

GENERAL ASSEMBLY OF NORTH CAROLINA
1993 SESSION

CHAPTER 437
HOUSE BILL 1089

AN ACT RELATING TO THE DEFINITION OF PYROTECHNICS UNDER
CHAPTER 14 OF THE NORTH CAROLINA GENERAL STATUTES.

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

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

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

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

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

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

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

The General Assembly of North Carolina enacts:

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

"§ 14-414. Pyrotechnics defined; exceptions.

For the proper construction of the provisions of this Article, 'pyrotechnics,' as is herein used, shall be deemed to be and include 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. This Article shall not apply to the sale, use, or possession of ~~explosive caps designed to be fired in toy cap pistols, provided that the explosive mixture of such explosive caps shall not exceed twenty five hundredths (.25) of a gram for each cap.~~ the following:

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

Sec. 2. This act becomes effective December 1, 1993. Prosecutions for offenses committed before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions.

In the General Assembly read three times and ratified this the 22nd day of July, 1993.

Dennis A. Wicker
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives