
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 617

Session of
1981

INTRODUCED BY PITTS, LAUGHLIN, KOLTER, GRAY, NOYE, HASAY, HAYES,
GEORGE, DeVERTER, MERRY, PHILLIPS, GAMBLE, PUNT AND
CUNNINGHAM, FEBRUARY 18, 1981

SENATOR KUSSE, LABOR AND INDUSTRY, IN SENATE, RE-REPORTED AS
AMENDED, FEBRUARY 8, 1982

AN ACT

1 Amending the act of July 1, 1937 (P.L.2681, No.537), entitled
2 "An act relating to, and regulating the manufacture, storing,
3 and possession of explosives; requiring permits for
4 magazines, and prescribing permit fees; and providing
5 penalties," exempting the storage of certain explosives from
6 regulation by the department and requiring certain quantities
7 of explosives in commercial establishments to be stored in
8 specified magazines and imposing a penalty.

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

11 Section 1. The act of July 1, 1937 (P.L.2681, No.537),
12 entitled "An act relating to, and regulating the manufacture,
13 storing, and possession of explosives; requiring permits for
14 magazines, and prescribing permit fees; and providing
15 penalties," is amended by adding sections to read:

16 ~~Section 10.1. (a) Possession and storage of commercially~~ <—
17 ~~manufactured black powder in quantities not to exceed fifty~~
18 ~~pounds, percussion caps, safety and pyrotechnic fuses, quills,~~
19 ~~quick and slow matches, and friction primers, intended to be~~

~~used solely for sporting, recreational, cultured purposes in
antique firearms or antique devices as defined in section
921(a)(16) of Title 18 of the United States Code shall be exempt
from regulation by the Department of Environmental Resources.~~

~~(b) Smokeless powder, primers used for reloading rifle or
pistol cartridges, shot shells, percussion caps and smokeless
propellants intended for personal use shall be exempt from
regulation by the Department of Environmental Resources.~~

~~(c) The quantity and distance for unbarricaded magazines for
the storage of black powder in quantities not to exceed one
thousand pounds shall be in accordance with Federal regulations.~~

~~(d) The Department of Environmental Resources may adopt
regulations with respect to the quantity and distance for
unbarricaded magazines for the storage of black powder in
quantities of one thousand pounds or more.~~

~~Section 10.2. (a) Not more than fifty pounds of black
powder shall be stored in a commercial establishment licensed to
store explosives by the Federal Department of Treasury's Bureau
of Alcohol, Tobacco and Firearms. It shall be stored in a Class
C magazine which shall be mounted on wheels for easy removal in
case of fire. The magazine shall be located in close proximity
to an outside door.~~

~~(b) Any person violating the provisions of this section
shall be guilty of a summary offense.~~

~~SECTION 10.1. (A) POSSESSION AND STORAGE OF COMMERCIALLY
MANUFACTURED BLACK POWDER (IN QUANTITIES NOT TO EXCEED TEN
POUNDS), PERCUSSION CAPS, SAFETY AND PYROTECHNIC FUSES, MATCHES
AND FRICTION PRIMERS, INTENDED TO BE USED SOLELY FOR SPORTING,
RECREATIONAL, CULTURAL PURPOSES IN ANTIQUE FIREARMS OR ANTIQUE
DEVICES AS DEFINED IN § 921(A)(16) OF TITLE 18 OF THE UNITED~~

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1 STATES CODE SHALL BE EXEMPT FROM REGULATION BY THE DEPARTMENT OF
2 ENVIRONMENTAL RESOURCES.

3 (B) POSSESSION AND STORAGE OF SMOKELESS POWDER, PRIMERS USED
4 FOR RELOADING RIFLE OR PISTOL CARTRIDGES, SHOT SHELLS,
5 PERCUSSION CAPS AND SMOKELESS PROPELLANTS INTENDED FOR PERSONAL
6 USE SHALL BE EXEMPT FROM REGULATION BY THE DEPARTMENT OF
7 ENVIRONMENTAL RESOURCES.

8 (C) THE STORAGE OF BLACK POWDER IN QUANTITIES NOT TO EXCEED
9 ONE THOUSAND POUNDS SHALL BE IN ACCORDANCE WITH THE STORAGE
10 REQUIREMENTS FOR LOW EXPLOSIVES IN 27 C.F.R. §181.181 ET SEQ.
11 (SUBPART J).

12 (D) THE DEPARTMENT OF ENVIRONMENTAL RESOURCES MAY ADOPT
13 REGULATIONS FOR THE STORAGE OF BLACK POWDER IN QUANTITIES IN
14 EXCESS OF ONE THOUSAND POUNDS.

15 SECTION 10.2. (A) NO PERSON SHALL STORE MORE THAN FIFTY
16 POUNDS OF BLACK POWDER IN A COMMERCIAL ESTABLISHMENT. IT SHALL
17 BE UNLAWFUL TO STORE BLACK POWDER IN A COMMERCIAL ESTABLISHMENT
18 UNLESS A LICENSE TO STORE EXPLOSIVES IS OBTAINED FROM THE UNITED
19 STATES DEPARTMENT OF TREASURY, BUREAU OF ALCOHOL, TOBACCO AND
20 FIREARMS. BLACK POWDER SHALL BE STORED IN ACCORDANCE WITH 27
21 C.F.R. §181.90 IN A TYPE 4 STORAGE FACILITY WHICH SHALL BE
22 MOUNTED ON WHEELS FOR EASY REMOVAL IN CASE OF FIRE.

23 (B) ANY PERSON VIOLATING THE PROVISIONS OF THIS SECTION
24 SHALL BE GUILTY OF A MISDEMEANOR AND UPON CONVICTION THEREOF
25 SHALL BE SENTENCED TO PAY A FINE OF NOT LESS THAN FIVE HUNDRED
26 DOLLARS (\$500).

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