
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2157 Session of
2021

INTRODUCED BY FARRY, HELM, POLINCHOCK, SCHLOSSBERG, LEWIS
DELROSSO, KINSEY, EMRICK, HEFFLEY, STAATS, SAPPEY,
HOHENSTEIN, PICKETT, McNEILL, MENTZER, SCHROEDER, PASHINSKI,
DRISCOLL, O'MARA, DEASY, NEILSON, CIRESI, LAWRENCE, GILLEN,
RADER, STRUZZI, STURLA, T. DAVIS, GUENST, GUZMAN, QUINN AND
CONKLIN, DECEMBER 13, 2021

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JUNE 30, 2022

AN ACT

1 Amending Title 3 (Agriculture) of the Pennsylvania Consolidated
2 Statutes, providing for fireworks; and making a related
3 repeal.

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

6 Section 1. Title 3 of the Pennsylvania Consolidated Statutes
7 is amended by adding a chapter to read:

8 CHAPTER 11

9 FIREWORKS

10 Sec.

11 1101. Definitions.

12 1102. Use of display fireworks.

13 1103. (Reserved).

14 1104. Use of consumer fireworks.

15 1105. Agricultural purposes.

- 1 1106. Rules and regulations by municipality.
2 1107. Sales locations.
3 1108. Fees, granting of licenses and inspections.
4 1108.1. REFUSAL, SUSPENSION OR REVOCATION OF LICENSE. <--
5 1109. Conditions for facilities.
6 1110. (Reserved).
7 1111. Attorney General.
8 1112. Consumer fireworks tax.
9 1113. Disposition of certain funds.
10 1114. Penalties.
11 1115. Removal, storage and destruction.
12 § 1101. Definitions.

13 The following words and phrases when used in this chapter
14 shall have the meanings given to them in this section unless the
15 context clearly indicates otherwise:

16 "Animal housing facility." A roofed structure or facility,
17 or a portion of the facility, used for occupation by livestock
18 or poultry.

19 ~~"APA 87-1A." The American Pyrotechnics Association Standard~~ <--
20 ~~87-1A: Standard for the Construction, Classification, Approval,~~
21 ~~and Transportation of Consumer Fireworks, 2018 edition.~~

22 "APA 87-1." THE AMERICAN PYROTECHNICS ASSOCIATION STANDARD <--
23 87-1: STANDARD FOR CONSTRUCTION AND APPROVAL FOR TRANSPORTATION
24 OF FIREWORKS, NOVELTIES, AND THEATRICAL PYROTECHNICS, 2001
25 EDITION.

26 "Consumer fireworks."

27 (1) The term includes any combustible or explosive
28 composition or any substance or combination of substances
29 which is intended to produce visible or audible effects by
30 combustion, is suitable for use by the public, complies with

1 the construction, performance, composition and labeling
2 requirements promulgated by the Consumer Products Safety
3 Commission in 16 CFR (relating to commercial practices) or
4 any successor regulation and complies with the provisions for
5 "consumer fireworks" as defined in APA ~~87-1A~~ 87-1, the sale, <--
6 possession and use of which shall be permitted throughout
7 this Commonwealth.

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

12 "Display fireworks." As defined in 27 CFR 555.11 (relating
13 to meaning of terms).

14 "Municipality." A city, borough, incorporated town or
15 township.

16 "NFPA 1124." The National Fire Protection Association
17 Standard 1124, Code for the Manufacture, Transportation, Storage
18 and Retail Sales of Fireworks and Pyrotechnic Articles, 2006
19 edition.

20 "Tax Reform Code." The act of March 4, 1971 (P.L.6, No.2),
21 known as the Tax Reform Code of 1971.

22 "Vehicle." Every device in, upon or by which any person or
23 property is or may be transported or drawn upon a highway,
24 except devices used exclusively upon rails or tracks. The term
25 does not include a self-propelled wheelchair or an electrical
26 mobility device operated by and designed for the exclusive use
27 of a person with a mobility-related disability.

28 § 1102. Use of display fireworks.

29 (a) Prohibition.--No display fireworks shall be ignited
30 within 300 feet of a facility that meets the requirements of

1 section 1107 (relating to sales locations).

