

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 775 Session of 2009

INTRODUCED BY WAUGH, BAKER, O'PAKE, ALLOWAY, BROWNE, COSTA,
ERICKSON, FONTANA, KITCHEN, STACK, WASHINGTON, WONDERLING AND
YAW, APRIL 8, 2009

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
APRIL 8, 2009

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

1 three (3) days preceding and including January 2.

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

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

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

9 (5) All facilities shall carry at least two million dollars
10 (\$2,000,000) in public and product liability insurance.

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

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

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

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

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

24 (b) Upon each separate sale at retail of consumer fireworks
25 a fee equivalent to twenty-five percent (25%) of the purchase
26 price of the consumer fireworks shall be charged and collected
27 by a licensee. Seventy-five percent (75%) of the money collected
28 as a result of the fee imposed under this section shall be
29 remitted to the Volunteer Fire and Emergency Services Retention
30 Program Fund which is to be used to support volunteer fire and

1 emergency services retention programs as set forth by law.
2 Twenty-five percent (25%) of the money collected shall be
3 remitted to the county treasurer of the county wherein the
4 facility is located for the use of the fire department with
5 jurisdiction over the facility.

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