

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2157 Session of 2021

INTRODUCED BY FARRY, HELM, POLINCHOCK, SCHLOSSBERG, LEWIS DELROSSO, KINSEY, EMRICK, HEFFLEY, STAATS, SAPPEY, HOHENSTEIN, PICKETT, McNEILL, MENTZER, SCHROEDER, PASHINSKI, DRISCOLL, O'MARA, DEASY, NEILSON, CIRESI, LAWRENCE, GILLEN AND RADER, DECEMBER 13, 2021

AS REPORTED FROM COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS, HOUSE OF REPRESENTATIVES, AS AMENDED, APRIL 27, 2022

AN ACT

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

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

6 Section 1. Title 3 of the Pennsylvania Consolidated Statutes
7 is amended by adding a chapter to read:

8 CHAPTER 11

9 FIREWORKS

10 Sec.

11 1101. Definitions.

12 1102. Use of display fireworks.

13 1103. Request for extension (RESERVED).

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14 1104. Use of consumer fireworks.

15 1105. Agricultural purposes.

16 1106. Rules and regulations by municipality.

- 1 1107. Sales locations.
- 2 1108. Fees, granting of licenses and inspections.
- 3 1109. Conditions for facilities.
- 4 1110. (Reserved).
- 5 1111. Attorney General.
- 6 1112. Consumer fireworks tax.
- 7 1113. Disposition of certain funds.
- 8 1114. Penalties.
- 9 1115. Removal, storage and destruction.
- 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 ~~"APA 87 1." The American Pyrotechnics Association Standard~~ <--  
15 ~~87 1: Standard for Construction and Approval for Transportation~~  
16 ~~of Fireworks, Novelties, and Theatrical Pyrotechnics, 2001~~  
17 ~~edition.~~

18 "ANIMAL HOUSING FACILITY." A ROOFED STRUCTURE OR FACILITY, <--  
19 OR A PORTION OF THE FACILITY, USED FOR OCCUPATION BY LIVESTOCK  
20 OR POULTRY.

21 "APA 87-1A." THE AMERICAN PYROTECHNICS ASSOCIATION STANDARD  
22 87-1A: STANDARD FOR THE CONSTRUCTION, CLASSIFICATION, APPROVAL,  
23 AND TRANSPORTATION OF CONSUMER FIREWORKS, 2018 EDITION.

24 "Consumer fireworks."

25 (1) The term includes any combustible or explosive  
26 composition or any substance or combination of substances  
27 which is intended to produce visible or audible effects by  
28 combustion, is suitable for use by the public, complies with  
29 the construction, performance, composition and labeling  
30 requirements promulgated by the Consumer Products Safety

1 Commission in 16 CFR (relating to commercial practices) or  
2 any successor regulation and complies with the provisions for  
3 "consumer fireworks" as defined in ~~APA 87-1~~ APA 87-1A, the <--  
4 sale, possession and use of which shall be permitted  
5 throughout this Commonwealth.

6 (2) The term does not include devices such as "ground  
7 and hand-held sparkling devices," "novelties" or "toy caps"  
8 in ~~APA 87-1~~ APA 87-1A, the sale, possession and use of which <--  
9 shall be permitted at all times throughout this Commonwealth.

10 "Display fireworks." As defined in 27 CFR 555.11 (relating  
11 to meaning of terms).

12 "Municipality." A city, borough, incorporated town or  
13 township.

14 "NFPA 1124." The National Fire Protection Association  
15 Standard 1124, Code for the Manufacture, Transportation, Storage  
16 and Retail Sales of Fireworks and Pyrotechnic Articles, 2006  
17 edition.

18 "Tax Reform Code." The act of March 4, 1971 (P.L.6, No.2),  
19 known as the Tax Reform Code of 1971.

20 "Vehicle." Every device in, upon or by which any person or  
21 property is or may be transported or drawn upon a highway,  
22 except devices used exclusively upon rails or tracks. The term  
23 does not include a self-propelled wheelchair or an electrical  
24 mobility device operated by and designed for the exclusive use  
25 of a person with a mobility-related disability.

