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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2620 Session of  
2018

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INTRODUCED BY B. O'NEILL, BRIGGS, DAVIS, DIGIROLAMO, DRISCOLL,  
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AND ROTHMAN, SEPTEMBER 10, 2018

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REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,  
SEPTEMBER 10, 2018

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AN ACT

1 Amending Title 3 (Agriculture) of the Pennsylvania Consolidated  
2 Statutes, providing for fireworks; imposing penalties; and  
3 making a related repeal.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Part II heading of Title 3 of the Pennsylvania  
7 Consolidated Statutes is amended to read:

8 PART II

9 PRODUCTS IN GENERAL

10 [(Reserved)]

11 Section 2. Title 3 is amended by adding a chapter to read:

12 CHAPTER 11

13 FIREWORKS

14 Sec.

15 1101. Definitions.

16 1102. Bond requirement.

- 1 1103. Permit extension.
- 2 1104. Consumer fireworks and display fireworks.
- 3 1105. Agricultural and display permits.
- 4 1106. Consumer fireworks sales.
- 5 1107. Applications for licenses to sell consumer fireworks.
- 6 1108. Licensed facility operations.
- 7 1109. Registration with Attorney General.
- 8 1110. Penalties.
- 9 1111. Removal of illegal fireworks.

10 § 1101. Definitions.

11 The following words and phrases when used in this chapter  
12 shall have the meanings given to them in this section unless the  
13 context clearly indicates otherwise:

14 "Aerial devices." The term includes aerial shell kits,  
15 aerial spinners, bottle rockets, mine devices, missile-type  
16 rockets, roman candles and shell devices.

17 "Aerial shell." A cylindrical or spherical cartridge  
18 containing lift charge and burst charge effect composition which  
19 meets the following criteria:

20 (1) The aerial shell is most likely to be two inches to  
21 six inches in diameter and designed to be fired from metal,  
22 high-density polyethylene, fiberglass or heavy cardboard  
23 tubes.

24 (2) Upon firing, the lift charge is consumed and the  
25 cartridge is expelled into the air.

26 (3) A pyrotechnic effect is produced near the apex of  
27 flight.

28 (4) The burst charge used in the aerial shell only  
29 contains black powder or similar pyrotechnic composition.

30 (5) The aerial shell is contained in a launch tube or is

1 a part of an aerial shell kit.

2 "Aerial shell kit." A package or kit containing a cardboard,  
3 high-density polyethylene or equivalent launching tube capable  
4 of firing twice the number of aerial shells in the kit without  
5 failure of the launching tube and not more than 12 small aerial  
6 shells which meet the following criteria:

7 (1) Each aerial shell does not exceed 60 grams of total  
8 chemical composition, including lift charge, burst charge and  
9 visible and audible effect composition.

10 (2) The maximum diameter of each aerial shell does not  
11 exceed 1.75 inches.

12 (3) The maximum quantity of lift charge of each aerial  
13 shell does not exceed 20 grams.

14 (4) The maximum quantity of burst charge in each aerial  
15 shell does not exceed 25% of the total weight of chemical  
16 composition in the aerial shell.

17 (5) The total chemical composition of all the aerial  
18 shells, including lift charge, does not exceed 400 grams.

19 (6) The package of aerial shells complies with all  
20 warning label requirements of CPSC.

21 "Aerial spinner." A tube which meets the following criteria:

22 (1) The tube does not exceed 20 grams of chemical  
23 composition.

24 (2) The tube has a propeller or blade attached.

25 (3) Upon ignition, a rapidly spinning device rises into  
26 the air.

27 (4) A visible or audible effect may be produced at or  
28 near the height of flight.

29 "Audible ground device." The term includes firecrackers and  
30 chasers.

1 "Black powder." A combination of potassium nitrate, sulfur  
2 and charcoal or similar pyrotechnic composition.

3 "Bottle rocket." A cylindrical tube containing not more than  
4 20 grams of chemical composition with a wooden stick attached  
5 for guidance and stability which meets the following criteria:

6 (1) Upon ignition, a rocket rises into the air.

