

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 1089
Committee Substitute Favorable 5/7/93

Short Title: Legalize Some Pyrotechnics.

(Public)

Sponsors:

Referred to:

April 19, 1993

1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE DEFINITION OF PYROTECHNICS UNDER
3 CHAPTER 14 OF THE NORTH CAROLINA GENERAL STATUTES.

4 Whereas, North Carolina citizens should have the right to celebrate the Fourth
5 of July and other holidays with safe and sane pyrotechnics, such as ground-based and
6 hand-held sparkling or smoke devices and trick noisemakers; and

7 Whereas, North Carolina generally prohibits the sale, use, or possession of all
8 pyrotechnics except for cap pistols; and

9 Whereas, states bordering North Carolina allow the sale of certain fireworks;
10 and

11 Whereas, North Carolina citizens are purchasing pyrotechnics in other states
12 for use in North Carolina; and

13 Whereas, North Carolina merchants are losing a valuable source of sales
14 income which would be available if they were permitted to sell safe and sane
15 pyrotechnics; and

16 Whereas, North Carolina is losing a valuable source of additional sales tax
17 revenue which would accrue to the State and local governments if safe and sane
18 pyrotechnics were available for sale; and

19 Whereas, the General Assembly finds that the citizens of the State should be
20 free to purchase and use safe and sane pyrotechnics; and that explosive or aerial
21 fireworks such as firecrackers, rockets, roman candles, or similar devices should not
22 now or in the future be sold, used, or possessed in North Carolina except as permitted
23 by present law for public exhibitions; Now, therefore,

1 The General Assembly of North Carolina enacts:

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

3 **"§ 14-414. Pyrotechnics defined; exceptions.**

4 For the proper construction of the provisions of this Article, 'pyrotechnics,' as is
5 herein used, shall be deemed to be and include any and all kinds of fireworks and
6 explosives, which are used for exhibitions or amusement purposes: provided, however,
7 that nothing herein contained shall prevent the manufacture, purchase, sale,
8 transportation, and use of explosives or signaling flares used in the course of ordinary
9 business or industry, or shells or cartridges used as ammunition in firearms. This Article
10 shall not apply to the sale, use, or possession of ~~explosive caps designed to be fired in toy~~
11 ~~cap pistols, provided that the explosive mixture of such explosive caps shall not exceed twenty-~~
12 ~~five hundredths (.25) of a gram for each cap.~~ the following:

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

43 Sec. 2. Chapter 14 of the General Statutes is amended by adding a new
44 section to read:

1 **"§ 14-414.1. Sale of pyrotechnics to minors and discharge of pyrotechnics in**
2 **certain circumstances unlawful.**

3 It shall be unlawful to:

4 (1) Offer for sale or to sell permissible pyrotechnics to children under the
5 age of 14 years unless the child is accompanied by an adult;

6 (2) Ignite pyrotechnics within 600 feet of any church, hospital, or school."

7 Sec. 3. This act becomes effective December 1, 1993. Prosecutions for
8 offenses committed before the effective date of this act are not abated or affected by this
9 act, and the statutes that would be applicable but for this act remain applicable to those
10 prosecutions.