

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 971 Session of
2005

INTRODUCED BY C. WILLIAMS, FONTANA, PIPPY, LOGAN, RAFFERTY AND
STACK, OCTOBER 27, 2005

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, OCTOBER 27, 2005

AN ACT

1 Amending the act of May 15, 1939 (P.L.134, No.65), entitled, as
2 amended, "An act relating to fireworks; defining fireworks;
3 prohibiting the sale, regulating the sale, offering or
4 exposing for sale and use of fireworks, except in certain
5 cases; authorizing cities, boroughs, towns and townships to
6 issue permits for fireworks displays, and to regulate the
7 same; imposing duties on the Pennsylvania State Police,
8 sheriffs and police officers; and providing penalties,"
9 further defining "consumer fireworks."

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

12 Section 1. Section 1 of the act of May 15, 1939 (P.L.134,
13 No.65), referred to as the Fireworks Law, amended November 30,
14 2004 (P.L.1598, No.204), is amended to read:

15 Section 1. The term "consumer fireworks" shall mean and
16 include:

17 (1) Any combustible or explosive composition or any
18 substance or combination of substances intended to produce
19 visible and/or audible effects by combustion and which is
20 suitable for use by the public that complies with the
21 construction, performance, composition and labeling requirements

1 promulgated by the Consumer Products Safety Commission in 16 CFR
2 (relating to commercial practices) or any successor regulation
3 and which complies with the provisions for "consumer fireworks"
4 as defined in the American Pyrotechnics Association (APA)
5 Standard 87-1, or any successor standard.

6 (2) The term does not include devices as "ground and hand-
7 held sparkling devices," "novelties" and "toy caps" in APA
8 Standard 87-1, the sale, possession and use of which shall be
9 permitted [at all times] throughout this Commonwealth. However,
10 a municipality may, by resolution or ordinance of the governing
11 body of the municipality, prohibit the sale of such devices as
12 "ground and hand-held sparkling devices," "novelties" and "toy
13 caps" in APA Standard 87-1.

14 The term "display fireworks" shall be defined as provided in
15 27 CFR § 555.11 (relating to meaning of terms).

16 The term "municipalities" shall include cities, boroughs,
17 incorporated towns and townships.

18 Section 2. This act shall take effect in 60 days.