7 (2) A burst of color or sound may be produced at or near  
8 the height of flight.

9 "Burst charge." Chemical composition used to break open a  
10 fireworks device after it has been propelled into the air,  
11 producing a secondary effect such as a shower of stars. The term  
12 may be referred to as expelling charge or break charge. The  
13 following apply:

14 (1) A burst charge containing metallic powder, such as  
15 magnalium or aluminum, less than 100 mesh in particle size,  
16 shall be considered to be intended to produce an audible  
17 effect, and is limited to 130 milligrams in 1.4G fireworks  
18 devices.

19 (2) A burst charge consisting of black powder shall not  
20 be considered to be intended to produce an audible effect  
21 when it is used to expel and ignite a secondary effect in a  
22 fireworks device.

23 (3) A burst charge for use in 1.3G fireworks shall be  
24 limited to black powder.

25 "Chaser." A paper or cardboard tube venting out the fuse end  
26 of the tube containing not more than 20 grams of chemical  
27 composition which meets the following criteria:

28 (1) The device travels along the ground upon ignition.

29 (2) A whistling effect or other noise is often produced.

30 (3) Explosive composition may be included for the

1 purpose of producing a report, but is not more than 50  
2 milligrams.

3 "Chemical composition." All pyrotechnic composition and  
4 explosive composition contained in a fireworks device. The term  
5 does not include inert materials, such as clay used for plugs,  
6 or organic matter such as rice hulls used for density control.

7 "Cone fountain." A cardboard or heavy paper cone containing  
8 not more than 50 grams of pyrotechnic composition which meets  
9 the following criteria:

10 (1) The effect is the same as that of a cylindrical  
11 fountain.

12 (2) When more than one cone is mounted on a common base,  
13 total pyrotechnic composition does not exceed 200 grams.

14 "Consumer fireworks." As follows:

15 (1) The term includes all of the following:

16 (i) Any combustible or explosive composition or any  
17 substance or combination of substances intended to  
18 produce visible or audible effects by combustion and  
19 which is suitable for use by the public in accordance  
20 with the construction, performance, composition and  
21 labeling requirements promulgated by the CPSC in 16 CFR  
22 (relating to commercial practices) or any successor  
23 regulation.

24 (ii) Aerial devices and audible ground devices.

25 (2) The term does not include ground and handheld  
26 sparkling devices, novelties and toy caps, which may be sold,  
27 possessed and used at all times in this Commonwealth.

28 "CPSC." The United States Consumer Product Safety  
29 Commission.

30 "Cylindrical fountain." A cylindrical tube containing not

1 more than 75 grams of pyrotechnic composition which meets the  
2 following criteria:

3 (1) Upon ignition, a shower of colored sparks and at  
4 times a whistling effect or smoke is produced.

5 (2) The tube may be provided with a spike for insertion  
6 into the ground, a wood or plastic base for placing on the  
7 ground or a wood or cardboard handle to be handheld.

8 (3) When more than one tube is mounted on a common base,  
9 total pyrotechnic composition does not exceed 200 grams.

10 "Department." The Department of Agriculture of the  
11 Commonwealth.

12 "Display fireworks." Large fireworks designed primarily to  
13 produce visible or audible effects by combustion, deflagration  
14 or detonation. The term includes, but is not limited to, all of  
15 the following:

16 (1) Salutes containing more than two grains, equivalent  
17 to 130 milligrams, of explosive materials.

18 (2) Aerial shells containing more than 40 grams of  
19 pyrotechnic composition and other display pieces which exceed  
20 the limits of explosive materials for consumer fireworks.

21 (3) Fireworks that are classified as UN0333, UN0334 or  
22 UN0335 by the United States Department of Transportation  
23 under 49 CFR 172.101 (relating to purpose and use of  
24 hazardous materials table).

25 (4) Fused setpieces containing components which together  
26 exceed 50 milligrams of flash powder.