2 (b) Permit.--Permission shall be given by the governing body
3 of a municipality under reasonable rules and regulations for
4 displays of display fireworks to be held within the
5 municipality. After permission is granted, purchase, possession
6 and use of display fireworks shall be lawful for the use
7 outlined in the permit only. Permits shall not be transferable.

8 (c) Limitations.--Each use of display fireworks shall be:

9 (1) handled by a competent operator at least 21 years of
10 age who demonstrates evidence of fireworks handling and
11 safety training;

12 (2) of a character and so located, discharged or fired
13 as, in the opinion of the chief of the fire department or
14 other appropriate officer as may be designated by the
15 governing body of the municipality, after proper inspection,
16 to not be hazardous to property or endanger any person.

17 (d) Insurance.--The governing body of the municipality shall
18 require a permittee to carry insurance in an amount not less
19 than \$1,000,000 conditioned for the payment of all damages which
20 may be caused to a person or property by reason of the use of
21 display fireworks and arising from an act of the permittee or an
22 agent, an employee or a subcontractor of the permittee.

23 (e) Permit extension.--A municipality may grant an extension
24 for a permit issued under this section to a new date for
25 displays canceled due to unfavorable weather or other
26 circumstances beyond the control of the permittee.

27 § 1103. (Reserved).

28 § 1104. Use of consumer fireworks.

29 (a) Conditions.--A person who is at least 18 years of age
30 may purchase, possess and use consumer fireworks.

1 (b) Prohibitions.--A person may not intentionally use
2 consumer fireworks:

3 (1) On private property or on public property,
4 including, but not limited to, streets, parking lots,
5 sidewalks and parks, without the express permission of the
6 owner or entity that controls the property.

7 (2) Within, directed at or directed from a vehicle or
8 building.

9 (3) Directed at another person.

10 (4) While the person is under the influence of alcohol,
11 a controlled substance or another drug.

12 (5) Within 150 feet of a building or vehicle, whether
13 the building or vehicle is owned by the user of the consumer
14 fireworks.

15 ~~(6) Between the hours of 10:00 p.m. and 10:00 a.m.,~~ <--
16 ~~except:~~

17 ~~(i) on July 2, 3 and 4 and December 31, when~~
18 ~~consumer fireworks may be used until 1:00 a.m. the~~
19 ~~following day; and~~

20 ~~(ii) when July 4 falls on a Tuesday, Wednesday or~~
21 ~~Thursday, consumer fireworks may be used until 1:00 a.m.~~
22 ~~on the immediately preceding and following Friday and~~
23 ~~Saturday.~~

24 (c) Conditional use.--No person may use consumer fireworks
25 within 150 feet of an animal housing facility or a fenced area
26 designed to confine livestock owned or managed by another
27 person. If a person uses consumer fireworks at a distance of 150
28 to 300 feet from an animal housing facility or fenced area
29 designed to confine livestock owned or managed by another
30 person, the user of consumer fireworks shall notify in writing

1 the owner or manager of the livestock at least 72 hours in
2 advance of the use that consumer fireworks will be used in the
3 area.

4 § 1105. Agricultural purposes.

5 (a) Authorization.--The governing body of a municipality
6 may, under reasonable rules and regulations adopted by it, grant
7 permits for the use of display fireworks for agricultural
8 purposes in connection with the raising of crops and the
9 protection of crops from bird and animal damage.

10 (b) Duration of permit.--A permit under this section shall
11 remain in effect for the calendar year in which it was issued.

12 (c) Conditions.--After a permit under this section has been
13 granted, sales, possession and use of display fireworks for the
14 purpose mentioned in the permit shall be lawful for that purpose
15 only.

16 § 1106. Rules and regulations by municipality.

17 (a) Authorization.--

18 (1) Except for the limitations under subsection (b), a
19 municipality may enact conditions, prohibitions and
20 limitations on the use and sale of consumer fireworks that
21 are not in conflict with this chapter.

22 (1.1) Except for the limitations under subsection (b), a
23 municipality may require a permit for the use of consumer
24 fireworks. A fee for a permit shall be reasonable.

25 (1.2) A municipality may prohibit the use of consumer
26 fireworks if the use OF THE CONSUMER FIREWORKS within the <--
27 municipality cannot comply with section 1104(b)(5) (relating
28 to use of consumer fireworks).