26 § 1102. Use of display fireworks.

27 (a) Prohibition.--No display fireworks shall be ignited  
28 within 300 feet of a facility that meets the requirements of  
29 section 1107 (relating to sales locations).

30 (b) Permit.--Permission shall be given by the governing body

1 of a municipality under reasonable rules and regulations for  
2 displays of display fireworks to be held within the  
3 municipality. After permission is granted, purchase, possession  
4 and use of display fireworks shall be lawful for the use  
5 outlined in the permit only. Permits shall not be transferable.

6 (c) Limitations.--Each use of display fireworks shall be:

7 (1) handled by a competent operator at least 21 years of  
8 age;

9 (2) of a character and so located, discharged or fired  
10 as, in the opinion of the chief of the fire department or  
11 other appropriate officer as may be designated by the  
12 governing body of the municipality, after proper inspection,  
13 to not be hazardous to property or endanger any person.

14 (d) ~~Bond~~ INSURANCE.--The governing body of the municipality <--  
15 shall require a bond deemed adequate by it from the permittee in <--  
16 a sum not less than \$1,000 A PERMITTEE TO CARRY INSURANCE IN AN <--  
17 AMOUNT NOT LESS THAN \$2,000,000 conditioned for the payment of  
18 all damages which may be caused to a person or property by  
19 reason of the use of display fireworks and arising from an act  
20 of the permittee or an agent, an employee or a subcontractor of  
21 the permittee.

22 (E) PERMIT EXTENSION.--A MUNICIPALITY MAY GRANT AN EXTENSION <--  
23 FOR A PERMIT ISSUED UNDER THIS SECTION TO A NEW DATE FOR  
24 DISPLAYS CANCELED DUE TO UNFAVORABLE WEATHER OR OTHER  
25 CIRCUMSTANCES BEYOND THE CONTROL OF THE PERMITTEE.

26 ~~§ 1103. Request for extension.~~ <--

27 ~~(a) Authorization. If, because of unfavorable weather, the~~  
28 ~~fireworks display for which a permit has been granted does not~~  
29 ~~occur at the time authorized by the permit, the person to whom~~  
30 ~~the permit was issued may within 24 hours apply to the~~

1 ~~municipality for an extension of a permit.~~

2 ~~(b) Contents of request. The request for extension shall~~  
3 ~~state under oath that the fireworks display was not made,~~  
4 ~~provide the reason that the display was not made and request a~~  
5 ~~continuance of the permit for a date designated within the~~  
6 ~~request.~~

7 ~~(c) Determination. Upon receiving the request for~~  
8 ~~extension, the municipality, if it believes that the facts~~  
9 ~~stated within the request are true, shall extend the provisions~~  
10 ~~of the permit to the date designated within the request.~~

11 ~~(d) Conditions. The extension of time shall be granted~~  
12 ~~without the payment of an additional fee and without requiring a~~  
13 ~~bond other than the bond given for the original permit, the~~  
14 ~~provisions of which shall extend to and cover all damages which~~  
15 ~~may be caused by reason of the fireworks display occurring at~~  
16 ~~the extended date and in the same manner and to the same extent~~  
17 ~~as if the display had occurred at the date originally designated~~  
18 ~~in the permit.~~

19 ~~(e) Nonapplicability. This section shall not apply to~~  
20 ~~permits issued for agricultural purposes. (RESERVED).~~ <--

21 § 1104. Use of consumer fireworks.

22 (a) Conditions.--A person who is at least 18 years of age  
23 may purchase, possess and use consumer fireworks.

24 (b) Prohibitions.--A person may not intentionally use  
25 consumer fireworks:

26 (1) On ~~public or private property~~ OR ON PUBLIC PROPERTY, <--  
27 INCLUDING, BUT NOT LIMITED TO, STREETS, PARKING LOTS,  
28 SIDEWALKS AND PARKS, without the express permission of the  
29 owner or entity that controls the property.