27 "Explosive composition." Any chemical compound or mixture,  
28 the primary purpose of which is to function by explosion,  
29 producing an audible effect or report in a fireworks device.

30 "Firecracker." A small, paper-wrapped or cardboard tube

1 containing not more than 50 milligrams of explosive composition  
2 which meets the following criteria:

3 (1) If used in aerial devices, the tube does not exceed  
4 130 milligrams of explosive composition per report.

5 (2) Upon ignition, noise and a flash of light are  
6 produced.

7 "Flash powder." An explosive material intended to produce an  
8 audible report and a flash of light when ignited which includes,  
9 but is not limited to, all of the following:

10 (1) Oxidizers, such as potassium chlorate or potassium  
11 perchlorate.

12 (2) Fuels, such as sulfur or aluminum powder.

13 "Flitter sparkler." A narrow paper tube attached to a stick  
14 or wire and filled with not more than five grams of pyrotechnic  
15 composition which meets the following criteria:

16 (1) Upon ignition, the tube produces color and sparks.

17 (2) The paper at one end of the tube is ignited to make  
18 the device function.

19 "Ground and handheld sparkling device." As follows:

20 (1) A device which meets the following criteria:

21 (i) The device is ground based or handheld and  
22 produces a shower of white, gold or colored sparks as the  
23 device's primary pyrotechnic effect. Additional effects  
24 may include a colored flame, an audible crackling effect,  
25 an audible whistle effect and smoke.

26 (ii) The device does not rise into the air, fire  
27 inserts or projectiles into the air or explode or produce  
28 a report. A mild audible crackling-type effect shall not  
29 be considered to be a report under this paragraph.

30 (2) The term includes all of the following:

1           (i) A ground-based or handheld device which produces  
2           a cloud of smoke as the device's sole pyrotechnic effect.

3           (ii) A cylindrical fountain, cone fountain,  
4           illuminating torch, wheel, ground spinner or flutter  
5           sparkler.

6           "Ground spinner." A small device containing not more than 20  
7           grams of pyrotechnic composition which meets the following  
8           criteria:

9           (1) The device vents out of an orifice usually on the  
10           side of the tube.

11           (2) The device is similar in operation to a wheel and  
12           intended to be placed flat on the ground and ignited.

13           (3) A shower of sparks and color is produced by the  
14           rapid spinning of the device.

15           "Illuminating torch." A cylindrical tube containing not more  
16           than 100 grams of pyrotechnic composition which meets the  
17           following criteria:

18           (1) The tube produces a colored flame upon ignition.

19           (2) The tube may be a spike, base or handheld.

20           (3) If more than one tube is mounted on a common base,  
21           the total pyrotechnic composition does not exceed 200 grams.

22           "Lift charge." Pyrotechnic composition used to propel a  
23           component of a mine device or shell device into the air and is  
24           limited to black powder.

25           "Mine device." A heavy cardboard or paper tube usually  
26           attached to a wooden or plastic base and containing not more  
27           than 60 grams of total chemical composition, including lift  
28           charge, burst charge and visible and audible effect composition,  
29           which meets the following criteria:

30           (1) Upon ignition, stars, components producing reports



1 containing up to 130 milligrams of explosive composition per  
2 report or other devices are propelled into the air.

3 (2) The device has no internal components containing a  
4 burst charge.

5 (3) The device may contain more than one tube if the  
6 tubes fire in sequence upon ignition of one external fuse.

7 (4) If the device is a multiple tube device, the total  
8 chemical composition, including lift charges of the multiple  
9 tube device, does not exceed 200 grams.

10 (5) The maximum quantity of lift charge in a tube of the  
11 device does not exceed 20 grams.

12 (6) The maximum quantity of burst charge in a component  
13 does not exceed 25% of the total weight of chemical  
14 composition in the component.

15 (7) If the tubes of the device are securely attached to  
16 a wood or plastic base and the tubes are separated from each  
17 other on the base by a distance of at least one-half inch, a  
18 maximum total weight of 500 grams of pyrotechnic composition  
19 shall be permitted for approval as 1.4G fireworks.

