
OLR Bill Analysis

sHB 5177

AN ACT CONCERNING THE SALE AND USE OF CERTAIN NONAERIAL AND NONEXPLOSIVE CONSUMER FIREWORKS.

SUMMARY

In Connecticut, fireworks are generally illegal unless they are specifically permitted by law; or a municipality, fair association, amusement park, or trade organization or group has a fireworks display permit from the Department of Emergency Services and Public Protection commissioner. Current law allows anyone age 16 or older to offer or expose for sale, sell at retail, purchase, use, or possess with intent to sell or use certain sparklers and fountains (collectively “legal fireworks” for the purposes of this bill analysis).

This bill (1) raises the minimum age for legal fireworks from age 16 to 18, (2) increases and changes the allowable composition of fountains, and (3) expands legal fireworks to include specific types of nonexplosive and nonaerial consumer fireworks allowed under federal law.

The bill also authorizes each municipality to adopt an ordinance, by vote of its legislative body, to prohibit offering or exposing for sale, selling at retail, purchasing, using, or possessing with intent to sell or use nonexplosive and nonaerial consumer fireworks at public assembly places, including public events such as fairs, carnivals, craft shows, and music events and municipal, educational, or commercial property.

As under existing law for most violations of the state fireworks laws, a violation of the age restriction or a municipal ordinance adopted under the bill is a class C misdemeanor punishable by up to three months in prison, a fine of up to \$500, or both.

Lastly, the bill also makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2024

CURRENT LEGAL FIREWORKS

By law, a “sparkler” is a wire or stick coated with pyrotechnic composition that gives off a shower of sparks when lit. A “fountain” is generally any cardboard or heavy paper cone or cylindrical tube containing pyrotechnic mixture that produces a shower of colored sparks or smoke when ignited.

To be legal for general consumer use under current law, sparklers and fountains must be non-explosive, non-aerial, and cannot contain (1) magnesium, except for magnalium or magnesium-aluminum alloy; (2) more than 100 grams of pyrotechnic mixture per item; and (3) more than five grams of chlorate or perchlorate salts per item. If more than one fountain is mounted on a common base, the total pyrotechnic composition cannot exceed 200 grams.

For these fountains, the bill removes the limitation on them having more than five grams of chlorate or perchlorate salts per item and permits them to have up to 500 grams of total pyrotechnic composition when more than one is mounted on a common base.

NONEXPLOSIVE AND NONAERIAL CONSUMER FIREWORKS

The bill allows people age 18 or older to offer or expose for sale, sell at retail, purchase, use, or possess with intent to sell or use nonexplosive and nonaerial consumer fireworks, so long as the actions conform with any municipal ordinance that may be adopted under the bill.

“Nonexplosive and nonaerial consumer fireworks” are flitter sparklers, ground spinners, and novelties as described in a federally adopted standard (i.e., currently, the American Pyrotechnics Association (APA) Standard 87-1A (2018)).

Under the current version of this standard, flitter sparklers and ground spinners are types of “ground devices, individual.” There are also seven types of “novelties:” booby trap/pull apart, novelty flitter sparkler, party popper, novelty snake, snapper, novelty wire sparkler or novelty dipped stick, and novelty smoke device.

These devices have basic descriptions as well as general and specific characteristic requirements. The table below provides the basic descriptions for each of the devices legalized under the bill.

Table: Nonexplosive and Nonaerial Consumer Fireworks

Group	Device	Brief Description
Ground Devices, Individual (APA Standard 87-1A § 3.2.2 (2018))	Flitter Sparkler	A paper or cardboard tube attached to a stick or wire that produces a shower of sparks, colored flame, or crackling effect
	Ground Spinner	A device that contains chemical composition that emits a shower of colored sparks that vent out of an orifice causing the device to spin rapidly on the ground
Novelties (APA Standard 87-1A § 3.2.1 (2018))	Booby Trap/Pull Apart	A device that is activated by friction that when pulled apart, activates the device producing a noise effect
	Novelty Flitter Sparkler	A paper or cardboard tube attached to a stick or wire that produces a shower of sparks, a colored flame, or a crackling effect
	Party Popper	A device that is activated by friction where pulling the string or trigger activates the device producing a noise effect and releasing paper streamers or confetti
	Novelty Snake	A device in the form of a pressed pellet of chemical composition that upon burning produces a snake-like ash that expands in length as the pellet burns
	Snapper	A paper or plastic wrapped device that contains silver fulminate coated on small bits of sand or gravel and is activated when dropped, producing a noise effect
	Novelty Wire Sparkler or Novelty Dipped Stick	A device that consists of a metal wire or wood dowel coated with a chemical

Group	Device	Brief Description
		composition that produces a shower of sparks, a colored flame, or a crackling effect
	Novelty Smoke Device	A device that produces only smoke

Applicable general requirements include that these devices must not leak pyrotechnic composition during transportation and handling, and one example of a specific characteristic requirement is that the maximum composition weight allowed for flitter sparklers is five grams in a finished device (see APA Standard 87-1A §§ 2.4 and 3.2.2.7 (2018)).

BACKGROUND

Related Bill

SB 140, favorably reported by the Public Safety and Security Committee, expands legal fireworks to include any consumer fireworks allowed under federal law and establishes 21 as the minimum age for purchasing, possessing, or using them.

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable Substitute

Yea 22 Nay 2 (02/29/2024)