29 (2) Facilities with a valid license issued by the
30 department UNDER SECTION 1108(A) OR (E) (RELATING TO FEES, <--

1 GRANTING OF LICENSES AND INSPECTIONS) prior to or within one
2 year following the effective date of this section shall not
3 be subject to municipal conditions, prohibitions or
4 limitations enacted under paragraph (1) related to the sale
5 of consumer fireworks.

6 (3) EXCEPT FOR THE LIMITATIONS UNDER SUBSECTION (B), A <--
7 MUNICIPALITY MAY ENACT THE FOLLOWING RESTRICTIONS ON THE USE
8 OF CONSUMER FIREWORKS: CONSUMER FIREWORKS MAY NOT BE USED
9 BETWEEN THE HOURS OF 10:00 P.M. AND 10:00 A.M., EXCEPT:

10 (I) ON JULY 2, 3 AND 4 AND DECEMBER 31, WHEN
11 CONSUMER FIREWORKS MAY BE USED UNTIL 1:00 A.M. THE
12 FOLLOWING DAY; AND

13 (II) WHEN JULY 4 FALLS ON A TUESDAY, WEDNESDAY OR
14 THURSDAY, CONSUMER FIREWORKS MAY BE USED UNTIL 1:00 A.M.
15 ON THE IMMEDIATELY PRECEDING AND FOLLOWING FRIDAY AND
16 SATURDAY.

17 (b) Limitations.--Except for authority exercised under
18 subsection (a) (1.2), no municipality shall restrict or regulate
19 the use of consumer fireworks on the following days:

20 (1) The days listed in ~~section 1104(b)(6)~~ SUBSECTION (A) <--
21 (3) (I) AND (II).

22 (2) Memorial Day, including the immediately preceding
23 Saturday and Sunday.

24 (3) Labor Day, including the immediately preceding
25 Saturday and Sunday.

26 § 1107. Sales locations.

27 Consumer fireworks shall be sold only from facilities which
28 are licensed by the Department of Agriculture and that meet the
29 following criteria:

30 (1) The facility shall comply with the provisions of the

1 act of November 10, 1999 (P.L.491, No.45), known as the
2 Pennsylvania Construction Code Act.

3 (2) The facility shall be a stand-alone, permanent
4 structure.

5 (3) Storage areas shall be separated from wholesale or
6 retail sales areas to which a purchaser may be admitted by
7 appropriately rated fire separation.

8 (4) For facilities licensed after the effective date of <--
9 this section, A FACILITY ISSUED A LICENSE UNDER SECTION <--
10 1108(A) (RELATING TO FEES, GRANTING OF LICENSES AND
11 INSPECTIONS), the facility shall be located no closer than
12 300 feet from a facility selling or dispensing gasoline,
13 propane or other flammable products.

14 (5) For facilities licensed after the effective date of <--
15 this section A FACILITY ISSUED A LICENSE UNDER SECTION <--
16 1108(A), the facility shall be located at least 2,500 feet
17 from another facility licensed to sell consumer fireworks.

18 (6) The facility shall have a monitored burglar and fire
19 alarm system.

20 (7) Quarterly fire drills and preplanning meetings shall
21 be conducted as required by the primary fire department.

22 (8) The facility shall comply with the requirements of
23 NFPA 1124.

24 (9) The sale of consumer fireworks may be conducted
25 through online, mail-order or other transaction, but delivery
26 of consumer fireworks to a purchaser shall take place at a
27 facility licensed under section 1108 <--
28 (relating to fees,
29 granting of licenses and inspections) <--
30 and the sale shall be
subject to the provisions of section 1112 (relating to
consumer fireworks tax).

1 § 1108. Fees, granting of licenses and inspections.

2 (a) Initial application fees.--

3 (1) An initial application for a license to sell
4 consumer fireworks shall be submitted to the Department of
5 Agriculture on forms prescribed and provided by the
6 department with a nonrefundable application fee as follows:

7 (i) For a facility meeting the requirements of
8 section 1107 (relating to sales locations), the
9 application shall be submitted with a nonrefundable
10 application fee of \$2,500.

11 (ii) (Reserved).

12 (2) An application under paragraph (1) shall also be
13 accompanied by the appropriate annual license fee as provided
14 in subsection (b).

