



Senate

General Assembly

File No. 29

February Session, 2024

Substitute Senate Bill No. 140

Senate, March 14, 2024

The Committee on Public Safety and Security reported through SEN. GASTON of the 23rd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE SALE AND USE OF 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 Section 29-356 of the general statutes is repealed and the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 sections 29-356 to 29-365, inclusive, as amended by this
4 act, and section 3 of this act:

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 and consumer fireworks, toy pistols, toy
16 canes, toy guns or other devices in which paper caps manufactured in
17 accordance with the regulations of the United States Interstate
18 Commerce Commission or its successor agency for packing and
19 shipping of toy paper caps are used and toy pistol paper caps
20 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) "Consumer fireworks" has the same meaning as provided in 27
31 CFR 555.11, as amended from time to time, except "consumer fireworks"
32 does not include sparklers or fountains.

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 Section 29-357 of the general statutes is repealed and the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

35 (a) Except as provided in subsection (b) of this section, no person,
36 firm or corporation shall offer for sale, expose for sale, sell at retail or
37 use or explode or possess with intent to sell, use or explode any
38 fireworks. A person who is sixteen years of age or older may offer for
39 sale, expose for sale, sell at retail, purchase, use or possess with intent to
40 sell or use sparklers or fountains of not more than one hundred grams
41 of pyrotechnic mixture per item, which are nonexplosive and nonaerial,
42 provided (1) such sparklers and fountains do not contain magnesium,
43 except for magnalium or magnesium-aluminum alloy, (2) such
44 sparklers and fountains containing any chlorate or perchlorate salts do
45 not exceed five grams of composition per item, and (3) when more than

46 one fountain is mounted on a common base, the total pyrotechnic
47 composition does not exceed two hundred grams. A person who is
48 twenty-one years of age or older may purchase, possess or use consumer
49 fireworks and, if licensed pursuant to section 3 of this act, may offer for
50 sale, expose for sale, sell at retail or possess with intent to sell consumer
51 fireworks.

52 (b) The Commissioner of Emergency Services and Public Protection
53 shall adopt [reasonable] regulations, in accordance with the provisions
54 of chapter 54, for the granting of permits for supervised displays of
55 fireworks or for the indoor use of pyrotechnics, sparklers and fountains
56 for special effects by municipalities, fair associations, amusement parks,
57 other organizations or groups of individuals or artisans in pursuit of
58 their trade. Such permit may be issued upon application to said
59 commissioner and after (1) inspection of the site of such display or use
60 by the local fire marshal to determine compliance with the requirements
61 of such regulations, and (2) approval of the chiefs of the police and fire
62 departments, or, if there is no police or fire department, of the first
63 selectman, of the municipality wherein the display is to be held as is
64 provided in this section. No such display shall be handled or fired by
65 any person until such person has been granted a certificate of
66 competency by the Commissioner of Emergency Services and Public
67 Protection, in respect to which a fee of two hundred dollars shall be
68 payable to the State Treasurer when issued and which may be renewed
69 every three years upon payment of a fee of one hundred ninety dollars
70 payable to the State Treasurer, provided such certificate may be
71 suspended or revoked by said commissioner at any time for cause. Such
72 certificate of competency shall attest to the fact that such operator is
73 competent to fire a display. Such display shall be of such a character and
74 so located, discharged or fired as in the opinion of the chiefs of the police
75 and fire departments or such selectman, after proper inspection, will not
76 be hazardous to property or endanger any person or persons. In an
77 aerial bomb, no salute, report or maroon may be used that is composed
78 of a formula of chlorate of potash, sulphur, black needle antimony and
79 dark aluminum. Formulas that may be used in a salute, report or
80 maroon are as follows: (A) Perchlorate of potash, black needle antimony

81 and dark aluminum, and (B) perchlorate of potash, dark aluminum and
82 sulphur. No high explosive such as dynamite, fulminate of mercury or
83 other stimulator for detonating shall be used in any aerial bomb or other
84 pyrotechnics. Application for permits shall be made in writing at least
85 fifteen days prior to the date of display, on such notice as the
86 Commissioner of Emergency Services and Public Protection by
87 regulation prescribes, on forms furnished by the commissioner, and a
88 fee of one hundred dollars shall be payable to the State Treasurer with
89 each such application. After such permit has been granted, sales,
90 possession, use and distribution of fireworks for such display shall be
91 lawful for that purpose only. No permit granted [hereunder] pursuant
92 to this section shall be transferable. Any permit issued under the
93 provisions of this section may be suspended or revoked by the
94 Commissioner of Emergency Services and Public Protection or the local
95 fire marshal for violation by the permittee of any provision of the
96 general statutes, any regulation or any ordinance relating to fireworks.

