

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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HOUSE BILL 98

Short Title: Patriotism Expression Act. (Public)

Sponsors: Representatives Gable, Kidwell, Eddins, and Campbell (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Rules, Calendar, and Operations of the House

February 12, 2025

1 A BILL TO BE ENTITLED
2 AN ACT TO PERMIT THE SALE, POSSESSION, AND USE OF CERTAIN CONSUMER
3 FIREWORKS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 14-410 reads as rewritten:

6 "§ 14-410. **Manufacture, sale and use of pyrotechnics prohibited; exceptions; license**
7 **required; sale to persons under the age of ~~16-18~~ prohibited.**

8 (a) Except as otherwise provided in this section, it shall be unlawful for any individual,
9 firm, partnership or corporation to manufacture, purchase, sell, deal in, transport, possess,
10 receive, advertise, use, handle, exhibit, or discharge any pyrotechnics of any description
11 whatsoever within the State of North Carolina.

12 ...

13 (a5) It shall be permissible for pyrotechnics to be exhibited, used, handled, manufactured,
14 or discharged within the State for pyrotechnic or proximate audience display instruction
15 consisting of classroom and practical skills training approved by the Office of State Fire Marshal.

16 (a6) It shall be permissible for pyrotechnics that are consumer fireworks to be possessed,
17 advertised, sold, used, transported, handled, or discharged within the State, provided the
18 possession, advertising, sale, use, transportation, handling, or discharge complies with Part 2 of
19 Article 82A of Chapter 58 of the General Statutes.

20 (b) Notwithstanding the provisions of G.S. 14-414, it shall be unlawful for any
21 individual, firm, partnership, or corporation to sell consumer fireworks as defined in this section
22 or pyrotechnics as defined in G.S. 14-414(2), (3), (4)c., (5), or (6) to persons under the age of
23 ~~16-18.~~

24 (c) The following definitions apply in this Article:

25 (1) Concert or public exhibition. – A fair, carnival, show of any description, or
26 public celebration.

27 (1a) Consumer fireworks. – Defined in G.S. 58-82A-80.

28 (2) Display operator. – An individual issued a display operator license under
29 G.S. 58-82A-3.

30 (3) State Fire Marshal. – Defined in G.S. 58-80-1."

31 SECTION 2. G.S. 14-414 reads as rewritten:

32 "§ 14-414. **Pyrotechnics defined; exceptions.**

33 For the proper construction of the provisions of this Article, "pyrotechnics," as is herein used,
34 shall be deemed to be and include any and all kinds of fireworks and explosives, which are used
35 for exhibitions or amusement purposes: provided, however, that nothing ~~herein contained in this~~



1 section shall prevent the manufacture, purchase, sale, transportation, and use of explosives or
2 signaling flares used in the course of ordinary business or industry, or shells or cartridges used
3 as ammunition in firearms. This Article shall not apply to the sale, use, or possession of the
4 following:

- 5 (1) Explosive caps designed to be fired in toy pistols, provided that the explosive
6 mixture of the explosive caps shall not exceed twenty-five hundredths (.25) of
7 a gram for each cap.
- 8 ~~(2) Snake and glow worms composed of pressed pellets of a pyrotechnic mixture
9 that produce a large, snake-like ash when burning.~~
- 10 ~~(3) Smoke devices consisting of a tube or sphere containing a pyrotechnic mixture
11 that produces white or colored smoke.~~
- 12 ~~(4) Trick noisemakers which produce a small report designed to surprise the user
13 and which include:
14 a. A party popper, which is a small plastic or paper item containing not
15 in excess of 16 milligrams of explosive mixture. A string protruding
16 from the device is pulled to ignite the device, expelling paper
17 streamers and producing a small report.
18 b. A string popper, which is a small tube containing not in excess of 16
19 milligrams of explosive mixture with string protruding from both ends.
20 The strings are pulled to ignite the friction sensitive mixture,
21 producing a small report.
22 c. A snapper or drop pop, which is a small, paper wrapped item
23 containing no more than 16 milligrams of explosive mixture coated on
24 small bits of sand. When dropped, the device produces a small report.~~
- 25 ~~(5) Wire sparklers consisting of wire or stick coated with nonexplosive
26 pyrotechnic mixture that produces a shower of sparks upon ignition. These
27 items must not exceed 100 grams of mixture per item.~~
- 28 ~~(6) Other sparkling devices which emit showers of sparks and sometimes a
29 whistling or crackling effect when burning, do not detonate or explode, do not
30 spin, are hand held or ground based, cannot propel themselves through the
31 air, and contain not more than 75 grams of chemical compound per tube, or
32 not more than a total of 200 grams if multiple tubes are used.~~
- 33 (7) Novelties and sparkling devices, as those terms are defined in
34 G.S. 58-82A-80."

35 **SECTION 3.** G.S. 14-415 reads as rewritten:

36 **"§ 14-415. Violation made misdemeanor.**

37 Any person violating any of the provisions of this Article, except as otherwise specified in
38 said Article, shall be guilty of a Class 2 misdemeanor, except that it is a Class 1 misdemeanor if
39 the sale is in violation of G.S. 14-410(b) or if the exhibition is indoors."

40 **SECTION 4.** G.S. 58-82A-1 through G.S. 58-82A-55 are recodified as Part 1 of
41 Article 82A of Chapter 58 of the General Statutes, to be entitled:

42 "Part 1. Display Pyrotechnics Training and Permitting."

43 **SECTION 5.** Article 82A of Chapter 58 of the General Statutes is amended by
44 adding a new Part to read:

45 "Part 2. Consumer Fireworks.

46 **"§ 58-82A-75. Purpose.**

47 The sale, use, transport, possession, handling, or discharge of consumer fireworks shall be
48 permitted only in compliance with the provisions of this Part.

49 **"§ 58-82A-80. Definitions.**

50 The following definitions apply in this Part:

- 1 (1) Consumer fireworks. – Any small fireworks device designed primarily to
2 produce visible effects by combustion or deflagration that (i) is categorized as
3 a 1.4G firework device under Standard 87-1 of the American Pyrotechnics
4 Association and (ii) complies with the construction, chemical composition,
5 and labeling regulations of the United States Consumer Product Safety
6 Commission, as set forth in the Code of Federal Regulations, volumes 16 and
7 49.
- 8 (2) Consumer fireworks distributor. – A person owning or otherwise controlling
9 a facility where consumer fireworks are stored or otherwise maintained for
10 distribution to fireworks retailers permitted under this Part.
- 11 (3) Consumer fireworks permanent retailer. – A person that sells only "consumer
12 fireworks," "sparkling devices," "novelties," and related items from a
13 consumer fireworks retail establishment.
- 14 (4) Consumer fireworks retail establishment. – A structure that is designed,
15 planned, and constructed to remain in one location that is operated by a
16 consumer fireworks permanent retailer as a retail facility.
- 17 (5) Consumer fireworks temporary retailer. – A person that sells only "consumer
18 fireworks," "sparkling devices," "novelties," and related items from a
19 fireworks retail stand or a fireworks tent.
- 20 (6) Fireworks retail stand. – A building or structure with a floor area not greater
21 than 800 square feet, other than a fireworks tent. Stands may include
22 buildings, manufactured buildings, trailers, shipping containers, and
23 temporary structures constructed from plywood, sheet metal, or similar
24 materials.
- 25 (7) Fireworks retailer. – A consumer fireworks permanent retailer, consumer
26 fireworks temporary retailer, or an incidental sparkling device retailer
27 permitted under this Part.
- 28 (8) Fireworks safety and education trainer. – A person who has completed
29 training on the function, safe handling, and best practices for the safe use of
30 all categories of consumer fireworks under G.S. 58-82A-130 and annually
31 registers with the Department.
- 32 (9) Fireworks tent. – A tent, canopy, or membrane structure with a floor area not
33 greater than 1,500 square feet that is not permanently installed.
- 34 (10) Incidental sparkling device retailer. – A person selling only sparkling devices
35 and novelties that is not a consumer fireworks permanent retailer or consumer
36 fireworks temporary retailer as defined by this section.
- 37 (11) NFPA standards. – Standard 1124 of the National Fire Protection Association,
38 2017 edition, as it applies to the retail sale or distribution of consumer
39 fireworks, except as otherwise specified by this Part.
- 40 (12) Novelties. – Snaps, party poppers, snakes, glow worms, toy smoke devices,
41 and certain wire sparklers and dipped sticks containing 5 grams or less of
42 pyrotechnic composition. The specification of novelties under this subdivision
43 shall substantially follow the definition of these devices under Standard 87-1
44 of the American Pyrotechnics Association.
- 45 (13) Public space. – Any building or area open to the public, whether privately or
46 publicly owned. Public space includes restaurants, theaters, stadiums, arenas,
47 retail establishments, and shopping malls.
- 48 (14) Sparkling devices. – Consumer fireworks and novelties that do not rise into
49 the air, do not fire inserts or projectiles into the air, and do not explode or
50 produce a report. The specification of sparkling devices under this subdivision