15 (b) Annual license fees.--The annual license fee for a
16 facility licensed to sell consumer fireworks shall be as
17 follows:

18 (1) \$7,500 for a location up to 10,000 square feet;

19 (2) \$10,000 for a location greater than 10,000 and up to
20 15,000 square feet; and

21 (3) \$20,000 for a location greater than 15,000 square
22 feet.

23 (c) Time limitations and inspections.--

24 (1) A facility meeting the requirements of section 1107
25 shall be inspected by the Department of Agriculture within 30
26 days of receipt of a complete application for a license. The
27 Department of Agriculture shall issue or deny a license
28 within 14 days of completing the inspection.

29 (2) (Reserved).

30 (d) Term of license.--A license issued for the sale of

1 consumer fireworks shall be effective for one year from the date
2 the license is issued.

3 (e) License renewal and inspections.--License renewal shall
4 be automatic upon SUBMISSION OF A RENEWAL APPLICATION, PROOF OF <--
5 INSURANCE UNDER SECTION 1109(5) (RELATING TO CONDITIONS FOR
6 FACILITIES) AND payment of the appropriate annual license fee
7 under subsection (b), but each facility shall be subject to
8 annual inspections by the Department of Agriculture and at other
9 times as the department may deem appropriate. THE DEPARTMENT <--
10 SHALL TRANSMIT AN APPLICATION FOR RENEWAL TO A LICENSEE IN SUCH
11 TIME TO PROVIDE FOR SUBMISSION WITHIN 30 DAYS PRIOR TO THE
12 EXPIRATION OF A LICENSE.

13 (f) Condition.--No license may be issued to a convicted
14 felon or to an entity in which a convicted felon owns a
15 percentage of the equity interest.

16 § 1108.1. REFUSAL, SUSPENSION OR REVOCATION OF LICENSE. <--

17 (A) AUTHORITY.--THE DEPARTMENT MAY REFUSE, SUSPEND OR REVOKE
18 A LICENSE ISSUED OR RENEWED UNDER SECTION 1108 (RELATING TO
19 FEES, GRANTING OF LICENSES AND INSPECTIONS) IF THE LICENSEE IS
20 NOT IN COMPLIANCE WITH THE PROVISIONS OF THIS CHAPTER.

21 (B) APPEALS.--THE DEPARTMENT SHALL PROVIDE AN OPPORTUNITY
22 FOR A HEARING TO A PERSON APPEALING AN ACTION OF THE DEPARTMENT
23 UNDER SUBSECTION (A). ALL APPEALS SHALL BE TAKEN AND HEARINGS
24 CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF 2 PA.C.S. CHS. 5
25 SUBCH. A (RELATING TO PRACTICE AND PROCEDURE OF COMMONWEALTH
26 AGENCIES) AND 7 SUBCH. A (RELATING TO JUDICIAL REVIEW OF
27 COMMONWEALTH AGENCY ACTION). A PERSON SHALL HAVE 15 DAYS TO
28 APPEAL AN ENFORCEMENT ACTION OF THE DEPARTMENT UNDER SUBSECTION
29 (A).

30 § 1109. Conditions for facilities.

1 A facility licensed by the Department of Agriculture under
2 section 1108 (relating to fees, granting of licenses and
3 inspections) shall be exclusively dedicated to the storage and
4 sale of consumer fireworks and related items, and the facility
5 shall operate in accordance with the following rules:

6 (1) There shall be security personnel on the premises
7 for the seven days preceding and including July 4 and on
8 December 31.

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

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

13 (4) No minors shall be permitted in the facility unless
14 accompanied by an adult, and each minor shall stay with the
15 adult in the facility.

16 (5) All facilities shall carry at least \$2,000,000 in
17 public and product liability insurance.

18 (6) A licensee shall provide its employees with
19 documented training in the area of operational safety of a
20 facility. The licensee shall provide to the Department of
21 Agriculture written documentation that each employee has
22 received the training.

23 (7) No display fireworks or federally illegal explosives
24 under 49 CFR 173.54 (relating to forbidden explosives) shall
25 be stored or located at a facility.

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

30 (9) Emergency evacuation plans shall be conspicuously

1 posted in appropriate locations within the facility.

2 (10) Written notice shall be conspicuously posted or
3 provided with each purchase of consumer fireworks that
4 provides the conditions and prohibitions for use of consumer
5 fireworks under section 1104 (relating to use of consumer
6 fireworks), and that additional conditions, prohibitions and
7 limitations may be implemented by a municipality.

