



HOUSE BILL 98: Patriotism Expression Act.

2025-2026 General Assembly

Committee:	House Judiciary 3. If favorable, re-refer to Insurance. If favorable, re-refer to Finance. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	June 17, 2025
Introduced by:	Reps. Gable, Kidwell, Eddins, Campbell	Prepared by:	Aaron McGlothlin
Analysis of:	PCS to First Edition H98-CSCCxf-1		Committee Counsel

OVERVIEW: *The Proposed Committee Substitute (PCS) for House Bill 98 would permit cities and counties to adopt an ordinance allowing for the sale and use of consumer fireworks to the general public within its jurisdiction, subject to certain Statewide requirements and conditions, and would do all of the following:*

- *Establish a permit system, subject to certain requirements, for the sale of consumer fireworks and novelty and sparkling devices, to be administered by the Office of the State Fire Marshal (OSFM).*
- *Direct the OSFM to develop guidelines and training requirements on the safe handling of consumer fireworks and novelty sparkling devices.*
- *Increase the penalties applicable to underage sales of consumer fireworks (persons under 18 years old) and novelty and sparkling devices (persons under 16 years old) from a Class 2 misdemeanor to a Class 1 misdemeanor.*
- *Impose a 5% excise tax on the purchase price of consumer fireworks, with 25% of the net proceeds directed to the Firefighters' Education Fund and the remainder to the General Fund.*

CURRENT LAW:

Article 54 of Chapter 14 of the General Statutes largely prohibits the purchase, sale, possession, use, or discharge of pyrotechnics¹ in the State of North Carolina, subject to certain exceptions. The primary exception allows OSFM-licensed display operators to use pyrotechnics for public exhibitions upon issuance of a permit by the applicable county or city.

Furthermore, Article 54 excludes certain novelty devices from being regulated as pyrotechnics, including smoke devices, trick noisemakers, and wire sparklers. These novelty devices can be lawfully used by the general public. However, although otherwise exempt from regulation, it is unlawful to sell certain novelty devices to persons under the age of 16.

¹ "Pyrotechnics" is defined in G.S. 14-414 as "any and all kinds of fireworks and explosives, which are used for exhibitions or amusement purposes: provided, however, that nothing herein contained shall prevent the manufacture, purchase, sale, transportation, and use of explosives or signaling flares used in the course of ordinary business or industry, or shells or cartridges used as ammunition in firearms."

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BILL ANALYSIS:

Section 1 of the PCS would authorize the possession, advertisement, sale, use, transport, handling, and discharge of consumer fireworks in the State of North Carolina, only if permitted in accordance with Part 2, Article 82A of Chapter 58 of the General Statutes, as created by Section 6 of this PCS.

Sections 1 – 3 would make it a Class 1 misdemeanor to either: (i) sell consumer fireworks to persons under the age of 18, or (ii) sell novelty and sparkling devices to persons under the age of 16. Under current law, it is a Class 2 misdemeanor to either (i) sell pyrotechnics to anyone, regardless of age, or (ii) sell certain types of novelty devices to persons under 16, including smoke devices, snappers, and wire sparklers.

Sections 4 – 6 would rename Article 82A of Chapter 58 of the General Statutes to "Display Pyrotechnics and Consumer Fireworks," make conforming changes, and create a new Part 2 in Article 82A of Chapter 58 that would govern the use and sale of consumer fireworks and novelty and sparkling devices.

