



General Assembly

February Session, 2024

Substitute Bill No. 140



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 Section 29-356 of the general statutes is repealed and the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 Section 29-357 of the general statutes is repealed and the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