20 "Missile-type rocket." A device similar to a bottle rocket  
21 in size, composition and effect which uses fins rather than a  
22 stick for guidance and stability and contains not more than 20  
23 grams of total chemical composition.

24 "Municipality." A city, borough, incorporated town or  
25 township.

26 "Novelties." The term includes party poppers, snappers, toy  
27 smoke devices, snakes and sparklers.

28 "Party popper." A small device with a paper or plastic  
29 exterior which is actuated by means of friction and meets the  
30 following criteria:

1       (1) A string or trigger is typically pulled to actuate  
2 the device.

3       (2) The device frequently resembles a champagne bottle  
4 or toy pistol in shape.

5       (3) Upon activation, the device expels flame-resistant  
6 paper streamers, confetti or other novelties and produces a  
7 small report.

8       (4) The device does not contain more than 16 milligrams  
9 or 0.25 grains of explosive composition and shall be limited  
10 to potassium chlorate and red phosphorus.

11       (5) The device is packaged in an inner packaging which  
12 contains a maximum of 72 devices.

13       "Pyrotechnic composition." A chemical mixture which upon  
14 burning and without explosion produces visible or brilliant  
15 displays or bright lights or whistles or motion.

16       "Roman candle." A heavy paper or cardboard tube containing  
17 not more than 20 grams of chemical composition and upon  
18 ignition, stars are individually expelled which produce a  
19 visible display of color and light upon burning in the air, and  
20 at times, crackling or similar audible effect.

21       "Shell device." A mine device which propels a component that  
22 subsequently bursts open in the air.

23       "Snake." A pressed pellet of pyrotechnic composition which  
24 contains two grams or less of composition per article and meets  
25 the following criteria:

26           (1) Upon burning, it produces a snake-like ash that  
27 expands in length as the pellet burns.

28           (2) Chemical compositions typically contain ammonium  
29 perchlorate, nitrated pitch, asphaltum and similar  
30 carbonaceous materials.

1           (3) It comes in a package of not more than 25 pellets  
2 per inner package in order to be transported as an  
3 unregulated device.

4           "Snapper." A small, paper-wrapped device containing not more  
5 than one milligram of silver fulminate coated on small bits of  
6 sand or gravel, which meets the following criteria:

7           (1) When dropped, the device explodes, producing a small  
8 report.

9           (2) The device is placed in an inner package which shall  
10 not include more than 50 devices and the inner package  
11 contains sawdust or a similar, impact-absorbing material.

12           "Sparkler." A device which consists of a metal wire or wood  
13 dowel that has been coated with pyrotechnic composition and  
14 meets the following criteria:

15           (1) Upon ignition of the tip of the device, a shower of  
16 sparks is produced.

17           (2) The device contains not more than 100 grams of  
18 pyrotechnic composition per item.

19           (3) The device typically uses barium nitrate as the  
20 oxidizer with aluminum and dextrine as fuels.

21           (4) Iron filings produce the spark effect.

22           (5) If the device produces colorful sparks, the device  
23 uses potassium perchlorate as an oxidizer.

24           (6) If the device contains a chlorate or perchlorate  
25 oxidizer, the device is limited to a maximum of five grams  
26 of composition per article.

27           (7) The device is placed in an inner package which  
28 contains not more than eight devices to be transported as  
29 unregulated devices.

30           "Star." A pressed or consolidated pellet of pyrotechnic

1 composition which is usually cylindrical, spherical or  
2 rectangular in shape and meets the following criteria:

3 (1) The pellet is fired from a launch tube by means of a  
4 propelling charge of black powder in roman candles and mine  
5 devices or a component of an insert which is fired into the  
6 air in an aerial shell.

7 (2) The composition produces a visible display of color  
8 and light as it burns in the air, and at times, a crackling  
9 or similar audible effect.

10 "Toy caps." Toy plastic or paper caps for toy pistols in  
11 sheets, strips, rolls or individual caps and containing not more  
12 than an average of 0.25 grains or 16 milligrams of explosive  
13 composition per cap.