30 (2) Within, directed at or directed from a vehicle or

1 building.

2 (3) Directed at another person.

3 (4) While the person is under the influence of alcohol,  
4 a controlled substance or another drug.

5 (5) Within 150 feet of a building or vehicle, WHETHER <--  
6 THE BUILDING OR VEHICLE IS OWNED BY THE USER OF THE CONSUMER  
7 FIREWORKS.

8 (6) Between the hours of 10:00 p.m. and 10:00 a.m.,  
9 except:

10 (i) on July 2, 3 and 4 and December 31, when  
11 consumer fireworks may be used until 1:00 a.m. the  
12 following day; and

13 (ii) when July 4 falls on a Tuesday, Wednesday or  
14 Thursday, consumer fireworks may be used until 1:00 a.m.  
15 on the immediately preceding and following Friday and  
16 Saturday.

17 (C) CONDITIONAL USE.--A PERSON MAY USE CONSUMER FIREWORKS AT <--  
18 A DISTANCE OF NO LESS THAN 150 FEET FROM AN ANIMAL HOUSING  
19 FACILITY OR A FENCED AREA DESIGNED TO CONFINE LIVESTOCK OWNED OR  
20 MANAGED BY ANOTHER PERSON, WHEN THE PERSON USING CONSUMER  
21 FIREWORKS HAS NOTIFIED IN WRITING THE OWNER OR MANAGER OF THE  
22 LIVESTOCK AT LEAST 72 HOURS IN ADVANCE OF THE USE THAT CONSUMER  
23 FIREWORKS WILL BE USED IN THE AREA.

24 § 1105. Agricultural purposes.

25 (a) Authorization.--The governing body of a municipality  
26 may, under reasonable rules and regulations adopted by it, grant  
27 permits for the use of display fireworks for agricultural  
28 purposes in connection with the raising of crops and the  
29 protection of crops from bird and animal damage.

30 (b) Duration of permit.--A permit under this section shall

1 remain in effect for the calendar year in which it was issued.

2 (c) Conditions.--After a permit under this section has been  
3 granted, sales, possession and use of display fireworks for the  
4 purpose mentioned in the permit shall be lawful for that purpose  
5 only.

6 § 1106. Rules and regulations by municipality.

7 (a) Authorization.--

8 (1) Except for the limitations under subsection (b), a  
9 municipality may enact conditions, prohibitions and  
10 limitations on the use AND SALE of consumer fireworks that <--  
11 are not in conflict with this chapter.

12 (1.1) EXCEPT FOR THE LIMITATIONS UNDER SUBSECTION (B), A <--  
13 MUNICIPALITY MAY REQUIRE A PERMIT FOR THE USE OF CONSUMER  
14 FIREWORKS. A FEE FOR A PERMIT SHALL BE REASONABLE.

15 (1.2) A MUNICIPALITY MAY PROHIBIT THE USE OF CONSUMER  
16 FIREWORKS IF THE USE WITHIN THE MUNICIPALITY CANNOT COMPLY  
17 WITH SECTION 1104(B)(5) (RELATING TO USE OF CONSUMER  
18 FIREWORKS).

19 (2) ~~Notwithstanding~~ FACILITIES WITH a valid license <--  
20 issued by the department ~~on the effective date of this~~ <--  
21 ~~section, a municipality may enact conditions, prohibitions~~  
22 ~~and limitations on the sale of consumer fireworks that are~~  
23 ~~not in conflict with this chapter.~~ SHALL NOT BE SUBJECT TO <--  
24 MUNICIPAL CONDITIONS, PROHIBITIONS OR LIMITATIONS ENACTED  
25 UNDER PARAGRAPH (1) RELATED TO THE SALE OF CONSUMER  
26 FIREWORKS.

27 (b) Limitations.--~~No~~ EXCEPT FOR AUTHORITY EXERCISED UNDER <--  
28 SUBSECTION (A)(1.2), NO municipality shall restrict or regulate  
29 the use of consumer fireworks on the following days:

30 (1) The days listed in section 1104(b)(6) ~~(relating to)~~ <--

1 use of consumer fireworks).

