

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 915 Session of 2011

INTRODUCED BY WAUGH, BAKER, FONTANA, ALLOWAY, YAW, BROWNE,
ERICKSON, COSTA, STACK AND PILEGGI, MARCH 30, 2011

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
MARCH 30, 2011

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, offering or exposing for sale and use
4 of fireworks, except in certain cases; authorizing cities,
5 boroughs, towns and townships to issue permits for fireworks
6 displays, and to regulate the same; imposing duties on the
7 Pennsylvania State Police, sheriffs, police officers and
8 constables; and providing penalties," providing for a public
9 safety fee.

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

12 Section 1. Section 4.5 of the act of May 15, 1939 (P.L.134,
13 No.65), referred to as the Fireworks Law, added November 30,
14 2004 (P.L.1598, No.204), is amended to read:

15 Section 4.5. (a) A facility licensed by the Department of
16 Agriculture shall be exclusively dedicated to the storage and
17 sale of consumer fireworks and related items, and the facility
18 shall operate in accordance with the following rules:

19 (1) There shall be security personnel on the premises for
20 the seven (7) days preceding and including July 4 and for the
21 three (3) days preceding and including January 2.

(2) No smoking shall be permitted in the facility.

(3) No cigarettes or tobacco products, matches, lighters, or any other flame-producing devices shall be permitted to be taken into the facility.

(4) No minors shall be permitted in the facility unless accompanied by an adult, and each minor shall stay with the adult in the facility.

(5) All facilities shall carry at least two million dollars (\$2,000,000) in public and product liability insurance.

(6) A licensee shall provide its employees with documented training in the area of operational safety of a facility. The licensee shall provide to the Department of Agriculture written documentation that each employee has received such training.

(7) No display fireworks shall be stored or located at a facility.

(8) No person who appears to be under the influence of intoxicating liquor or drugs shall be admitted to the facility, and no liquor, beer, or wine shall be permitted in the facility.

(9) No consumer fireworks or display fireworks shall be ignited within three hundred (300) feet of a facility.

(10) Emergency evacuation plans shall be conspicuously posted in appropriate locations within the facility.

(b) Upon each separate sale at retail of consumer fireworks a fee equivalent to twenty-five percent (25%) of the purchase price of the consumer fireworks shall be charged and collected by a licensee.

(c) Moneys collected as a result of the fee imposed under this section shall be distributed as follows:

(1) Seventy-five percent (75%) to the Volunteer Fire and Emergency Services Retention Program Fund to be used to support

1 volunteer fire and emergency services retention programs as set
2 forth by law.

3 (2) Fifteen percent to the county fire technical school
4 where the licensee is located.

5 (3) Ten percent in equal shares to the local fire
6 departments in the area where the licensee is located.

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