

MAR 02 2011

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Senate of Pennsylvania

MIKE WAUGH
SENATOR

MEMORANDUM

TO: All Senators

FROM: Senator Mike Waugh *Mike*

SUBJECT: Request to co-sponsor legislation
Public Safety Fee on Fireworks

DATE: March 2, 2011

I am reintroducing legislation that amends *Act 65* of 1939, known as the *Fireworks Law*. This was Senate Bill 775 of the 2009-10 session of the General Assembly.

Under this legislation, a 25 percent fee will be assessed on the sale of "consumer fireworks" sold at facilities licensed by the Department of Agriculture. (Note that this fee would not apply to sparklers and other novelties sold in tents and other retailers such as Walmart).

This fee will be known as the Pyrotechnics Public Safety Fee, and 75 percent of the proceeds will be deposited into an account for municipal emergency services training and equipment grant programs.

The new legislation will feature a change from Senate Bill 775 regarding the distribution of the remainder of the fee proceeds. Under Senate Bill 775, the remaining 25 percent of the fee proceeds were to be forwarded to the local fire department that covers the jurisdiction in which the licensed seller of the fireworks is located.

With the new bill, 15 percent of the fee proceeds will be sent to the county fire technical school where the licensed seller of the fireworks is located, with the remaining 10 percent sent to the local fire companies in that area. This 10 percent will be split evenly among all of the local fire companies.

Pennsylvania residents are effectively prohibited from purchasing “consumer fireworks” in Pennsylvania without obtaining a special permit from their municipality. However, these consumer fireworks can freely be sold to out-of-state residents. Accordingly, these fireworks facilities are generally located near the borders of the state along major highways. Though Commonwealth citizens of the host municipality cannot patronize and benefit from their operations, the risk of these high-hazard facilities is borne by their local fire and emergency medical services departments. The Pyrotechnics Public Safety Fee would provide needed assistance to these jurisdictions.

Co-sponsors of Senate Bill 775 were Senators Alloway, Baker, Browne, Costa, Erickson, Fontana, Kitchen, Stack, Washington and Yaw.

If you would like to co-sponsor this legislation, please contact Debbie Clark in my office at 7-3817 or dclark@pasen.gov.

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Fireworks seller near Shrewsbury can't sell to Pa. residents

You're not seeing things. A Shrewsbury-area retail store that doesn't sell to Pennsylvanians was packed Friday.

By BRENT BURKEY

Daily Record/Sunday News

Updated: 07/04/2009 06:39:41 AM EDT



Bruce Mueller, right, of Annandale, Va., maneuvers his dolly filled with fireworks Friday through the aisles at Phantom Fireworks near Shrewsbury. (Daily Record/Sunday News photo by Brent Burkey)



The sign's not kidding. Friday's line outside Phantom Fireworks in Hopewell Township was full of shoppers from other states because Pennsylvanians aren't allowed to buy or possess the fireworks sold inside. The store is open year-round. (Daily Record/Sunday News photo by Jason Plotkin)

The line of customers Friday was out the door and through the parking lot, at times getting in the way of parking lot traffic at the southern Pennsylvania retailer.

A retailer that doesn't even let most Pennsylvania residents into the store, let alone purchase products.

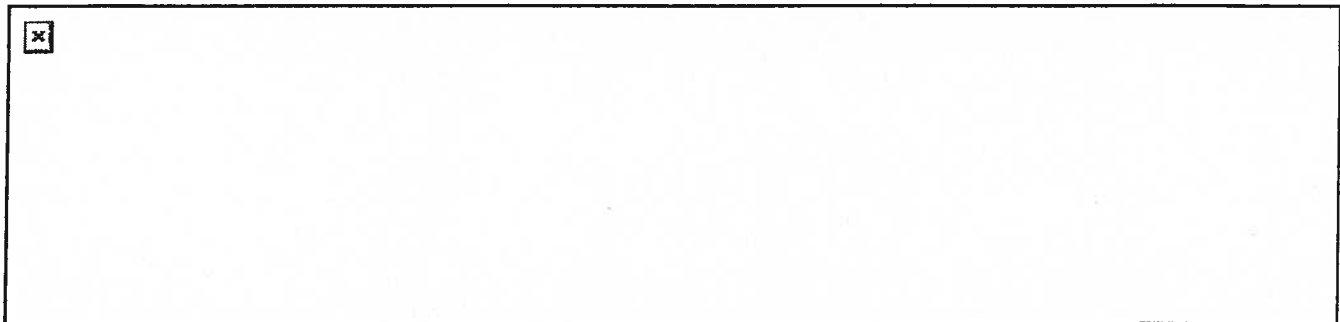
If you don't believe it, the message is all over the bay windows in bright white lettering at Phantom Fireworks in Hopewell Township.

And yet the store was packed Friday -- so much so that Ruppert Detective Agency guards manned the entry points.

Mostly Maryland-plated vehicles filled the parking lot, with quite a few representatives from Washington, D.C., and one from as far away as Florida.

Jimmy Fowler of southern Maryland said he drove north to get the good stuff. But he didn't say stuff.

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And Victoria Johnson, of Washington, D.C., drove north after receiving a flier about what was available. She said the prices were cheaper than where she normally shops for fireworks to entertain her family for July 4.

So why was this mash of people just off the Shrewsbury exit in York County?

Bill Hunt, manager of the latest Phantom Fireworks store in Pennsylvania, said the store is allowed to sell fireworks in Pennsylvania that Pennsylvanians aren't allowed to have or shoot off without proper permits.

But as long as customers from other states sign waivers that say, among other things, that they plan to leave the state within 48 hours, they can buy products inside the store.

It's up to individual customers to know the laws of their home states and what they can and cannot buy, Hunt said.

There are about seven Phantom Fireworks locations in Pennsylvania, Hunt said, all near state borders.

And technically, the store can sell to Pennsylvanians, if they get permission from their local governments to have and use the products.

Phantom has to verify the permission before the Pennsylvanian is allowed to shop, however -- just one of the security precautions.

Hunt said about 80 percent of a typical store's

business can be done around the July 4 holiday, although the Shrewsbury-area store will stay open year-round to accommodate New Year's revelers or other special events.

Sgt. George Miller, a three-year employee of Ruppert, said guards have worked the store for about two weeks and have been busy.

"Today's really busy," he said.

Safety tips

Phantom Fireworks distributes fliers to encourage fireworks safety, and it has a safety display set up where customers walk into the store. Here are some of the tips:

Always purchase fireworks from reliable, licensed fireworks dealers.

Safety glasses are recommended for those lighting fireworks and those close to the fireworks.


Be careful with animals. The nose and lights of the fireworks often frighten animals.

Do not transport fireworks on airplanes; it is a violation of federal law.

- Hats substituted for fireworks in first York County Independence Day celebration. Read more at York Town Square blog.

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