

SENATE No. 935

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act to require tagging of explosive materials..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 148 of the General Laws, as appearing in the 2006 Official Edition,
2 is hereby amended by inserting after section 9A the following section:-

3 Section 9B. (a) The board shall make rules and regulations requiring that all explosive
4 materials manufactured or offered for sale in this commonwealth be tagged for purposes of
5 detection and identification.

6 (b) As used herein the term "explosive materials" shall mean: gunpowders; powders used
7 for blasting; dynamite and all other forms of high explosives; blasting material; fuses (other than
8 electric circuit breakers); detonators and other detonating agents; black and smokeless powders;
9 any explosive bomb, grenade, missile, or similar device; and any chemical compounds,
10 mechanical mixture, or device that contains any oxidizing and combustible units, or other
11 ingredients, in such proportions, quantities, or packing that ignition by fire, by friction, by
12 concussion, by percussion, or by detonation of the compound, mixture, or device or any part
13 thereof may cause an explosion.

14 (c) In choosing methods of tagging explosive materials the board shall select the method
15 or methods which achieve the following goals and, in the event of any mutual inconsistency with
16 respect to a particular method or explosive material, shall assign priority to the goals in the order
17 listed: pose the smallest risk to human life; substantially assist law enforcement officers in their
18 investigative efforts; least impair the quality of the explosive material for its intended use; have
19 the least possible impact on the environment; and impose the lowest cost on manufacturers and
20 users of the explosive materials.

21 (d) Any requirement of federal law with respect to the tagging of explosive materials
22 shall supersede any requirement contained in the rules and regulations adopted by the board
23 hereunder.

24 (e) Upon and after the effective date of the rules and regulations adopted pursuant to sub-
25 section (a) of this section, no person shall manufacture or offer for sale in this commonwealth
26 explosive materials which have not been tagged as required by such rules and regulations.
27 Whoever violates this section shall be punished by a fine of not more than ten thousand dollars,
28 or by imprisonment for not more than two and one-half years, or both, and any such untagged
29 explosive materials found in his possession or under his control on such violation shall be
30 forfeited to the commonwealth.

31 SECTION 2. The board of fire prevention regulations shall adopt the rules and
32 regulations required by section 9B of chapter 148 of the General Laws, as inserted by section 1
33 of this act, no later than one year after the enactment of this act. The board shall conduct public
34 hearings before adopting said rules and regulations in compliance with chapter 30A of the
35 General Laws. Said rules and regulations shall also be governed by the requirements of section

36 10 of chapter 148 of the General Laws. The board shall consult with federal, state and local
37 officials with expertise in the area of chemicals used to manufacture explosive materials and with
38 any other individuals or groups as the board may choose to consult. The board may apply a
39 tagging requirement to any explosive material or similar material subject to such a requirement
40 under regulations of the United States Secretary of the Treasury.