

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 280
Committee Substitute Favorable 4/24/95

Short Title: Limit the Sale of Some Pyrotechnics.

(Public)

Sponsors:

Referred to:

February 23, 1995

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT THE SALE OF CERTAIN PYROTECHNICS TO PERSONS UNDER THE AGE OF SIXTEEN AND TO PROHIBIT THE DISCHARGE OF PYROTECHNICS WITHIN ONE HUNDRED FEET OF WOODLANDS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 14-410 reads as rewritten:

"§ 14-410. Manufacture, sale and use of pyrotechnics prohibited; public exhibitions permitted; common carriers not affected.

(a) It shall be unlawful for any individual, firm, partnership or corporation to manufacture, purchase, sell, deal in, transport, possess, receive, advertise, use or cause to be discharged any pyrotechnics of any description whatsoever within the State of North Carolina: provided, however, that it shall be permissible for pyrotechnics to be exhibited, used or discharged at public exhibitions, such as fairs, carnivals, shows of all descriptions and public celebrations: provided, further, that the use of said pyrotechnics in connection with public exhibitions, such as fairs, carnivals, shows of all descriptions and public celebrations, shall be under supervision of experts who have previously secured written authority from the board of county commissioners of the county in which said pyrotechnics are to be exhibited, used or discharged; provided, further, that such written authority from the board of commissioners is not required for a public exhibition authorized by The University of North Carolina or the University of North Carolina at

1 Chapel Hill and conducted on lands or buildings in Orange County owned by The
2 University of North Carolina or the University of North Carolina at Chapel Hill;
3 provided, further, that it shall not be unlawful for a common carrier to receive, transport,
4 and deliver pyrotechnics in the regular course of its business.

5 (b) Notwithstanding the provisions of G.S. 14-414, it shall be unlawful for any
6 individual, firm, partnership, or corporation to sell pyrotechnics as defined in G.S. 14-414
7 (2), (3), (4)c., (5), or (6) to persons under the age of 16."

8 Sec. 2. G.S. 113-60.3 reads as rewritten:

9 "**§ 113-60.3. Violation of proclamation a misdemeanor. Prohibitions in woodlands.**

10 (a) Violation of Proclamation. – Any person, firm or corporation who enters upon
11 any woodlands or inland waters of the State for the purpose of hunting, fishing or
12 trapping, or who builds a campfire or burns brush, grass or other debris within 500 feet of
13 any woodland, after a proclamation has been issued by the Governor forbidding such
14 activities, or who violates any other provisions of the Governor's proclamation with
15 regard to permissible activities in closed woodlands shall be guilty of a Class 1
16 misdemeanor.

17 (b) Prohibit Discharge of Pyrotechnics. – Any person, firm, or corporation that
18 discharges a pyrotechnic within 100 feet of woodlands is guilty of a Class 2
19 misdemeanor. This subsection does not apply to pyrotechnics discharged pursuant to a
20 permit issued under G.S. 14-413. For the purposes of this subsection, 'pyrotechnic'
21 means all kinds of fireworks and explosives used for exhibitions or amusement purposes,
22 but does not include explosives or signaling flares used in the course of ordinary
23 business or industry or shells or cartridges used as ammunition in firearms."

24 Sec. 3. This act becomes effective December 1, 1995, and applies to offenses
25 committed on or after that date.