97 (c) The Commissioner of Emergency Services and Public Protection
98 may grant variations or exemptions from, or approve equivalent or
99 alternate compliance with, particular provisions of any regulation
100 issued under the provisions of subsection (b) of this section where strict
101 compliance with such provisions would entail practical difficulty or
102 unnecessary hardship or is otherwise adjudged unwarranted, provided
103 any such variation, exemption, approved equivalent or alternate
104 compliance shall, in the opinion of the commissioner, secure the public
105 safety and shall be made in writing.

106 (d) Any person, firm or corporation violating the provisions of this
107 section shall be guilty of a class C misdemeanor, except that (1) any
108 person, firm or corporation violating the provisions of subsection (a) of
109 this section by offering for sale, exposing for sale or selling at retail or
110 possessing with intent to sell any fireworks with a value exceeding ten
111 thousand dollars shall be guilty of a class A misdemeanor, and (2) any
112 person, firm or corporation violating any provision of subsection (b) of
113 this section or any regulation adopted [thereunder] pursuant to said
114 subsection shall be guilty of a class A misdemeanor, except if death or

115 injury results from any such violation, such person, firm or corporation
116 shall be guilty of a class C felony.

117 Sec. 3. (NEW) (*Effective October 1, 2024*) (a) No person shall sell
118 consumer fireworks unless such person holds: (1) A valid federal license
119 issued pursuant to 18 USC 843, as amended from time to time, and (2) a
120 valid state license to sell consumer fireworks issued pursuant to
121 subsection (b) of this section.

122 (b) The Commissioner of Emergency Services and Public Protection
123 may issue a state license to sell consumer fireworks to any person who:

124 (1) Has a valid federal license issued pursuant to 18 USC 843, as
125 amended from time to time;

126 (2) Establishes that such person's business will be located in a
127 permanent structure that satisfies the requirements of all applicable
128 provisions of the State Building Code, Fire Safety Code, State Fire
129 Prevention Code, zoning code and municipal ordinances; and

130 (3) Within the two years preceding the date of submitting such
131 application for such license, has no convictions of an offense involving
132 fireworks or explosives and has not been found to have violated any
133 provision of sections 29-343 to 29-366, inclusive, of the general statutes
134 or regulations adopted pursuant to said sections.

135 (c) The commissioner shall prescribe the form and manner of
136 applications for such licenses. Prior to issuance of a license, the
137 commissioner may conduct a background investigation of an applicant,
138 pursuant to section 29-17a of the general statutes, and may inspect the
139 site at which the consumer fireworks are to be sold or stored. A license
140 shall be valid for one year and may be renewed annually. The fee for
141 issuance or renewal of a license shall be one thousand five hundred
142 dollars.

143 (d) The commissioner shall adopt regulations, in accordance with the
144 provisions of chapter 54 of the general statutes, to implement the
145 provisions of this section. Such regulations shall include, but need not

146 be limited to:

147 (1) Requirements for license applications, which shall include (A)
148 sufficient information to permit the commissioner to identify and
149 evaluate the qualification of any person with a right to control the
150 operations and policies of the applicant and any person with an interest
151 in the applicant, and (B) information on the applicant's other business
152 interests;

153 (2) Requirements for the applicant to consult with the municipality in
154 which consumer fireworks will be sold; and

155 (3) Notices a licensee shall provide to consumers about fireworks
156 laws and safe use of consumer fireworks.

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
Sec. 3	October 1, 2024	New section

Statement of Legislative Commissioners:

In Sec. 3(a)(1) and (b)(1), "federal fireworks license" was changed to "federal license".

PS Joint Favorable Subst. -LCO

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	1.1 million	1.1 million
Judicial Dept. (Probation)	GF - Potential Cost	Minimal	Minimal
Correction, Dept.	GF - Potential Cost	Minimal	Minimal
Resources of the General Fund	GF - Potential Revenue Gain	Minimal	Minimal

Note: Various=Various; GF=General Fund

Municipal Impact: None

Explanation

The bill, which makes various changes to the firework statutes, results in a sales tax revenue gain of \$1.1 million annually and several other fiscal impacts described below.

