



# House of Representatives

General Assembly

**File No. 45**

February Session, 2024

Substitute House Bill No. 5177

*House of Representatives, March 18, 2024*

The Committee on Public Safety and Security reported through REP. BOYD of the 50th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

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

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 29-356 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2024*):

3 As used in this section and sections [29-356] 29-357 to 29-365,  
4 inclusive:

5 (1) "Fireworks" means and includes any combustible or explosive  
6 composition, or any substance or combination of substances or article  
7 prepared for the purpose of producing a visible or an audible effect by  
8 combustion, explosion, deflagration or detonation, and includes blank  
9 cartridges, toy pistols, toy cannons, toy canes or toy guns in which  
10 explosives are used, the type of balloons which require fire underneath  
11 to propel the same, firecrackers, torpedoes, skyrockets, Roman candles,  
12 Daygo bombs, and any fireworks containing any explosive or  
13 flammable compound, or any tablets or other device containing any

14 explosive substance, except that the term "fireworks" shall not include  
15 sparklers, [and] fountains, nonexplosive and nonaerial consumer  
16 fireworks and toy pistols, toy canes, toy guns or other devices in which  
17 paper caps manufactured in accordance with the regulations of the  
18 United States Interstate Commerce Commission or its successor agency  
19 for packing and shipping of toy paper caps are used and toy pistol paper  
20 caps manufactured as provided [therein] in such regulations.

21 (2) "Sparklers" means a wire or stick coated with pyrotechnic  
22 composition that produces a shower of sparks upon ignition.

23 (3) "Fountain" means any cardboard or heavy paper cone or  
24 cylindrical tube containing pyrotechnic mixture that upon ignition  
25 produces a shower of colored sparks or smoke. "Fountain" includes, but  
26 is not limited to, (A) a spike fountain, which provides a spike for  
27 insertion into the ground, (B) a base fountain which has a wooden or  
28 plastic base for placing on the ground, or (C) a handle fountain which is  
29 a handheld device with a wooden or cardboard handle.

30 (4) "Nonexplosive and nonaerial consumer fireworks" means flitter  
31 sparklers, ground spinners and novelties, including, but not limited to,  
32 party poppers, novelty smoke devices, snappers and novelty snakes, as  
33 such terms are described in American Pyrotechnics Association  
34 Standard 87-1A, as amended from time to time.

35 Sec. 2. Section 29-357 of the general statutes is repealed and the  
36 following is substituted in lieu thereof (*Effective October 1, 2024*):

37 (a) (1) Except as provided in subsection (b) of this section, no person,  
38 firm or corporation shall offer for sale, expose for sale, sell at retail or  
39 use or explode or possess with intent to sell, use or explode any  
40 fireworks. A person who is [sixteen] eighteen years of age or older may  
41 offer for sale, expose for sale, sell at retail, purchase, use or possess with  
42 intent to sell or use sparklers, [or] fountains or nonexplosive and  
43 nonaerial consumer fireworks, of not more than one hundred grams of  
44 pyrotechnic mixture per item, which are nonexplosive and nonaerial,  
45 provided [(1)] (A) such nonexplosive and nonaerial consumer fireworks

46 may not be offered for sale, exposed for sale, sold at retail, purchased,  
47 used or possessed with intent to sell or used in violation of an ordinance  
48 adopted pursuant to subdivision (2) of this subsection, (B) such  
49 sparklers and fountains do not contain magnesium, except for  
50 magnalium or magnesium-aluminum alloy, [(2)] (C) such sparklers [and  
51 fountains] containing any chlorate or perchlorate salts do not exceed  
52 five grams of composition per item, and [(3)] (D) when more than one  
53 fountain is mounted on a common base, the total pyrotechnic  
54 composition does not exceed [two] five hundred grams.

55 (2) Any municipality, as defined in section 7-148, may, by vote of its  
56 legislative body, adopt an ordinance to prohibit offering for sale,  
57 exposing for sale, selling at retail, purchasing, using or possessing with  
58 intent to sell or using nonexplosive and nonaerial consumer fireworks  
59 at places of public assembly, which may include, but need not be limited  
60 to, public events such as fairs, carnivals, craft shows and music events  
61 and municipal, educational or commercial property.

62 (b) The Commissioner of Emergency Services and Public Protection  
63 shall adopt [reasonable] regulations, in accordance with the provisions  
64 of chapter 54, for the granting of permits for supervised displays of  
65 fireworks or for the indoor use of pyrotechnics, sparklers and fountains  
66 for special effects by municipalities, fair associations, amusement parks,  
67 other organizations or groups of individuals or artisans in pursuit of  
68 their trade. Such permit may be issued upon application to said  
69 commissioner and after (1) inspection of the site of such display or use  
70 by the local fire marshal to determine compliance with the requirements  
71 of such regulations, and (2) approval of the chiefs of the police and fire  
72 departments, or, if there is no police or fire department, of the first  
73 selectman, of the municipality wherein the display is to be held as is  
74 provided in this section. No such display shall be handled or fired by  
75 any person until such person has been granted a certificate of  
76 competency by the Commissioner of Emergency Services and Public  
77 Protection, in respect to which a fee of two hundred dollars shall be  
78 payable to the State Treasurer when issued and which may be renewed  
79 every three years upon payment of a fee of one hundred ninety dollars

