

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 280

Short Title: Prohibit Sale of Some Pyrotechnics.

(Public)

Sponsors: Representatives Ellis, Easterling; Bowie, Hurley, Luebke, and McComas.

Referred to: Business and Labor.

February 23, 1995

A BILL TO BE ENTITLED

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2 **AN ACT TO PROHIBIT THE SALE OF CERTAIN PRYOTECHNICS IN NORTH**
3 **CAROLINA.**

Whereas, in North Carolina, between December 1, 1993, and July 15, 1994, over 50% of the fire departments, hospitals, and forestry departments that responded to a survey reported injury or property damage due to fireworks; and

Whereas, of the 41 injuries reported, half were second-degree burns, one person lost an eye, 51% of the victims were age 20 or younger, and 64% were male; and

Whereas, 62% of the fireworks-related fires involved fireworks that are now exempt in G.S. 14-414; and

Whereas, 22% of the fires and injuries were caused by firecrackers, 21% by rockets, 20% involved sparklers, and 16% involved smoke bombs; and

Whereas, nationally collected data indicate that legalized fireworks have proven to be costly in both human injury and property damage; and

Whereas, the United States Consumer Product Safety Commission reported that 12,900 injuries from fireworks were seen at hospital emergency departments in 1993; and

Whereas, in 1991, an estimated 28,000 fires involving fireworks were reported to fire departments across the nation, causing direct property damages estimated at \$19,900,000;

Now, therefore,

4 The General Assembly of North Carolina enacts:

1 Section 1. G.S. 14-414 reads as rewritten:

2 **"§ 14-414. Pyrotechnics defined; exceptions.**

3 For the proper construction of the provisions of this Article, 'pyrotechnics,' as is
4 herein used, shall be deemed to be and include any and all kinds of fireworks and
5 explosives, which are used for exhibitions or amusement purposes: provided, however,
6 that nothing herein contained shall prevent the manufacture, purchase, sale,
7 transportation, and use of explosives or signaling flares used in the course of ordinary
8 business or industry, or shells or cartridges used as ammunition in firearms. This Article
9 shall not apply to the sale, use, or possession of the following:

- 10 (1) ~~Explosive explosive caps designed to be fired in toy pistols, provided~~
11 ~~that the explosive mixture of the explosive caps shall not exceed twenty-~~
12 ~~five hundredths (.25) of a gram for each cap.~~
- 13 (2) ~~Snake and glow worms composed of pressed pellets of a pyrotechnic~~
14 ~~mixture that produce a large, snake-like ash when burning.~~
- 15 (3) ~~Smoke devices consisting of a tube or sphere containing a pyrotechnic~~
16 ~~mixture that produces white or colored smoke.~~
- 17 (4) ~~Trick noisemakers which produce a small report designed to surprise the~~
18 ~~user and which include:~~
- 19 a. ~~A party popper, which is a small plastic or paper item containing~~
20 ~~not in excess of 16 milligrams of explosive mixture. A string~~
21 ~~protruding from the device is pulled to ignite the device,~~
22 ~~expelling paper streamers and producing a small report.~~
- 23 b. ~~A string popper, which is a small tube containing not in excess of~~
24 ~~16 milligrams of explosive mixture with string protruding from~~
25 ~~both ends. The strings are pulled to ignite the friction-sensitive~~
26 ~~mixture, producing a small report.~~
- 27 c. ~~A snapper or drop pop, which is a small, paper-wrapped item~~
28 ~~containing no more than 16 milligrams of explosive mixture~~
29 ~~coated on small bits of sand. When dropped, the device produces~~
30 ~~a small report.~~
- 31 (5) ~~Wire sparklers consisting of wire or stick coated with nonexplosive~~
32 ~~pyrotechnic mixture that produces a shower of sparks upon ignition.~~
33 ~~These items must not exceed 100 grams of mixture per item.~~
- 34 (6) ~~Other sparkling devices which emit showers of sparks and sometimes a~~
35 ~~whistling or crackling effect when burning, do not detonate or explode,~~
36 ~~do not spin, are hand-held or ground-based, cannot propel themselves~~
37 ~~through the air, and contain not more than 75 grams of chemical~~
38 ~~compound per tube, or not more than a total of 200 grams if multiple~~
39 ~~tubes are used."~~

40 Sec. 2. This act becomes effective December 1, 1995, and applies to offenses
41 committed on or after that date.