HOUSE DOCKET, NO. 1235 FILED ON: 1/14/2015

HOUSE . . . . . No. 2117

The Commonwealth of Massachusetts

PRESENTED BY:

Josh S. Cutler

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to novelty sparklers.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Josh S. Cutler	*6th Plymouth*

HOUSE DOCKET, NO. 1235 FILED ON: 1/14/2015

HOUSE . . . . . No. 2117

By Mr. Cutler of Duxbury, a petition (accompanied by bill, House, No. 2117) of Josh S. Cutler relative to the definition of fireworks. Public Safety and Homeland Security.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *3262* OF 2013-2014.]

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act relative to novelty sparklers.

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

SECTION 1. Section 39 of Chapter 148 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out the sixth paragraph and inserting in place thereof the following paragraph -

The term "fireworks" as used herein shall not include toy pistols, toy canes, toy guns or other devices in which paper caps or plastic caps containing twenty-five hundredths grains or less of explosive compound are used, if they are so constructed that the hand cannot come in contact with the cap when in place for the explosion, or toy pistol paper caps or plastic caps which contain less than twenty hundredths grains of explosive mixture, or wood stick or wire sparklers of not more than 100 grams of pyrotechnic mixture per item: other hand held or ground based sparkling devices which are non-explosive and non-aerial, sometimes produce a

11 crackling or whistling effect, and contain 75 grams or less of pyrotechnic composition per tube
12 or a total of 500 grams or less for multiple tubes, snake and glow worms, smoke devices, or trick
13 noisemakers which include party poppers, snappers and drop pops, each consisting of twenty-
14 five hundredths grains or less of explosive mixture, the sale and use of which shall be permitted
15 at all times; and provided, further, that this section shall not apply (1) to the sale of any fireworks
16 to be shipped directly out of the commonwealth, or (2) to the sale of any such article for the use
17 of, and its use by, persons having obtained a permit for a supervised display of such fireworks
18 from the marshal or some officer designated by him therefor, under any provision of section
19 thirty-nine A, or (3) to the sale of flares, lanterns or fireworks for the use of, and their use by,
20 railroads, railways, boats, motor vehicles or other transportation agencies, or other activity,
21 lawfully permitted or required to use any or all of such articles for signal purposes, illumination
22 or otherwise, or (4) to the sale or use of blank cartridges for a duly licensed show or theatre or
23 for signal or ceremonial purposes in athletics or sports, or to the sale of special blank cartridges
24 and their use in the proper operation of industrial tools and equipment only, or (5) to experiments
25 at a factory for explosives, or (6) to the sale of blank cartridges for the use of, or their use by, the
26 militia or any organization of war veterans or other organizations authorized by law to parade in
27 public, a color guard armed with firearms, or (7) in teaching the use of firearms by experts, or (8)
28 to the sale of shells for firearms, cartridges, gunpowder, and for the purpose of using, and their
29 use, or in connection with the hunting of game or in target practice with firearms, or (9) to
30 farmers and fruit growers who, having obtained a permit under section thirteen of chapter forty-
31 eight, use firecrackers for the control of damage to their crops by birds.