyrotechnic fuses, quills, quick and slow matches, and friction~~
16 ~~primers, intended to be used solely for sporting, recreational,~~
17 ~~cultured purposes in antique firearms or antique devices as~~
18 ~~defined in section 921 (a)(16) of Title 18 of the United States~~
19 ~~Code shall be exempt from regulation by the Department of~~
20 ~~Environmental Resources.~~

21 ~~Section 2. Not more than 50 pounds of black powder shall be~~

1 ~~permitted in a commercial establishment. It shall be stored in a~~
2 ~~Class C magazine which shall be mounted on wheels for easy~~
3 ~~removal in case of fire. The magazine shall be located in close~~
4 ~~proximity to an outside door.~~

5 ~~Section 3. Smokeless powder, primers used for reloading~~
6 ~~rifle or pistol cartridges, shot shells, percussion caps and~~
7 ~~smokeless propellants intended for personal use shall be exempt~~
8 ~~from regulation by the Department of Environmental Resources.~~

9 ~~Section 4. (a) The quantity and distance for unbarricaded~~
10 ~~magazines for the storage of black powder in quantities not to~~
11 ~~exceed 1,000 pounds shall be in accordance with Federal~~
12 ~~regulations.~~

13 ~~(b) The Department of Environmental Resources may adopt~~
14 ~~regulations with respect to the quantity and distance for~~
15 ~~unbarricaded magazines for the storage of black powder in~~
16 ~~quantities of 1,000 pounds or more.~~

17 ~~Section 5. Any person violating the provisions of this act~~
18 ~~shall be guilty of a misdemeanor of the first degree.~~

19 ~~Section 6. This act shall take effect in 60 days.~~

20 ~~SECTION 1. THE ACT OF JULY 1, 1937 (P.L.2681, NO.537),~~ <—
21 ~~ENTITLED "AN ACT RELATING TO, AND REGULATING THE MANUFACTURE,~~
22 ~~STORING, AND POSSESSION OF EXPLOSIVES; REQUIRING PERMITS FOR~~
23 ~~MAGAZINES, AND PRESCRIBING PERMIT FEES; AND PROVIDING~~
24 ~~PENALTIES," IS AMENDED BY ADDING SECTIONS TO READ:~~

25 SECTION 10.1. (A) COMMERCIALLY MANUFACTURED BLACK POWDER IN
26 QUANTITIES NOT TO EXCEED FIFTY POUNDS, PERCUSSION CAPS, SAFETY
27 AND PYROTECHNIC FUSES, QUILLS, QUICK AND SLOW MATCHES, AND
28 FRICITION PRIMERS, INTENDED TO BE USED SOLELY FOR SPORTING,
29 RECREATIONAL, CULTURED PURPOSES IN ANTIQUE FIREARMS OR ANTIQUE
30 DEVICES AS DEFINED IN SECTION 921(A)(16) OF TITLE 18 OF THE

1 UNITED STATES CODE SHALL BE EXEMPT FROM REGULATION BY THE
2 DEPARTMENT OF ENVIRONMENTAL RESOURCES.

3 (B) SMOKELESS POWDER, PRIMERS USED FOR RELOADING RIFLE OR
4 PISTOL CARTRIDGES, SHOT SHELLS, PERCUSSION CAPS AND SMOKELESS
5 PROPELLANTS INTENDED FOR PERSONAL USE SHALL BE EXEMPT FROM
6 REGULATION BY THE DEPARTMENT OF ENVIRONMENTAL RESOURCES.

7 (C) THE QUANTITY AND DISTANCE FOR UNBARRICADED MAGAZINES FOR
8 THE STORAGE OF BLACK POWDER IN QUANTITIES NOT TO EXCEED ONE
9 THOUSAND POUNDS SHALL BE IN ACCORDANCE WITH FEDERAL REGULATIONS.

10 (D) THE DEPARTMENT OF ENVIRONMENTAL RESOURCES MAY ADOPT
11 REGULATIONS WITH RESPECT TO THE QUANTITY AND DISTANCE FOR
12 UNBARRICADED MAGAZINES FOR THE STORAGE OF BLACK POWDER IN
13 QUANTITIES OF ONE THOUSAND POUNDS OR MORE.

14 SECTION 10.2. (A) NOT MORE THAN FIFTY POUNDS OF BLACK
15 POWDER SHALL BE PERMITTED IN A COMMERCIAL ESTABLISHMENT. IT
16 SHALL BE STORED IN A CLASS C MAGAZINE WHICH SHALL BE MOUNTED ON
17 WHEELS FOR EASY REMOVAL IN CASE OF FIRE. THE MAGAZINE SHALL BE
18 LOCATED IN CLOSE PROXIMITY TO AN OUTSIDE DOOR.

19 (B) ANY PERSON VIOLATING THE PROVISIONS OF THIS SECTION
20 SHALL BE GUILTY OF A SUMMARY OFFENSE.

21 SECTION 2. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.