1 shall substantially follow the definition of "ground and handheld sparkling
2 devices" under Standard 87-1 of the American Pyrotechnics Association.

3 **"§ 58-82A-85. Possession and use of consumer fireworks.**

4 (a) The possession of consumer fireworks is allowed in this State, subject to the following
5 requirements and conditions.

6 (b) The use and sale of consumer fireworks is prohibited within a county or city unless
7 that county or city has adopted an ordinance to allow the use and sale of consumer fireworks in
8 accordance with G.S. 153A-130.1 and G.S. 160A-190.1.

9 (c) The possession and use of consumer fireworks is subject to the following conditions:

10 (1) The person possessing or using the consumer fireworks must be at least 18
11 years old.

12 (2) The use of consumer fireworks may occur only between the hours of 10:00
13 A.M. and 10:00 P.M., with the following exceptions:

14 a. On July 4, use is permitted until 12:00 A.M.

15 b. On December 31 and the following January 1, use is permitted from
16 8:00 A.M. on December 31 until 12:30 A.M. on January 1.

17 (3) The use of consumer fireworks is prohibited in the following locations:

18 a. In or on the premises of a public or private primary or secondary
19 school, unless the person has written authorization from the school.

20 b. On the campus of a college or university, unless the person has
21 received written authorization from the college or university.

22 c. Within 1,500 feet of a hospital, veterinary hospital, animal care
23 facility, licensed child care facility, fireworks retailer, fireworks
24 distributor, gas station, or bulk storage facility for petroleum products
25 or other explosive or flammable substances.

26 (4) The possession or use of consumer fireworks is prohibited in or on the
27 premises of any public park or public space, except as otherwise permitted by
28 the person, State agency, or unit of local government owning or otherwise
29 controlling the public park, property, or public space.

30 (d) No county or city may restrict or exclude the transportation of consumer fireworks
31 across or through the county or city. Nothing in this subsection is intended to prevent reasonable
32 transportation-related restrictions applicable to all vehicles or a class of vehicles regardless of
33 cargo, such as vehicle weight limits or truck route restrictions in accordance with U.S.
34 Department of Transportation regulations.

35 **"§ 58-82A-90. Sale of consumer fireworks; permit required.**

36 (a) No person shall sell consumer fireworks, sparkling devices, or novelties in this State
37 unless the person holds a permit issued under this Part from the Commissioner. The
38 Commissioner shall issue rules to implement this section. Permits of a fireworks retailer shall be
39 posted in a location visible to members of the public visiting the retailer. The Commissioner shall
40 issue a permit to a person who meets the following conditions:

41 (1) Is 21 years of age or older.

42 (2) Complies with all of the requirements of this Part.

43 (3) Has not been convicted of a felony and has not received a pardon.

44 (4) Has not been convicted of an offense for a violation of State or federal law, or
45 been found in violation of any municipal ordinance, involving fireworks or
46 explosives within five years prior to the date of the application for the permit.

47 (5) Maintains at all times public liability and product liability insurance with
48 minimum coverage limits of five million dollars (\$5,000,000) to cover losses,
49 damages, or injury that might occur as a result of the person selling consumer
50 fireworks. The Commissioner, by rule, may increase the amount of liability
51 insurance required to be maintained by a fireworks retailer. In determining

1 whether to increase the amount of required liability insurance, the
2 Commissioner shall consider the maximum amount of inventory the fireworks
3 retailer will have on hand at a given time, any property located within 1,000
4 feet of the property wherein the fireworks will be stored or sold, and any other
5 factors the Commissioner deems important.