80 payable to the State Treasurer, provided such certificate may be  
81 suspended or revoked by said commissioner at any time for cause. Such  
82 certificate of competency shall attest to the fact that such operator is  
83 competent to fire a display. Such display shall be of such a character and  
84 so located, discharged or fired as in the opinion of the chiefs of the police  
85 and fire departments or such selectman, after proper inspection, will not  
86 be hazardous to property or endanger any person or persons. In an  
87 aerial bomb, no salute, report or maroon may be used that is composed  
88 of a formula of chlorate of potash, sulphur, black needle antimony and  
89 dark aluminum. Formulas that may be used in a salute, report or  
90 maroon are as follows: (A) Perchlorate of potash, black needle antimony  
91 and dark aluminum, and (B) perchlorate of potash, dark aluminum and  
92 sulphur. No high explosive such as dynamite, fulminate of mercury or  
93 other stimulator for detonating shall be used in any aerial bomb or other  
94 pyrotechnics. Application for permits shall be made in writing at least  
95 fifteen days prior to the date of display, on such notice as the  
96 Commissioner of Emergency Services and Public Protection by  
97 regulation prescribes, on forms furnished by the commissioner, and a  
98 fee of one hundred dollars shall be payable to the State Treasurer with  
99 each such application. After such permit has been granted, sales,  
100 possession, use and distribution of fireworks for such display shall be  
101 lawful for that purpose only. No permit granted [hereunder] pursuant  
102 to this section shall be transferable. Any permit issued under the  
103 provisions of this section may be suspended or revoked by the  
104 Commissioner of Emergency Services and Public Protection or the local  
105 fire marshal for violation by the permittee of any provision of the  
106 general statutes, any regulation or any ordinance relating to fireworks.

107 (c) The Commissioner of Emergency Services and Public Protection  
108 may grant variations or exemptions from, or approve equivalent or  
109 alternate compliance with, particular provisions of any regulation  
110 issued under the provisions of subsection (b) of this section where strict  
111 compliance with such provisions would entail practical difficulty or  
112 unnecessary hardship or is otherwise adjudged unwarranted, provided  
113 any such variation, exemption, approved equivalent or alternate  
114 compliance shall, in the opinion of the commissioner, secure the public

115 safety and shall be made in writing.

116 (d) Any person, firm or corporation violating the provisions of this  
117 section shall be guilty of a class C misdemeanor, except that (1) any  
118 person, firm or corporation violating the provisions of subsection (a) of  
119 this section by offering for sale, exposing for sale or selling at retail or  
120 possessing with intent to sell any fireworks with a value exceeding ten  
121 thousand dollars shall be guilty of a class A misdemeanor, and (2) any  
122 person, firm or corporation violating any provision of subsection (b) of  
123 this section or any regulation adopted [thereunder] pursuant to said  
124 subsection shall be guilty of a class A misdemeanor, except if death or  
125 injury results from any such violation, such person, firm or corporation  
126 shall be guilty of a class C felony.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2024	29-356
Sec. 2	October 1, 2024	29-357

**Statement of Legislative Commissioners:**

In Section 1, Subdiv. (4) was rewritten to refer to, and use the terminology of, American Pyrotechnics Association Standard 87-1A.

**PS**            *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 25 \$	FY 26 \$
Department of Revenue Services	Various - Revenue Gain	Up to 100,000	Up to 100,000
Judicial Dept. (Probation)	GF - Potential Savings	Minimal	Minimal
Resources of the General Fund	GF - Potential Revenue Loss	Minimal	Minimal

Note: GF=General Fund; Various=Various

**Municipal Impact:** None

**Explanation**

The bill results in a sale tax revenue gain of up to \$100,000 annually by expanding the type of fireworks that may be sold in the state to include certain nonaerial and nonexplosive consumer fireworks.

In addition, the bill, which allows anyone over the age of 18 to purchase or sell fireworks and broadens what fireworks may be sold and used in Connecticut,<sup>1</sup> results in a potential savings to the Judicial Department and a potential revenue loss from fines. This bill may lead to a decrease in illegal activity related to fireworks. The average marginal savings to the state for a reduction of supervision in the community is less than \$800<sup>2</sup> each year for adults and approximately \$1,000 each year for juveniles.

<sup>1</sup>In FY 23, 32 individuals were charged with firework-related offenses. Less than \$2,000 in fines for firework-related offenses have been collected since 2020.

<sup>2</sup>Probation marginal cost is based on the services provided by private providers and only includes costs that increase with each additional participant. This does not include a cost for additional supervision by a probation officer unless a new offense is anticipated to result in enough additional offenders to require additional probation officers.

***The Out Years***

The annualized ongoing sales tax revenue impact identified above would continue into the future subject to inflation. The annualized ongoing fiscal impact associated with fines would continue into the future subject to violations.

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**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**

<b>Group</b>	<b>Device</b>	<b>Brief Description</b>
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

<b>Group</b>	<b>Device</b>	<b>Brief Description</b>
		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 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)