



HOUSE BILL 615: NC Consumer Fireworks Safety Act.

2019-2020 General Assembly

Committee:	House Regulatory Reform. If favorable, re- refer to Finance. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	July 30, 2019
Introduced by:	Reps. Szoka, Brody, Hardister, Wray	Prepared by:	Jason Moran-Bates Staff Attorney
Analysis of:	First Edition		

OVERVIEW: House Bill 615 would permit cities and counties to allow the sale and use of consumer fireworks. It would also levy a 5% excise tax on the sale of those items. 25% of the revenue would go to a newly-created Firefighters' Education Fund, and the remainder would go to the General Fund.

CURRENT LAW: Currently, the use and sale of consumer fireworks are prohibited.

BILL ANALYSIS:

Sections 1 and 2 of the bill would permit the possession, advertisement, sale, use, transport, handling, or discharge of consumer fireworks in North Carolina; however, sale to individuals under the age of 18 would be a class 1 misdemeanor.

Section 3 would recodify G.S. 58-82A-1 through G.S. 58-82A-55 as Part 1 of Article 82A of Chapter 58.

Section 4 would create a new Part 2 in Article 82A of Chapter 58 dealing with consumer fireworks.

G.S. 58-82A-75 would clarify that the sale, use transport, possession handling, or discharge of consumer fireworks would only be permitted in accordance with Part 2 of Article 82A.

G.S. 58-82A-80 would create definitions for Part 2 of Article 82A.

G.S. 58-82A-85 would permit the possession and use of consumer fireworks in counties where an ordinance permitting possession had been adopted. Possession and use of consumer fireworks would be subject to the following conditions:

- The individual possessing or using the fireworks must be at least 18.
- Fireworks can be used only between 10:00 a.m. and 10:00 p.m. except on July 4th and December 31.
- Fireworks cannot be used on school grounds, a university campus, or within 1,000 feet of a hospital, animal care facility, child care center, fireworks retailer or distributor, gas station, or other location where explosive or flammable products are stored.
- Cities and counties may not restrict the transportation of fireworks across or through the city or county.

G.S. 58-82A-90 would prohibit the sale of fireworks without a permit. The Commissioner of Insurance must issue permits to applicants who meet all of the following criteria:

- Are 21 or older.

Karen Cochrane-Brown
Director



H 6 1 5 - S M B C - 1 2 0 E 1 - V - 4

Legislative Analysis
Division
919-733-2578

House Bill 615

Page 2

- Compliance with Part 2 of Article 82A.
- Have not been convicted of an offense involving fireworks or explosives in the last five years.
- Maintain \$5,000,000 in liability insurance coverage.
- Submit an application at least 120 days before beginning to sell fireworks.
- Provide evidence of ownership of, or a lease for, a site to sell fireworks.

Individuals who were issued a permit must comply with NFPA standards and local zoning laws, not employ anyone under 18, have two fire extinguishers on the premises, and post signs prohibiting smoking on the premises. Retailers must also comply with setback, egress, fire safety, and training requirements.

G.S. 58-82A-95 would allow the Commissioner to charge fees for permit applications.

G.S. 58-82A-100 would allow the Commissioner to exclude certain types of fireworks from the definition of "consumer fireworks."

G.S. 58-82A-105 would allow the Commissioner to prohibit the use of all consumer fireworks during periods of declared hazardous forest fire conditions.

G.S. 58-82A-110 would allow for the enforcement of civil and criminal penalties against individuals who violate the provisions of Part 2 of Article 82A.

G.S. 58-82A-115 would allow the Commissioner to order a civil penalty of between \$1,000 and \$10,000 to be paid by, or suspend the permit of, anyone who does any of the following:

- Sells fireworks not authorized under law.
- Sells fireworks without a permit.
- Sells fireworks to anyone under the influence of alcohol or drugs.
- Knowingly sells fireworks to anyone under 18.
- Sells fireworks at a retail stand in violation of G.S. 58-80A-120.

G.S. 58-82A-120 and G.S. 58-82A-121 would permit fireworks to be sold from a retail stand or tent only if the retailer does not own the property where the stand or tent is located and if there is adequate parking. Any other sales from retail stands or tents would be prohibited.

G.S. 58-82A-125 would create safety labeling requirements.

G.S. 58-82A-130 would allow the Commissioner to create a safety training course.

Section 5 would clarify that cities and counties may permit and regulate the use and sale of consumer fireworks.

Section 6 would levy a 5% excise tax on the sale of consumer fireworks. 25% of the net revenue would go to the Firefighters' Education Fund established by G.S. 58-85B-1, and the remainder would go to the General Fund. Fireworks retailers would be required to post a bond between \$1,000 and \$50,000 to protect the state from loss in the event the retailer failed to pay the excise tax on fireworks.

Section 7 would create the Firefighters' Education Fund, which would receive 25% of the net revenue from the fireworks excise tax.

EFFECTIVE DATE: Section 6 would be effective December 1, 2019, and apply to the cost price paid for fireworks on or after that date. Section 5 would be effective when this act becomes law. The remainder of this act would be effective December 1, 2019, and apply to offenses committed on or after that date.