14 "Toy smoke device." A small device consisting of cork-like  
15 spheres or cardboard or plastic tubes, containing not more than  
16 five grams of pyrotechnic composition which produces a small  
17 cloud of smoke after activation and meets the following  
18 criteria:

19 (1) The device is typically ignited by means of a safety  
20 fuse.

21 (2) The outer configuration of the device is typically a  
22 sphere or smoke ball, cylindrical tube or paper cone.

23 (3) The chemical composition for white smoke consists of  
24 potassium nitrate and sulfur.

25 (4) The chemical composition of colored smokes are  
26 produced by mixtures consisting of potassium chlorate, sulfur  
27 or sugar and a sublimable organic dye.

28 (5) Mixtures containing potassium chlorate contain a  
29 neutralizer/coolant such as sodium bicarbonate.

30 (6) To be eligible for unregulated status, the device

1 must produce smoke as the device's sole pyrotechnic effect  
2 after ignition and must be packaged in inner units containing  
3 not more than 72 devices.

4 "Wheel." A device intended to be attached to a post or tree  
5 by means of a nail or string and meets the following criteria:

6 (1) The device may have one or more drivers, each of  
7 which contains not more than 60 grams of pyrotechnic  
8 composition.

9 (2) The device may not contain more than 200 grams of  
10 total pyrotechnic composition.

11 (3) Upon ignition, the device revolves and produces a  
12 shower of color and sparks, and at times, a whistling effect.

13 § 1102. Bond requirement.

14 The governing body of a municipality shall require a bond  
15 from a person who holds a permit to use consumer fireworks or  
16 display fireworks in a sum not less than \$500 conditioned for  
17 the payment of all damages which may be caused to a person or  
18 property by reason of the fireworks display and arising from any  
19 acts of the permittee or the permittee's agents, employees or  
20 subcontractors.

21 § 1103. Permit extension.

22 The following apply:

23 (1) If unfavorable weather causes a fireworks display  
24 for which a permit has been granted not to take place at the  
25 time authorized, the person who holds a permit for the  
26 display may within 24 hours apply to the governing body of a  
27 municipality which granted the permit for an extension of the  
28 permit.

29 (2) The application under paragraph (1) shall attest  
30 that the fireworks display did not occur, provide the reasons

1 why the display did not occur and request a continuance of  
2 the permit for a day designated in the permit no later than  
3 one week after the day fixed originally in the permit.

4 (3) Upon receiving an application under paragraph (1),  
5 if the governing body of the municipality concludes that the  
6 facts in the application are true, the governing body of the  
7 municipality shall extend the provisions of the permit to the  
8 day designated in the application. The extension of time  
9 shall be granted without the payment of an additional fee and  
10 without requiring a bond other than the bond under section  
11 1102 (relating to bond requirement). The bond under section  
12 1102 shall extend to and cover all damages which may be  
13 caused by reason of the fireworks display taking place at the  
14 extended date in the same manner and to the same extent as if  
15 the display had taken place at the date originally fixed in  
16 the permit.

17 § 1104. Consumer fireworks and display fireworks.

18 (a) Construction.--Nothing in this chapter shall be  
19 construed to prohibit a facility licensed under this chapter  
20 from selling consumer fireworks, including the year-round sale  
21 of consumer fireworks, to an out-of-State resident whose status  
22 is verified to the licensee if the licensee retains proof of the  
23 verified status, produces proof of the verified status for  
24 review upon request by the department and the consumer fireworks  
25 are transported directly out of State by the seller or  
26 purchaser.

27 (b) Authorization.--Consumer fireworks and display fireworks  
28 may be purchased and possessed by a person holding a permit from  
29 a municipality for use in any of the following circumstances, as  
30 authorized in such permit:

1           (1) At a fireworks display.

2           (2) Agricultural purposes in connection with the raising  
3 of crops and the protection of crops from bird and animal  
4 damage.

5           (3) By railroads or other transportation agencies for  
6 signal purposes or illumination.