First, the bill results in a sales tax revenue gain of \$1.1 million annually by expanding the type of fireworks that may be sold in the state to include any consumer fireworks allowed under federal law.

By broadening what fireworks may be sold and used in the state and allowing anyone over the age of 21 to purchase consumer fireworks, the bill may lead to a decrease in illegal activity related to fireworks.¹ The average marginal savings to the state for a reduction of supervision in

¹In FY 23, 32 individuals were charged with firework-related offenses.

the community is less than \$800² each year for adults and approximately \$1,000 each year for juveniles. The bill may also result in a reduction in revenue from associated fines.

Additionally, the provisions of the bill impose certain requirements on fireworks sellers. Violations of those provisions may result in a class A misdemeanor or a class C felony if the violation results in death. This may result in a potential cost to the Department of Correction and Judicial Department and a potential revenue gain from fines. On average, the marginal cost to the state for incarcerating an offender for the year is \$3,300.³

Finally, the bill results in a potential revenue gain to the General Fund by allowing the Department of Public Protection and Emergency Services to issue licenses to sell consumer fireworks. The fee for issuance and annual renewal is \$1,500.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of consumer fireworks purchased, licenses issued, and offenses committed.

²Probation 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.

³Inmate marginal cost is based on increased consumables (e.g., food, clothing, water, sewage, living supplies, etc.). This does not include a change in staffing costs or utility expenses because these would only be realized if a unit or facility opened.

OLR Bill Analysis**SB 140*****AN ACT CONCERNING THE SALE AND USE OF CONSUMER FIREWORKS.*****SUMMARY**

This bill expands the types of fireworks that may be sold and used in the state to include any consumer fireworks allowed under federal law. Current state law only allows sparklers and fountains, which are non-explosive and non-aerial (CGS § 29-357(a)).

The bill allows anyone age 21 or older to purchase, possess, or use consumer fireworks. It also creates a new Department of Emergency Services and Public Protection (DESPP) license to allow federal licensees for certain explosives to sell consumer fireworks in Connecticut. The initial license and annual renewal fees are both \$1,500.

Under the bill, licensees (1) may store and sell consumer fireworks only from a permanent facility and (2) must have no prior convictions or violations related to fireworks and explosives within the two years before applying for the license.

As under existing law for those who violate the fireworks law, under the bill underage users or unlicensed sellers are subject to a class C misdemeanor (punishable by up to three months in prison, a fine of up to \$500, or both).

Lastly, the bill makes various minor, technical, and conforming changes.

EFFECTIVE DATE: October 1, 2024

CONSUMER FIREWORKS LICENSE

Under the bill, “consumer fireworks” are any small firework devices designed to produce visible effects by combustion in compliance with the U.S. Consumer Product Safety Commission’s regulations on construction, chemical composition, and labeling (27 C.F.R. § 555.11).

Licensing

Under the bill, anyone who offers or exposes for sale, sells at retail, or possesses consumer fireworks with intent to sell must hold a federal license for certain explosives (18 U.S.C. § 843) and the new DESPP license.

The bill authorizes the DESPP commissioner to issue a license to sell consumer fireworks to a federal licensee who:

1. establishes that his or her business will be located in a permanent structure that satisfies all applicable requirements of the State Building Code, Fire Safety Code, State Fire Prevention Code, zoning code, and municipal ordinances and
2. has not had any convictions involving, or violations of the laws or regulations on, fireworks or explosives, within the two years prior to applying.

The DESPP commissioner must set how to apply for the licenses. Before issuing the license, he may (1) conduct a criminal history records check and (2) inspect the site where the fireworks will be sold or stored.

The bill requires the DESPP commissioner to adopt implementing regulations for the new licensure requirements. The regulations must include requirements that the license applicant:

1. include (a) enough information to allow the commissioner to identify and evaluate the qualifications of anyone with a right to control the operations and policies of the applicant and anyone with an interest in the applicant and (b) information on the applicant’s other business interests and

2. consult with the municipality where the consumer fireworks will be sold.

The regulations must also include the required notices that a licensee must give to consumers about fireworks law and safe use of consumer fireworks.

BACKGROUND

Related Bill

sHB 5177, favorably reported by the Public Safety and Security Committee, expands the types of fireworks that may be sold and used in the state to include certain nonaerial and nonexplosive consumer fireworks.

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable

Yea 15 Nay 9 (02/29/2024)