
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1145 Session of
2013

INTRODUCED BY STEVENSON, MILLARD, ROZZI, GODSHALL, HARHART,
DENLINGER, MOUL, PICKETT, M. K. KELLER, CALTAGIRONE,
GINGRICH, MAJOR AND TOOHIL, APRIL 9, 2013

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,
APRIL 9, 2013

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, regulating the sale, offering or
4 exposing for sale and use of fireworks, except in certain
5 cases; authorizing cities, boroughs, towns and townships to
6 issue permits for fireworks displays, and to regulate the
7 same; imposing duties on the Pennsylvania State Police,
8 sheriffs and police officers; and providing penalties,"
9 further providing for applications for licenses to sell
10 fireworks.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 Section 1. Sections 1 and 4.4 of the act of May 15, 1939
14 (P.L.134, No.65), referred to as the Fireworks Law, amended or
15 added November 30, 2004 (P.L.1598, No.204), are amended to read:

16 Section 1. The term "consumer fireworks" shall mean and
17 include:

18 (1) Any combustible or explosive composition or any
19 substance or combination of substances intended to produce
20 visible and/or audible effects by combustion and which is
21 suitable for use by the public that complies with the

1 construction, performance, composition and labeling requirements
2 promulgated by the Consumer Products Safety Commission in 16 CFR
3 (relating to commercial practices) or any successor regulation
4 and which complies with the provisions for "consumer fireworks"
5 as defined in the American Pyrotechnics Association (APA)
6 Standard 87-1, or any successor standard.

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

11 The term "display fireworks" shall be defined as provided in
12 27 CFR § 555.11 (relating to meaning of terms).

13 The term "municipalities" shall include cities, boroughs,
14 incorporated towns and townships.

15 The term "recognized tourist promotion agency" shall mean a
16 nonprofit corporation, organization, association or agency which
17 is engaged in planning and promoting programs designed to
18 stimulate and increase the volume of tourist, visitor and
19 vacation business within counties served by the agency.

20 Section 4.4. (a) Applications for licenses to sell consumer
21 fireworks shall be submitted to the Department of Agriculture on
22 forms prescribed and provided by the department. The license
23 application shall be accompanied by an annual license fee of
24 five thousand dollars (\$5,000) per location. Facilities in
25 existence on the effective date of this section and new
26 facilities shall be inspected by the Department of Agriculture
27 within thirty (30) days of receipt of a complete application for
28 a license. The Department of Agriculture shall issue a license,
29 or deny a license, within fourteen (14) days of completing the
30 inspection. A license shall be effective for one year from the

1 date the license is issued, and renewal of a license shall be
2 automatic upon payment of the license fee, but each facility is
3 subject to annual inspection by the Department of Agriculture,
4 and at other times at its discretion, during normal business
5 hours. No license shall be issued to any convicted felons or to
6 any entities where a convicted felon owns any percentage of the
7 equity interest in such entity.

8 (b) Notwithstanding subsection (a), a recognized tourist
9 promotion agency designated by a county of the fourth class
10 which operates a facility selling consumer fireworks exclusively
11 for an event of an independent worldwide nonprofit organization
12 of amateur and professional fireworks enthusiasts for a period
13 of time not to exceed ten consecutive days once per year shall
14 be licensed but shall not be required to pay a license fee.

15 Section 2. This act shall take effect immediately.