8 § 1110. (Reserved).

9 § 1111. Attorney General.

10 An entity which performs, provides or supervises fireworks
11 displays or exhibitions for profit shall register annually with
12 the Attorney General in accordance with 37 Pa. Code Ch. 711
13 (relating to registration for fireworks displays).

14 § 1112. Consumer fireworks tax.

15 (a) Imposition.--In addition to any other tax imposed by
16 law, a tax is imposed on each separate sale at retail of
17 consumer fireworks, which tax shall be collected by the retailer
18 from the purchaser at the time of sale and shall be paid over to
19 the Commonwealth as provided in this section. A tax imposed
20 under this subsection on each separate sale at retail shall be
21 paid to and received by the Department of Revenue and, along
22 with interest and penalties, shall be deposited into the General
23 Fund.

24 (b) Rate.--The tax authorized under subsection (a) shall be
25 imposed and collected at the rate of 12% of the purchase price
26 per item sold. The purchase price shall not include State and
27 local sales taxes.

28 (c) Collection and administration.--The provisions of Part
29 VI of Article II of the Tax Reform Code shall apply to the tax
30 authorized under subsection (a). No additional fee shall be

1 charged for a license or license renewal other than the license
2 or annual license fee required under section 1108 (relating to
3 fees, granting of licenses and inspections) and the license or
4 renewal fee authorized and imposed under Article II of the Tax
5 Reform Code.

6 § 1113. Disposition of certain funds.

7 (a) Transfer.--The tax collected under section 1112(b)
8 (relating to consumer fireworks tax) in each fiscal year shall
9 be transferred annually for use as follows:

10 (1) \$1,500,000 of the amount transferred under this
11 subsection shall be used for the purpose of making grants
12 under 35 Pa.C.S. Ch. 78 Subch. C (relating to Emergency
13 Medical Services Grant Program).

14 (2) \$250,000 of the amount transferred under this
15 subsection shall be deposited into a special account in the
16 State Treasury designated as the Online Training Educator and
17 Training Reimbursement Account for the purposes of
18 developing, delivering and sustaining training programs for
19 firefighters in this Commonwealth.

20 (3) \$1,000,000 of the amount transferred under this
21 subsection shall be transferred to the Pennsylvania Higher
22 Education Assistance Agency to provide loan forgiveness and
23 tuition assistance to active volunteer firefighters and
24 volunteer emergency medical services providers serving with
25 volunteer organizations who are students at or graduates of
26 approved trade and technical schools and institutions of
27 higher learning.

28 (4) \$1,000,000 of the amount transferred under this
29 subsection shall be transferred to the Department of Health
30 for the purpose of training emergency medical services

1 personnel.

2 (5) \$500,000 of the amount transferred under this
3 subsection shall be transferred to the Office of the State
4 Fire Commissioner for the purpose of providing emergency
5 services training center capital grants.

6 (6) \$500,000 of the amount transferred under this
7 subsection shall be transferred to the Office of the State
8 Fire Commissioner for the purpose of providing career fire
9 department capital grants.

10 (7) \$250,000 of the amount transferred under this
11 subsection shall be transferred to the Office of the State
12 Fire Commissioner for the purpose of providing a public
13 safety campaign on the precautions that should be taken when
14 using fireworks.

15 (7.1) \$500,000 OF THE AMOUNT TRANSFERRED UNDER THIS <--
16 SUBSECTION SHALL BE TRANSFERRED TO THE OFFICE OF THE STATE
17 FIRE COMMISSIONER FOR THE PURPOSE OF PROVIDING REIMBURSEMENT
18 TO A PENNSYLVANIA BOMB SQUAD ACCREDITED BY THE FEDERAL BUREAU
19 OF INVESTIGATION AND CERTIFIED IN HAZARDOUS DEVICES TRAINING
20 FOR COSTS ASSOCIATED WITH THE REMOVAL, STORAGE AND
21 DESTRUCTION OF CONSUMER FIREWORKS, DISPLAY FIREWORKS OR
22 COMBUSTIBLES UNDER SECTION 1115 (RELATING TO REMOVAL, STORAGE
23 AND DESTRUCTION). ANY MONEY NOT USED ANNUALLY BY SEPTEMBER 10
24 FOR THE PURPOSE SPECIFIED UNDER THIS PARAGRAPH SHALL BE
25 SUBJECT TO PARAGRAPH (8).