2 (2) Memorial Day, including the immediately preceding  
3 Saturday and Sunday.

4 (3) Labor Day, including the immediately preceding  
5 Saturday and Sunday.

6 § 1107. Sales locations.

7 Consumer fireworks shall be sold only from facilities which  
8 are licensed by the Department of Agriculture and that meet the  
9 following criteria:

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

13 (2) The facility shall be a stand-alone, permanent  
14 structure.

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

18 (4) The facility shall be located no closer than ~~250~~ 300 <--  
19 feet from a facility selling or dispensing gasoline, propane  
20 or other flammable products.

21 (5) For facilities licensed after the effective date of  
22 this section, the facility shall be located at least ~~1,500~~ <--  
23 2,500 feet from another facility licensed to sell consumer <--  
24 fireworks.

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

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

29 (8) The facility shall comply with the requirements of  
30 NFPA 1124.



1           (9) THE SALE OF CONSUMER FIREWORKS MAY BE CONDUCTED  
2 THROUGH ONLINE, MAIL-ORDER OR OTHER TRANSACTION, BUT DELIVERY  
3 TO A PURCHASER SHALL TAKE PLACE AT A FACILITY LICENSED UNDER  
4 SECTION 1108 (RELATING TO FEES, GRANTING OF LICENSES AND  
5 INSPECTIONS) AND THE SALE SHALL BE SUBJECT TO THE PROVISIONS  
6 OF SECTION 1112 (RELATING TO CONSUMER FIREWORKS TAX).

7 § 1108. Fees, granting of licenses and inspections.

8 (a) Initial application fees.--

9           (1) An initial application for a license to sell  
10 consumer fireworks shall be submitted to the Department of  
11 Agriculture on forms prescribed and provided by the  
12 department with a nonrefundable application fee as follows:

13           (i) For a facility meeting the requirements of  
14 section 1107 (relating to sales locations), the  
15 application shall be submitted with a nonrefundable  
16 application fee of \$2,500.

17           (ii) (Reserved).

18           (2) An application under paragraph (1) shall also be  
19 accompanied by the appropriate annual license fee as provided  
20 in subsection (b).

21 (b) Annual license fees.--The annual license fee for a  
22 facility licensed to sell consumer fireworks shall be as  
23 follows:

24           (1) \$7,500 for a location up to 10,000 square feet;

25           (2) \$10,000 for a location greater than 10,000 and up to  
26 15,000 square feet; and

27           (3) \$20,000 for a location greater than 15,000 square  
28 feet.

29 (c) Time limitations and inspections.--

30           (1) A facility meeting the requirements of section 1107

1 shall be inspected by the Department of Agriculture within 30  
2 days of receipt of a complete application for a license. The  
3 Department of Agriculture shall issue or deny a license  
4 within 14 days of completing the inspection.

5 (2) (Reserved).

6 (d) Term of license.--A license issued for the sale of  
7 consumer fireworks shall be effective for one year from the date  
8 the license is issued.

9 (e) License renewal and inspections.--License renewal shall  
10 be automatic upon payment of the appropriate annual license fee  
11 under subsection (b), but each facility shall be subject to  
12 annual inspections by the Department of Agriculture and at other  
13 times as the department may deem appropriate.

14 (f) Condition.--No license may be issued to a convicted  
15 felon or to an entity in which a convicted felon owns a  
16 percentage of the equity interest.

17 § 1109. Conditions for facilities.

18 A facility licensed by the Department of Agriculture under  
19 section 1108 (relating to fees, granting of licenses and  
20 inspections) shall be exclusively dedicated to the storage and  
21 sale of consumer fireworks and related items, and the facility  
22 shall operate in accordance with the following rules:

23 (1) There shall be security personnel on the premises  
24 for the seven days preceding and including July 4 and on  
25 December 31.