This Part would contain the following provisions:

- Create definitions for various terms used throughout this Part, including "consumer fireworks," "consumer fireworks retail establishment," "consumer fireworks permanent retailer," "consumer fireworks temporary retailer," "fireworks safety and education trainer," "incidental sparkling device retailer," and "novelty and sparkling devices."
- Allow cities and counties to adopt an ordinance allowing for the sale and use of consumer fireworks within its jurisdiction. Such ordinances would become effective October 1 following its adoption. However, there would be certain restrictions that would apply on a Statewide basis, including an 18-year minimum age limit to possess or use consumer fireworks, as well as specific restrictions on the time and place where consumer fireworks could be used.
- Prohibit the sale of fireworks without a permit. The State Fire Marshal must issue permits to applicants who comply with this Part and who meet all of the following criteria:
 - Are 21 years of age or older.
 - Have not been convicted of a felony nor received a pardon.
 - Have not been convicted of an offense involving fireworks or explosives in the last five years.
 - Maintain liability insurance coverage of at least \$5,000,000.
 - Provide evidence of ownership of, or a lease for, a site to sell fireworks.
 - Comply with all applicable statutory requirements and rules adopted by the State Fire Marshal. In particular, permit holders would be required to comply with National Fire Protection Association (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, and fire safety requirements. Consumer fireworks retailers would be required to have at least two employees credentialed by the OSFM as fireworks safety and education trainers.
- Allow the State Fire Marshal to do the following:
 - Charge fees for permit applications.
 - Exclude certain types of fireworks from the definition of "consumer fireworks" or "novelty and sparkling devices" upon an evidence-based finding that it would present a significant

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and widespread risk of death, serious bodily injury, or substantial damage to public or private property.

- In consultation with the North Carolina Forest Service, to prohibit the use of all consumer fireworks and novelty and sparkling devices during periods of declared hazardous forest fire conditions.
- 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 explosives or pyrotechnics not authorized under law.
 - Sells consumer fireworks or novelty and sparkling devices without a permit.
 - Sells consumer fireworks or novelty and sparkling devices to anyone under the influence of alcohol or drugs.
 - Knowingly sells consumer fireworks to anyone under 18 years old.
 - Sells consumer fireworks or novelty and sparkling devices on another person's property without written permission.
- Allow for the enforcement of criminal penalties and injunctive relief against individuals who violate the provisions of this Part. It would be a Class 1 misdemeanor to sell or distribute consumer fireworks or novelty and sparkling devices on another person's property without their written permission. Otherwise, a violation of this Part would be punishable by a Class 2 misdemeanor.
- Permit fireworks to be sold from a fireworks retail stand or a fireworks tent only if there is adequate parking and the fireworks retailer owns the property or has written permission from the property owner to conduct business on the premises.
- Require that fireworks retailers: (i) only sell fireworks products that have a safety label affixed to the packaging in accordance with the regulations of the federal Consumer Product Safety Commission, and (ii) provide purchasers with the OSFM's informational pamphlet about fireworks safety.
- Require the State Fire Marshal to establish guidelines, testing, and training requirements for firework safety and education trainers, and individuals employed by a fireworks retailer. The OSFM would be directed to create a training course for individuals seeking to obtain certification as a fireworks safety and education trainer. The OSFM would also be directed to publish an informational pamphlet on the safe handling of consumer fireworks, to be made available to fireworks retailers throughout the State.

Sections 7 – 8 would make various technical, conforming changes to Article 82A of Chapter 58.

Section 9 would allow cities and counties to adopt ordinances regulating the use and sale of consumer fireworks and novelty and sparkling devices, subject to the above.

Section 10 would levy a 5% excise tax on the purchase price of consumer fireworks. This excise tax would be payable on a monthly basis to the Secretary of the Department of Revenue by anyone who sells consumer fireworks at retail. The Secretary would credit 25% of the net proceeds collected under this excise tax to the Firefighters' Education Fund, and the remainder of the proceeds would be credited to the General Fund.

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Section 11 would establish the Firefighters' Education Fund within the Department of Insurance, to be administered by the OSFM for the purpose of providing education and training to firefighters in North Carolina.

Sections 10-11 of the PCS would become effective January 1, 2026, and would apply to the cost price paid for consumer fireworks on or after that date.

EFFECTIVE DATE: Except as otherwise provided, this bill would become effective January 1, 2026, and would apply to offenses committed on or after that date.

Jessica Sammons and Michael Johnston, staff attorneys with the Legislative Analysis Division, substantially contributed to this summary.