7           (4) In quarrying or for blasting or other industrial  
8 use.

9           (5) Blank cartridges for a show or theater, including  
10 the sale of blank cartridges, for a show or theater.

11           (6) Signal or ceremonial purposes in athletics or  
12 sports.

13           (7) By military organizations or organizations composed  
14 of veterans of the United States Armed Forces.

15           (c) Prohibition.--A permit for use of consumer fireworks and  
16 display fireworks may not be issued to an individual under 18  
17 years of age.

18 § 1105. Agricultural and display permits.

19           (a) Agricultural permits.--The following apply:

20           (1) The governing body of a municipality may, in  
21 accordance with the reasonable rules or regulations adopted  
22 by the governing body of the municipality, grant permits for  
23 the use of suitable fireworks for agricultural purposes in  
24 connection with the raising of crops and the protection of  
25 crops from bird and animal damage.

26           (2) A permit granted under this subsection shall be  
27 valid for the calendar year when the permit was issued.

28           (3) After a permit is granted under this subsection, the  
29 sale, possession and use of fireworks of the type and for the  
30 purpose mentioned in the permit shall be lawful for that

1 purpose only.

2 (b) Display permits.--The following apply:

3 (1) The governing body of a municipality may, in  
4 accordance with the reasonable rules or regulations adopted  
5 by the governing body of the municipality, grant permits for  
6 displays of consumer fireworks and display fireworks.

7 (2) A fireworks display under this subsection shall be  
8 handled by a competent operator.

9 (3) In the determination of the chief of the fire  
10 department or other officer as may be designated by the  
11 governing body of the municipality and after proper  
12 inspection, a fireworks display under this subsection shall  
13 be located, discharged or fired as not to be hazardous to a  
14 property or endanger a person.

15 (4) After a permit is granted under this subsection, the  
16 purchase, possession and use of consumer fireworks and  
17 display fireworks for the fireworks display shall be lawful  
18 for that purpose only. The permit shall not be transferable.

19 § 1106. Consumer fireworks sales.

20 Consumer fireworks shall be sold only from a facility which  
21 is licensed by the department and meets the following criteria:

22 (1) The facility shall comply with the provisions of the  
23 act of November 10, 1999 (P.L.491, No.45), known as the  
24 Pennsylvania Construction Code Act.

25 (2) The facility shall be in a stand-alone building and  
26 shall be no larger than 12,000 square feet.

27 (3) Storage areas shall be separated from wholesale or  
28 retail sales areas to which a purchaser may be admitted by  
29 appropriately rated fire separation.

30 (4) The facility shall be located no closer than 250



1 feet from any facility selling or dispensing gasoline,  
2 propane or other such flammable products.

3 (5) The facility shall be located at least 250 feet from  
4 any other facility licensed to sell consumer fireworks.

5 (6) The facility shall have a monitored burglar and fire  
6 alarm system.

7 (7) Quarterly fire drills and preplanning meetings shall  
8 be conducted as required by the primary fire department.

9 § 1107. Applications for licenses to sell consumer fireworks.

10 (a) Applications.--An application for a license to sell  
11 consumer fireworks must be submitted to the department on forms  
12 prescribed and provided by the department. The application shall  
13 be accompanied by an annual license fee of \$5,000 per location.

14 (b) Inspection.--The following apply:

15 (1) A facility in existence on the effective date of  
16 this section and a new facility shall be inspected by the  
17 department within 30 days of receipt of a complete  
18 application for a license. The department shall issue a  
19 license or deny a license within 14 days of completing the  
20 inspection.

21 (2) A license shall be effective for one year from the  
22 date the license is issued and renewal of a license shall be  
23 automatic upon payment of the license fee.

24 (3) Each licensed facility shall be subject to an annual  
25 inspection by the department and at other times in the  
26 discretion of the department during normal business hours.

27 (c) Prohibition.--No license for the sale of consumer  
28 fireworks shall be issued to a convicted felon or to an entity  
29 where a convicted felon owns any percentage of the equity  
30 interest in the entity.