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

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

30 (4) No minors shall be permitted in the facility unless

1 accompanied by an adult, and each minor shall stay with the  
2 adult in the facility.

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

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

10 (7) No display fireworks or federally illegal explosives  
11 under 49 CFR 173.54 (relating to forbidden explosives) shall  
12 be stored or located at a facility.

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

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

19 (10) Written notice shall be conspicuously posted or  
20 provided with each purchase of consumer fireworks that  
21 provides the conditions and prohibitions for use of consumer  
22 fireworks under section 1104 (relating to use of consumer  
23 fireworks), and that additional conditions, prohibitions and  
24 limitations may be implemented by a municipality.

25 § 1110. (Reserved).

26 § 1111. Attorney General.

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

1 § 1112. Consumer fireworks tax.

2 (a) Imposition.--In addition to any other tax imposed by  
3 law, a tax is imposed on each separate sale at retail of  
4 consumer fireworks, which tax shall be collected by the retailer  
5 from the purchaser at the time of sale and shall be paid over to  
6 the Commonwealth as provided in this section. A tax imposed  
7 under this subsection on each separate sale at retail shall be  
8 paid to and received by the Department of Revenue and, along  
9 with interest and penalties, shall be deposited into the General  
10 Fund.

11 (b) Rate.--The tax authorized under subsection (a) shall be  
12 imposed and collected at the rate of 12% of the purchase price  
13 per item sold. The purchase price shall not include State and  
14 local sales taxes.

15 (c) Collection and administration.--The provisions of Part  
16 VI of Article II of the Tax Reform Code shall apply to the tax  
17 authorized under subsection (a). No additional fee shall be  
18 charged for a license or license renewal other than the license  
19 or annual license fee required under section 1108 (relating to  
20 fees, granting of licenses and inspections) and the license or  
21 renewal fee authorized and imposed under Article II of the Tax  
22 Reform Code.

23 § 1113. Disposition of certain funds.

24 (a) Transfer.--~~One sixth of the tax collected under this~~ <--  
25 ~~chapter in a fiscal year, not to exceed \$2,000,000, THE TAX~~ <--  
26 ~~COLLECTED UNDER SECTION 1112(B) (RELATING TO CONSUMER FIREWORKS~~  
27 ~~TAX) IN EACH FISCAL YEAR shall be transferred annually for use~~  
28 as follows:

29 (1) ~~Seventy five percent \$1,500,000 of the amount~~ <--  
30 transferred under this subsection shall be used for the

1 purpose of making grants under 35 Pa.C.S. Ch. 78 Subch. C  
2 (relating to Emergency Medical Services Grant Program).

3 (2) ~~Twenty five percent~~ \$250,000 of the amount <--  
4 transferred under this subsection shall be deposited into a  
5 special account in the State Treasury designated as the  
6 Online Training Educator and Training Reimbursement Account  
7 for the purposes of developing, delivering and sustaining  
8 training programs for ~~volunteer~~ firefighters in this <--  
9 Commonwealth.

10 (3) \$1,000,000 OF THE AMOUNT TRANSFERRED UNDER THIS <--  
11 SUBSECTION SHALL BE TRANSFERRED TO THE PENNSYLVANIA HIGHER  
12 EDUCATION ASSISTANCE AGENCY TO PROVIDE LOAN FORGIVENESS AND  
13 TUITION ASSISTANCE TO ACTIVE VOLUNTEERS WITH VOLUNTEER  
14 ORGANIZATIONS WHO ARE STUDENTS AT OR GRADUATES OF APPROVED  
15 TRADE AND TECHNICAL SCHOOLS AND INSTITUTIONS OF HIGHER  
16 LEARNING.

17 (4) \$1,000,000 OF THE AMOUNT TRANSFERRED UNDER THIS  
18 SUBSECTION SHALL BE TRANSFERRED TO THE DEPARTMENT OF HEALTH  
19 FOR THE PURPOSE OF TRAINING EMERGENCY MEDICAL SERVICES  
20 PERSONNEL.