6 (6) Submits the application for a permit no less than 120 days prior to the date the
7 applicant proposes to begin sales of consumer fireworks under this Part.

8 (7) Provides a lease or evidence of ownership of the site of the proposed fireworks
9 retailer for no less than the duration of the permit. A consumer fireworks
10 temporary retailer or incidental sparkling device retailer operating out of a
11 fireworks retail stand or fireworks tent located at a site not owned by the
12 retailer may comply with this subdivision by providing the required
13 authorization under G.S. 58-82A-122.

14 (b) A person issued a permit under this Part shall comply with the following
15 requirements:

16 (1) Standards. – The permittee must comply with (i) NFPA standards and (ii)
17 applicable local zoning and land-use rules.

18 (2) Employees. – All employees of the permittee engaged in the sale of fireworks
19 or sparkling devices must be at least 18 years of age.

20 (3) Fire suppression devices. – The permittee must maintain on the premises a
21 minimum of two portable fire extinguishers with a 2A rating. The fire
22 extinguishers shall be in two different locations within the premises of the
23 retailer, and at least one of the extinguishers shall be of the pressurized water
24 type, subject to additional provisions in NFPA standards.

25 (4) Required signs. – The permittee shall post signs prohibiting smoking on the
26 premises and discharge of fireworks and sparkling devices within 1,500 feet
27 of the premises in a manner specified by the Commissioner.

28 (c) In addition to the requirements set forth in subsections (a) and (b) of this section, a
29 permit issued for a consumer fireworks permanent retailer or consumer fireworks temporary
30 retailer shall comply with the following requirements:

31 (1) Setbacks. – Areas within 20 feet of the retailer's premises shall be kept free of
32 dry vegetation and other combustible debris. The retailer may not be located
33 within 300 feet of the following:

34 a. Retail establishments dispensing flammable or combustible liquids,
35 flammable gas, or flammable liquefied gas.

36 b. Above-ground storage tanks storing flammable or combustible liquids,
37 flammable gas, or flammable liquefied gas.

38 c. Propane dispensing stations.

39 (2) Smoking prohibited. – Smoking shall not be permitted inside the retailer's
40 premises, subject to the retailer's building location, layout, and restrictions.

41 (3) Egress requirements. – Means of egress, including aisles, doors, and exit
42 discharge, shall be clear at all times when the retailer is open to the public,
43 and aisles must be at least 48 inches in width.

44 (4) Fire safety. – The retailer shall create and maintain a fire safety and evacuation
45 plan in a form specified and approved by the Commissioner.

46 (5) Training. – No less than two management or supervisory employees of each
47 permittee subject to this subsection shall be Fireworks Safety and Education
48 Trainers. Fireworks Safety and Education Trainers shall be responsible for the
49 annual training of all employees on the function, safe handling, and best
50 practices regarding the safe use of all categories of consumer fireworks. Such

1 training shall be documented on forms approved by the Commissioner and be
2 readily available at the request of the Commissioner.

3 (d) A permit issued to an incidental sparkling device retailer shall allow the sale of
4 sparkling devices and novelties only and shall require compliance with NFPA standards
5 applicable to sales of ground and handheld sparkling devices and novelties.

6 (e) Nothing in this section is meant to override any fire code applicable to a structure
7 regulated by this Part. If the fire code imposes a more stringent requirement, the fire code
8 requirement will apply instead of the standards imposed by this section.

9 **"§ 58-82A-95. Permit fees.**

10 The Commissioner may charge an applicant for a permit under G.S. 58-82A-90 the following
11 annual fees:

- 12 (1) One hundred dollars (\$100.00) for an incidental sparkling device retailer
13 permit.
- 14 (2) Twenty-five dollars (\$25.00) for the renewal of an incidental sparkling device
15 retailer permit.
- 16 (3) Five thousand dollars (\$5,000) for a consumer fireworks permanent retailer
17 permit, a consumer fireworks temporary retailer permit, or a consumer
18 fireworks distributor permit.
- 19 (4) Two thousand five hundred dollars (\$2,500) for the renewal of a consumer
20 fireworks permanent retailer permit, a consumer fireworks temporary retailer
21 permit, or a consumer fireworks distributor permit.