1 § 1108. Licensed facility operations.

2 (a) Operations.--A facility licensed under section 1107  
3 (relating to applications for licenses to sell consumer  
4 fireworks) shall be exclusively dedicated to the storage and  
5 sale of consumer fireworks and related items and the licensed  
6 facility shall operate in accordance with the following:

7 (1) There shall be security personnel on the premises of  
8 the licensed facility from June 28 through July 4 of each  
9 year and from December 30 through January 2 of each year.

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

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

15 (4) No individual under 18 years of age shall be  
16 permitted in the licensed facility unless accompanied by an  
17 adult and an individual under 18 years of age shall stay with  
18 an adult in the licensed facility.

19 (5) The licensed facility shall carry at least  
20 \$2,000,000 in public and product liability insurance.

21 (6) No display fireworks shall be stored or located at a  
22 licensed facility.

23 (7) No individual who appears to be under the influence  
24 of intoxicating liquor or drugs shall be admitted to the  
25 licensed facility and no liquor, beer or wine shall be  
26 permitted in the licensed facility.

27 (8) No consumer fireworks or display fireworks shall be  
28 ignited within 300 feet of the licensed facility.

29 (9) Emergency evacuation plans shall be conspicuously  
30 posted in appropriate locations within the licensed facility.

1 (b) Training.--A licensee shall provide the licensee's  
2 employees with documented training in the area of operational  
3 safety of a facility. The licensee shall provide written  
4 documentation to the department showing that each employee has  
5 received training under this subsection.

6 § 1109. Registration with Attorney General.

7 An entity which performs, provides or supervises fireworks  
8 displays or exhibitions for profit shall register annually with  
9 the Attorney General in accordance with 37 Pa. Code Ch. 711  
10 (relating to registration for fireworks displays).

11 § 1110. Penalties.

12 (a) Use of consumer fireworks.--A person who uses consumer  
13 fireworks in violation of the provisions of this chapter  
14 commits a summary offense and, upon conviction, shall be  
15 sentenced to pay a fine of not more than \$100.

16 (b) Sale of consumer fireworks.--A person who sells consumer  
17 fireworks in violation of the provisions of this chapter commits  
18 a misdemeanor of the second degree.

19 (c) Sale of display fireworks.--A person who sells display  
20 fireworks in violation of the provisions of this chapter commits  
21 a felony of the third degree.

22 (d) Sale of illegal explosives.---A person commits a felony  
23 of the third degree if the person sells any of the following:

24 (1) Illegal explosives as specified in 49 CFR 173.54  
25 (relating to forbidden explosives).

26 (2) Illegal explosives in violation of any Federal law.

27 (3) Any explosive devices which have not been tested,  
28 approved and labeled by the United States Department of  
29 Transportation, including, but not limited to, those devices  
30 commonly referred to as "M-80," "M-100," "blockbuster,"

1 "cherry bomb," "quarter stick" or "half stick."

2 § 1111. Removal of illegal fireworks.

3 The Pennsylvania State Police, an individual employed as a  
4 municipal officer as defined in 42 Pa.C.S. § 8951 (relating to  
5 definitions) who holds a current certificate under 53 Pa.C.S.  
6 Ch. 21 Subch. D (relating to municipal police education and  
7 training), a sheriff or a deputy sheriff shall take, remove or  
8 cause to be removed at the expense of the owner all stocks of  
9 consumer fireworks or display fireworks or combustibles offered  
10 or exposed for sale, stored or held in violation of this  
11 chapter. The owner shall be responsible for the storage and, if  
12 deemed necessary, the destruction of the illegal fireworks.

13 Section 3. Repeals are as follows:

14 (1) The General Assembly declares that the repeal under  
15 paragraph (2) is necessary to effectuate the addition of 3  
16 Pa.C.S. Ch. 11.

17 (2) Article XXIV of the act of March 4, 1971 (P.L.6,  
18 No.2), known as the Tax Reform Code of 1971.

19 Section 4. This act shall take effect in 60 days.