21 (5) \$500,000 OF THE AMOUNT TRANSFERRED UNDER THIS  
22 SUBSECTION SHALL BE TRANSFERRED TO THE OFFICE OF THE STATE  
23 FIRE COMMISSIONER FOR THE PURPOSE OF PROVIDING EMERGENCY  
24 SERVICES TRAINING CENTER CAPITAL GRANTS.

25 (6) \$500,000 OF THE AMOUNT TRANSFERRED UNDER THIS  
26 SUBSECTION SHALL BE TRANSFERRED TO THE OFFICE OF THE STATE  
27 FIRE COMMISSIONER FOR THE PURPOSE OF PROVIDING CAREER FIRE  
28 DEPARTMENT CAPITAL GRANTS.

29 (7) \$250,000 OF THE AMOUNT TRANSFERRED UNDER THIS  
30 SUBSECTION SHALL BE TRANSFERRED TO THE OFFICE OF THE STATE

1 FIRE COMMISSIONER FOR THE PURPOSE OF PROVIDING A PUBLIC  
2 SAFETY CAMPAIGN ON THE PRECAUTIONS THAT SHOULD BE TAKEN WHEN  
3 USING FIREWORKS.

4 (8) ANY REMAINING MONEY SHALL BE EQUALLY DIVIDED AND  
5 TRANSFERRED AS FOLLOWS:

6 (I) 50% OF THE AMOUNT SHALL BE TRANSFERRED IN  
7 ACCORDANCE WITH PARAGRAPH (1).

8 (II) 50% OF THE AMOUNT SHALL BE USED FOR THE PURPOSE  
9 OF MAKING GRANTS UNDER 35 PA.C.S. CH. 78 SUBCH. B  
10 (RELATING TO FIRE COMPANY GRANT PROGRAM).

11 ~~(3) (9) The Office of the State Fire Commissioner shall~~ <--  
12 ~~establish guidelines for use of the money deposited under~~ <--  
13 ~~paragraph (2) OR TRANSFERRED UNDER PARAGRAPHS (2), (5), (6)~~ <--  
14 AND (7). By December 31, 2022, and each December 31  
15 thereafter, the Office of the State Fire Commissioner shall  
16 provide a written report detailing the use of the money  
17 received from the prior fiscal year to the chairperson and  
18 minority chairperson of the Agriculture and Rural Affairs  
19 Committee of the Senate, the chairperson and minority  
20 chairperson of the Agriculture and Rural Affairs Committee of  
21 the House of Representatives, the chairperson and minority  
22 chairperson of the Veterans Affairs and Emergency  
23 Preparedness Committee of the Senate and the chairperson and  
24 minority chairperson of the Veterans Affairs and Emergency  
25 Preparedness Committee of the House of Representatives.

26 (b) Payments.--The transfer required under subsection (a)  
27 shall be made by September 15, 2022, and each September 15  
28 thereafter.

29 § 1114. Penalties.

30 The following shall apply:

1       (1) A person using consumer fireworks in violation of  
2 the provisions of this chapter for the first offense commits  
3 a summary offense and, upon conviction, shall, in addition to  
4 any other penalty authorized by law, be punishable by a fine  
5 of not ~~less~~ MORE than \$500. A subsequent offense under this <--  
6 paragraph committed within three years of a prior conviction  
7 under this paragraph shall constitute a misdemeanor of the  
8 third degree and, upon conviction, shall, in addition to any  
9 other penalty authorized by law, be punishable by a fine of  
10 not ~~less~~ MORE than \$1,000. <--

11       (2) A person selling consumer fireworks in violation of  
12 the provisions of this chapter for the first offense commits  
13 a misdemeanor of the ~~second~~ FIRST degree and, upon <--  
14 conviction, shall, in addition to any other penalty  
15 authorized by law, be punishable by a fine of not less than  
16 ~~\$5,000~~ \$10,000. A subsequent offense under this paragraph <--  
17 committed within three years of a prior conviction under this  
18 paragraph shall constitute a ~~misdemeanor of the first~~ FELONY <--  
19 OF THE THIRD degree and, upon conviction, in addition to any  
20 other penalty authorized by law, shall be punishable by a  
21 fine of not less than ~~\$10,000~~ \$15,000 AND A REVOCATION OF A <--  
22 LICENSE ISSUED UNDER SECTION 1108 (RELATING TO FEES, GRANTING  
23 OF LICENSES AND INSPECTIONS).

