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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1628 Session of  
2021

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INTRODUCED BY FREEMAN, B. MILLER, HILL-EVANS, HERRIN, RABB,  
HOHENSTEIN, SCHLOSSBERG, McNEILL, SANCHEZ, SCHWEYER, HARKINS,  
DRISCOLL, NEILSON, CIRESI, DEASY, KINKEAD, MENTZER, KINSEY,  
OTTEN AND STURLA, JUNE 15, 2021

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REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, JUNE 15, 2021

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AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania  
2 Consolidated Statutes, in general provisions, providing for  
3 health and safety and for the offense of consumer fireworks  
4 misuse.

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

7 Section 1. The heading of Subchapter B of Chapter 13 of  
8 Title 53 of the Pennsylvania Consolidated Statutes is amended to  
9 read:

10 SUBCHAPTER B

11 [(Reserved)] HEALTH AND SAFETY

12 Section 2. Title 53 is amended by adding sections to read:

13 § 1321. (Reserved).

14 § 1322. (Reserved).

15 § 1323. (Reserved).

16 § 1324. Rules and regulations of consumer fireworks.

17 (a) Authorization.--Except for the limitations under  
18 subsection (b), a borough, city, township or town may enact an

1 ordinance providing for conditions, prohibitions and limitations  
2 on the use of consumer fireworks that are not in conflict with  
3 Article XXIV of the act of March 4, 1971 (P.L.6, No.2), known as  
4 the Tax Reform Code of 1971. Notwithstanding a valid license  
5 issued by the department on the effective date of this section,  
6 a borough, city, township or town may enact an ordinance  
7 providing for conditions, prohibitions and limitations on the  
8 sale of consumer fireworks that are not in conflict with Article  
9 XXIV of the Tax Reform Code of 1971.

10 (b) Ordinances.--The ordinance permitted under subsection  
11 (a) shall comply with the provisions of use and sale of consumer  
12 fireworks under Article XXIV of the Tax Reform Code of 1971 and  
13 provide for the following:

14 (1) A person may only use consumer fireworks between the  
15 hours of 10:00 a.m. and 9:00 p.m. on Sunday through Thursday  
16 and 10:00 a.m. and 10:00 p.m. on Friday and Saturday, except:

17 (i) When July 4 is a Friday or Saturday, consumer  
18 fireworks may be used until midnight and an additional  
19 hour into the following day before consumer fireworks can  
20 resume in accordance with the time frames set forth under  
21 this paragraph;

22 (ii) When July 4 is a Sunday through Thursday,  
23 consumer fireworks may be used until midnight;

24 (iii) On Memorial Day and Labor Day, consumer  
25 fireworks may be used until midnight; and

26 (iv) On December 31, consumer fireworks may be used  
27 until midnight and an additional hour into the following  
28 day before consumer fireworks can resume in accordance  
29 with the time frames set forth under this paragraph.

30 (2) A facility licensed by the department under section

1 2408 of the Tax Reform Code of 1971 shall conspicuously post  
2 or provide written notice with each purchase of consumer  
3 fireworks that provides the conditions and prohibitions for  
4 use of consumer fireworks under section 2404 of the Tax  
5 Reform Code of 1971, notification of the provisions under  
6 paragraph (1) providing for hours and times of usage and that  
7 additional conditions, prohibitions and limitations may be  
8 implemented by a borough, city, township or town.

9 (c) Penalties.--A person using consumer fireworks in  
10 violation of the provisions of this subchapter commits:

11 (1) For the first offense, a summary offense and, upon  
12 conviction, shall, in addition to any other penalty  
13 authorized by law, be punishable by a fine of not less than  
14 \$100 nor more than \$500.

15 (2) A subsequent offense under this subsection committed  
16 within one year of a prior conviction under this paragraph  
17 shall constitute a misdemeanor of the third degree and, upon  
18 conviction, shall, in addition to any other penalty  
19 authorized by law, be punishable by a fine of not less than  
20 \$500 and not more than \$1000.

21 (d) Definitions.--As used in this section, the following  
22 words and phrases shall have the meanings given to them in this  
23 subsection:

24 "Consumer fireworks." As defined in section 2401 of the act  
25 of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of  
26 1971.

27 "Department." The Department of Agriculture of the  
28 Commonwealth.

29 Section 3. This act shall take effect in 60 days.