22 **"§ 58-82A-100. Power of Commissioner to exclude certain categories of pyrotechnics from**
23 **definition of consumer fireworks.**

24 The Commissioner, through the Office of State Fire Marshal and in consultation with the
25 State Fire and Rescue Commission, may by rule exclude certain types or categories of
26 pyrotechnics otherwise meeting the definition of "consumer fireworks" or "sparkling devices"
27 from the provisions of this Part upon a finding that the type or category of pyrotechnic presents
28 a significant and widespread risk of death, serious bodily injury, or substantial damage to public
29 or private property. Exclusion of any type or category of pyrotechnics pursuant to this section
30 must be evidence-based.

31 **"§ 58-82A-105. Prohibition of consumer fireworks.**

32 During periods of declared hazardous forest fire conditions, as referenced in G.S. 106-946,
33 the Commissioner, in consultation with the North Carolina Forest Service, is authorized to
34 prohibit all use of consumer fireworks otherwise permitted by this Part in all or part of the State.
35 The Commissioner shall issue a press release containing relevant details of the prohibition to
36 news media serving the area affected.

37 **"§ 58-82A-110. Civil and criminal penalties for violations.**

38 (a) Except as provided in this section, G.S. 14-415 and G.S. 58-2-70 shall apply to any
39 person violating any of the provisions of this Part.

40 (b) The Commissioner, a State law enforcement officer, a municipal law enforcement
41 officer, a code enforcement officer, or a fire safety official may petition the district court to seize
42 or remove, at the expense of the permit holder, fireworks sold, offered for sale, stored, possessed,
43 or used in violation of this Part.

44 (c) The Commissioner may order the payment of a civil penalty in addition to, or instead
45 of, suspending a permit, as set forth in G.S. 58-82A-115.

46 (d) Any person violating G.S. 58-82A-120 is guilty of a Class 1 misdemeanor.

47 **"§ 58-82A-115. Prohibited activities.**

48 (a) The Commissioner may suspend the permit of a person authorized to sell consumer
49 fireworks or sparkling devices, order the payment of a civil penalty, or both for engaging in any
50 of the following prohibited activities:

- 51 (1) Selling fireworks or explosives not authorized under this Part.

- 1 (2) Selling consumer fireworks or sparkling devices within the State without a
2 valid permit.
- 3 (3) Selling consumer fireworks or sparkling devices to a person who appears to
4 be under the influence of alcohol or drugs.
- 5 (4) Knowingly aiding or assisting in procuring, furnishing, giving, selling, or
6 delivering consumer fireworks or sparkling devices to a person under the age
7 of 18. It is an affirmative defense to any disciplinary action taken pursuant to
8 this subdivision that the permit holder procured, furnished, gave, sold, or
9 delivered consumer fireworks or sparkling devices to a person under the age
10 of 18 in reasonable reliance upon fraudulent proof of age presented to the
11 permit holder.
- 12 (5) Selling consumer fireworks or sparkling devices at a fireworks retail stand or
13 fireworks tent in violation of G.S. 58-82A-120.

14 (b) If the Commissioner orders the payment of a civil penalty pursuant to subsection (a)
15 of this section, the penalty shall not be less than one thousand dollars (\$1,000) nor more than ten
16 thousand dollars (\$10,000). In determining the amount of the penalty, the Commissioner shall
17 consider the degree and extent of harm caused by the violation, the amount of money that inured
18 to the benefit of the violator as a result of the violation, whether the violation was committed
19 willfully, and the prior record of the violator in complying or failing to comply with laws, rules,
20 or orders applicable to the violator. The clear proceeds of the penalty shall be remitted to the
21 Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2. Payment of the civil
22 penalty under this section shall be in addition to payment of any other penalty for a violation of
23 the criminal laws of this State.