24       (3) A person selling OR USING display fireworks in <--  
25 violation of the provisions of this chapter for the first  
26 offense commits a felony of the third degree and, upon  
27 conviction, shall, in addition to any other penalty  
28 authorized by law, be punishable by a fine of not less than  
29 \$10,000. A subsequent offense under this paragraph committed  
30 within three years of a prior conviction under this paragraph

1 shall constitute a felony of the second degree and, upon  
2 conviction, shall, in addition to any other penalty  
3 authorized by law, be punishable by a fine of not less than  
4 \$15,000.

5 (4) A person selling federally illegal explosives such  
6 as devices as described in 49 CFR 173.54 (relating to  
7 forbidden explosives) or those devices that have not been  
8 tested, approved and labeled by the United States Department  
9 of Transportation, including, but not limited to, those  
10 devices commonly referred to as M-80, M-100, blockbuster,  
11 cherry bomb or quarter-stick or half-stick explosive devices,  
12 in violation of the provisions of this chapter for the first  
13 offense commits a felony of the third degree and, upon  
14 conviction, shall, in addition to any other penalty  
15 authorized by law, be punishable by a fine of not less than  
16 \$10,000. A subsequent offense under this paragraph committed  
17 within three years of a prior conviction under this paragraph  
18 shall constitute a felony of the second degree and, upon  
19 conviction, shall, in addition to any other penalty  
20 authorized by law, be punishable by a fine of not less than  
21 \$15,000.

22 § 1115. Removal, storage and destruction.

23 The Pennsylvania State Police, a municipal police officer as  
24 defined in 42 Pa.C.S. § 8951 (relating to definitions) who holds  
25 a current certificate under 53 Pa.C.S. Ch. 21 Subch. D (relating  
26 to municipal police education and training), a sheriff or a  
27 deputy shall take, remove or cause to be removed at the expense  
28 of the owner all stocks of consumer fireworks or display  
29 fireworks or combustibles offered or exposed for sale, USED, <--  
30 stored or held in violation of this chapter. The owner shall



1 also be responsible for the storage and, if deemed necessary,  
2 the destruction of these fireworks.

3 Section 2. Repeals are as follows:

4 (1) The General Assembly declares that the repeal under  
5 paragraph (2) is necessary to effectuate the addition of 3  
6 Pa.C.S. Ch. 11. <--

7 (2) The Article XXIV of the act of March 4, 1971 (P.L.6,  
8 No.2), known as the Tax Reform Code of 1971, is repealed.

9 Section 3. The addition of 3 Pa.C.S. Ch. 11 is a <--  
10 continuation of Article XXIV of the act of March 4, 1971 (P.L.6,  
11 No.2), known as the Tax Reform Code of 1971. Except as otherwise  
12 provided in 3 Pa.C.S. Ch. 11, all activities initiated under <--  
13 Article XXIV of the Tax Reform Code of 1971 shall continue and  
14 remain in full force and effect and may be completed under 3  
15 Pa.C.S. Ch. 11. Orders, regulations, rules and decisions which <--  
16 were made under Article XXIV of the Tax Reform Code of 1971 and  
17 which are in effect on the effective date of section 2 of this  
18 act shall remain in full force and effect until revoked, vacated  
19 or modified under 3 Pa.C.S. Ch. 11. Contracts, obligations and <--  
20 collective bargaining agreements entered into under Article XXIV  
21 of the Tax Reform Code of 1971 are not affected nor impaired by  
22 the repeal of Article XXIV of the Tax Reform Code of 1971.

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