26 (8) Any remaining money shall be equally divided and
27 transferred as follows:

28 (i) 50% of the amount shall be transferred in
29 accordance with paragraph (1).

30 (ii) 50% of the amount shall be used for the purpose

1 of making grants under 35 Pa.C.S. Ch. 78 Subch. B
2 (relating to Fire Company Grant Program).

3 (9) The Office of the State Fire Commissioner shall
4 establish guidelines for use of the money deposited or
5 transferred under paragraphs (2), (5), (6) and (7). By
6 December 31, 2022, and each December 31 thereafter, the
7 Office of the State Fire Commissioner shall provide a written
8 report detailing the use of the money received from the prior
9 fiscal year to the chairperson and minority chairperson of
10 the Agriculture and Rural Affairs Committee of the Senate,
11 the chairperson and minority chairperson of the Agriculture
12 and Rural Affairs Committee of the House of Representatives,
13 the chairperson and minority chairperson of the Veterans
14 Affairs and Emergency Preparedness Committee of the Senate
15 and the chairperson and minority chairperson of the Veterans
16 Affairs and Emergency Preparedness Committee of the House of
17 Representatives.

18 (b) Payments.--The transfer required under subsection (a)
19 shall be made by September 15, 2022, and each September 15
20 thereafter.

21 (C) LIMITATION ON CERTAIN TRANSFERRED MONEY.--MONEY <--
22 TRANSFERRED UNDER SUBSECTION (A) (3), (4), (5) OR, (6) OR (7.1) <--
23 SHALL NOT BE EXPENDED UNTIL LEGISLATION IS ENACTED PROVIDING FOR
24 THE EXPENDITURE OF THE MONEY.

25 § 1114. Penalties.

26 The following shall apply:

27 (1) A person using consumer fireworks in violation of
28 the provisions of this chapter for the first offense commits
29 a summary offense and, upon conviction, shall, in addition to
30 any other penalty authorized by law, be punishable by a fine

1 of not more than \$500. A subsequent offense under this
2 paragraph committed within three years of a prior conviction
3 under this paragraph shall constitute a ~~misdemeanor of the~~ <--
4 ~~third degree~~ SUMMARY OFFENSE and, upon conviction, shall, in <--
5 addition to any other penalty authorized by law, be
6 punishable by a fine of not more than \$1,000.

7 (2) A person selling consumer fireworks in violation of
8 the provisions of this chapter for the first offense commits
9 a misdemeanor of the ~~first~~ SECOND degree and, upon <--
10 conviction, shall, in addition to any other penalty
11 authorized by law, be punishable by a fine of not less than
12 \$10,000. A subsequent offense under this paragraph committed
13 within three years of a prior conviction under this paragraph
14 shall constitute a ~~felony of the third~~ MISDEMEANOR OF THE <--
15 SECOND degree and, upon conviction, in addition to any other
16 penalty authorized by law, shall be punishable by a fine of
17 not less than \$15,000 and a revocation of a license issued
18 under section 1108 (relating to fees, granting of licenses
19 and inspections).

20 (3) A person selling or using display fireworks in
21 violation of the provisions of this chapter for the first
22 offense commits a felony of the third degree and, upon
23 conviction, shall, in addition to any other penalty
24 authorized by law, be punishable by a fine of not less than
25 \$10,000. A subsequent offense under this paragraph committed
26 within three years of a prior conviction under this paragraph
27 shall constitute a felony of the ~~second~~ THIRD degree and, <--
28 upon conviction, shall, in addition to any other penalty
29 authorized by law, be punishable by a fine of not less than
30 \$15,000.

1 (4) A person selling federally illegal explosives such
2 as devices as described in 49 CFR 173.54 (relating to
3 forbidden explosives) or those devices that have not been
4 tested, approved and labeled by the United States Department
5 of Transportation, including, but not limited to, those
6 devices commonly referred to as M-80, M-100, blockbuster,
7 cherry bomb or quarter-stick or half-stick explosive devices,
8 in violation of the provisions of this chapter for the first
9 offense commits a felony of the third degree and, upon
10 conviction, shall, in addition to any other penalty
11 authorized by law, be punishable by a fine of not less than
12 \$10,000. A subsequent offense under this paragraph committed
13 within three years of a prior conviction under this paragraph
14 shall constitute a felony of the ~~second~~ THIRD degree and, <--
15 upon conviction, shall, in addition to any other penalty
16 authorized by law, be punishable by a fine of not less than
17 \$15,000.