24 (c) A person whose permit has been suspended or has been issued a civil penalty under
25 this section shall receive a hearing before the Commissioner within 10 days of the decision. If
26 the decision is upheld, the person may seek judicial review in superior court.

27 **"§ 58-82A-120. Prohibition on certain retail stand and tent sales.**

28 Except as provided in G.S. 58-82A-122, it shall be unlawful to sell, transfer, or distribute
29 consumer fireworks, sparkling devices, or novelties at a fireworks retail stand or a fireworks tent.

30 **"§ 58-82A-122. Certain retail stand and tent sales permitted.**

31 In addition to the requirements provided in this Part, a person may only sell, transfer, or
32 distribute consumer fireworks, sparkling devices, or novelties at a fireworks retail stand or a
33 fireworks tent if the following conditions are met:

- 34 (1) If the fireworks retailer does not own the property wherein the fireworks retail
35 stand or fireworks tent is located, the owner or custodian of said property shall
36 provide written confirmation that the fireworks retailer is authorized to
37 conduct business on the premises.
- 38 (2) There is adequate parking to accommodate customers of the fireworks retailer
39 and, if applicable, any other businesses that are on the premises.

40 **"§ 58-82A-125. Labeling and safety requirements.**

41 (a) Any consumer fireworks, sparkling devices, or novelties authorized to be sold under
42 this Part shall have a safety label affixed to the packaging of the firework in accordance with 16
43 C.F.R. § 1500.14(b)(7) prior to being sold in this State.

44 (b) When selling fireworks in this State, a fireworks retailer shall provide a safety
45 pamphlet created by the Office of State Fire Marshal to the purchaser of the firework with each
46 purchase. The pamphlet shall outline safe handling and best practices for the safe use of a
47 firework.

48 **"§ 58-82A-130. Fireworks safety and education trainer.**

49 The Commissioner shall create a training course, or identify existing training courses, to train
50 individuals on the function, safe handling, and best practices for the safe use of all categories of
51 consumer fireworks. The Commissioner shall also create and maintain a listing of persons that

1 have completed a training course created or identified by the Commissioner under this section.
2 The Department may issue rules to implement this section, including reasonable requirements
3 for verification or certification that persons have met the training requirements of this section.
4 The Department may also charge a fee to cover the costs of implementing this section."

5 **SECTION 6.(a)** Article 6 of Chapter 153A of the General Statutes is amended by
6 adding a new section to read:

7 **"§ 153A-130.1. Use and sales of consumer fireworks.**

8 Notwithstanding G.S. 153A-128, a county may, by ordinance, regulate the use and sales of
9 consumer fireworks, sparkling devices, and novelties to the public pursuant to Part 2 of Article
10 82A of Chapter 58 of the General Statutes. An ordinance adopted pursuant to this section shall
11 be effective on October 1 following the adoption of the ordinance. The ordinance shall remain in
12 effect until the ordinance is repealed. If the ordinance is repealed, the repeal shall be effective on
13 October 1 following the repeal of the ordinance."

14 **SECTION 6.(b)** Article 8 of Chapter 160A of the General Statutes is amended by
15 adding a new section to read:

16 **"§ 160A-190.1. Use and sales of consumer fireworks.**

17 Notwithstanding G.S. 160A-183, a city may, by ordinance, regulate the use and sales of
18 consumer fireworks, sparkling devices, and novelties to the public pursuant to Part 2 of Article
19 82A of Chapter 58 of the General Statutes. An ordinance adopted pursuant to this section shall
20 be effective on October 1 following the adoption of the ordinance. The ordinance shall remain in
21 effect until the ordinance is repealed. If the ordinance is repealed, the repeal shall be effective on
22 October 1 following the repeal of the ordinance."

23 **SECTION 6.(c)** A county or city may adopt an ordinance pursuant to this section
24 any time after this act becomes law. For ordinances adopted pursuant to this section prior to
25 December 1, 2025, the ordinance shall be effective December 1, 2025.

26 **SECTION 7.** This act becomes effective December 1, 2025, and applies to offenses
27 committed on or after that date. Prosecutions for offenses committed before the effective date of
28 this act are not abated or affected by this act, and the statutes that would be applicable but for
29 this act remain applicable to those prosecutions.