18 § 1115. Removal, storage and destruction.

19 (A) AUTHORITY.--The Pennsylvania State Police, a municipal <--
20 police officer as defined in 42 Pa.C.S. § 8951 (relating to
21 definitions) who holds a current certificate under 53 Pa.C.S.
22 Ch. 21 Subch. D (relating to municipal police education and
23 training), a sheriff or a deputy OR A MEMBER OF A PENNSYLVANIA <--
24 BOMB SQUAD ACCREDITED BY THE FEDERAL BUREAU OF INVESTIGATION AND
25 CERTIFIED IN HAZARDOUS DEVICES TRAINING shall take, remove or
26 cause to be removed at the expense of the owner all stocks of
27 consumer fireworks or display fireworks or combustibles offered
28 or exposed for sale, used, stored or held in violation of this
29 chapter. The owner shall also be responsible for the storage
30 and, if deemed necessary, the destruction of these fireworks.

1 (B) COST RECOVERY.--A PENNSYLVANIA BOMB SQUAD ACCREDITED BY <--
2 THE FEDERAL BUREAU OF INVESTIGATION AND CERTIFIED IN HAZARDOUS
3 DEVICES TRAINING SHALL ATTEMPT TO RECOVER ANY COSTS ASSOCIATED
4 WITH THE REMOVAL, STORAGE OR DESTRUCTION OF CONSUMER FIREWORKS,
5 DISPLAY FIREWORKS OR COMBUSTIBLES UNDER SUBSECTION (A) FROM THE
6 OWNER OF THE CONSUMER FIREWORKS. REIMBURSEMENT UNDER SUBSECTION
7 (C) SHALL ONLY BE AVAILABLE WHEN THE COSTS UNDER THIS SUBSECTION
8 CANNOT BE RECOVERED.

9 (C) REIMBURSEMENT.--IF THE COSTS UNDER SUBSECTION (B) CANNOT
10 BE RECOVERED, A PENNSYLVANIA BOMB SQUAD ACCREDITED BY THE
11 FEDERAL BUREAU OF INVESTIGATION AND CERTIFIED IN HAZARDOUS
12 DEVICES TRAINING MAY SEEK REIMBURSEMENT FROM THE OFFICE OF THE
13 STATE FIRE COMMISSIONER FOR THE ACTUAL COSTS ASSOCIATED WITH THE
14 REMOVAL, STORAGE OR DESTRUCTION OF CONSUMER FIREWORKS, DISPLAY
15 FIREWORKS OR COMBUSTIBLES.

16 Section 2. Repeals are as follows:

17 (1) The General Assembly declares that the repeal under
18 paragraph (2) is necessary to effectuate the addition of 3
19 Pa.C.S. Ch. 11.

20 (2) The Article XXIV of the act of March 4, 1971 (P.L.6,
21 No.2), known as the Tax Reform Code of 1971, is repealed.

22 Section 3. The addition of 3 Pa.C.S. Ch. 11 is a
23 continuation of Article XXIV of the act of March 4, 1971 (P.L.6,
24 No.2), known as the Tax Reform Code of 1971. Except as otherwise
25 provided in 3 Pa.C.S. Ch. 11, all activities initiated under
26 Article XXIV of the Tax Reform Code of 1971 shall continue and
27 remain in full force and effect and may be completed under 3
28 Pa.C.S. Ch. 11. Orders, regulations, rules and decisions which
29 were made under Article XXIV of the Tax Reform Code of 1971 and
30 which are in effect on the effective date of section 2 of this

1 act shall remain in full force and effect until revoked, vacated
2 or modified under 3 Pa.C.S. Ch. 11. Contracts, obligations and
3 collective bargaining agreements entered into under Article XXIV
4 of the Tax Reform Code of 1971 are not affected nor impaired by
5 the repeal of Article XXIV of the Tax Reform Code of 1971.

6 Section 4. This act shall take effect in 60 days.