



General Assembly

February Session, 2022

***Raised Bill No. 132***

LCO No. 1056



Referred to Committee on PUBLIC SAFETY AND SECURITY

Introduced by:  
(PS)

***AN ACT CONCERNING THE SALE AND USE OF CONSUMER GRADE 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 Section 29-356 of the general statutes is repealed and the  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, 2022*):

3 As used in sections 29-356 to 29-365, inclusive, and section 3 of this  
4 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 consumer fireworks, sparklers and fountains and toy pistols, toy canes,

16 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.

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 in 27 CFR 555.11,  
31 as amended from time to time, except "consumer fireworks" does not  
32 include (A) any device with more than five hundred grams of  
33 pyrotechnic compound; (B) consumer reloadable mortar-type  
34 fireworks, bottle rockets, Texas pop rockets and similar stick rockets,  
35 sky lanterns, lady fingers, ground salutes, celebration crackers and any  
36 other similar devices; or (C) sparklers or fountains.

37 Sec. 2. Section 29-357 of the general statutes is repealed and the  
38 following is substituted in lieu thereof (*Effective October 1, 2022*):

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

48 aluminum alloy, [(2) such sparklers and fountains containing any  
49 chlorate or perchlorate salts do not exceed five grams of composition  
50 per item, and (3)] and (2) when more than one fountain is mounted on  
51 a common base, the total pyrotechnic composition does not exceed two  
52 hundred grams.

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

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

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

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

116 violation, such person, firm or corporation shall be guilty of a class C  
117 felony.

118       Sec. 3. (NEW) (*Effective October 1, 2022*) (a) (1) The Department of  
119 Emergency Services and Public Protection may issue an annual or a  
120 temporary license to sell consumer fireworks to an applicant who: (A)  
121 Is twenty-one years of age or older, (B) holds a valid federal fireworks  
122 license issued pursuant to 18 USC Section 843, as amended from time to  
123 time, (C) has not been convicted of a felony, (D) has not been convicted  
124 of an offense or violation of a state, federal or municipal law or  
125 regulation involving the misuse of fireworks or explosives, and (E)  
126 maintains public liability and product liability insurance with a  
127 minimum coverage amount of two million dollars, to cover losses,  
128 damages or injuries that might ensue to persons or property as a result  
129 of selling consumer fireworks. A separate license shall be obtained for  
130 each location at which an applicant intends to sell consumer fireworks.  
131 An annual license shall expire on January first of each year. A temporary  
132 license shall be valid for a selling period either from June twenty-fifth to  
133 July fifth or from December twenty-sixth to January second.

134       (2) The fee for an initial annual license shall be five thousand dollars  
135 and the fee for each license renewal shall be two thousand five hundred  
136 dollars. The fee for a temporary license shall be two hundred fifty  
137 dollars per selling period.

138       (b) (1) An applicant granted an annual license to sell consumer  
139 fireworks pursuant to subsection (a) of this section shall store and sell  
140 such fireworks only in a permanent, standalone facility that (A) operates  
141 in accordance with NFPA Section 1124, 2006 edition, (B) complies with  
142 the provisions of the building code applicable to high-hazard buildings  
143 classified as group H-3, (C) is equipped with burglar and smoke  
144 detector alarm systems that are monitored twenty-four hours per day,  
145 and (D) sells only consumer fireworks and fireworks-related items, such  
146 as fuses, safety equipment, electronic firing panels, fireworks-related  
147 clothing and fireworks association or recreational club memberships.

148 (2) An applicant granted a temporary license may sell consumer  
149 fireworks that are ground and hand-held sparkling devices, snappers,  
150 party poppers, smoke items and ground-based fountains from tents,  
151 temporary structures or retail stores that operate in accordance with  
152 NFPA Section 1124, 2006 edition.

153 (3) Prior to commencing the sale of consumer fireworks at any facility  
154 licensed pursuant to subsection (a) of this section and annually  
155 thereafter, the chiefs of the police and fire departments, or, if there is no  
156 police or fire department, the first selectman, of the municipality in  
157 which such facility is located, or their designees, shall inspect and  
158 approve the use of the facility for such sales. The chiefs, the first  
159 selectman, or their designees, shall provide a written copy of each  
160 approval granted pursuant to this subdivision to the town clerk or the  
161 official charged with the enforcement of zoning regulations for such  
162 municipality, and such clerk or official shall retain such copy for at least  
163 one year after issuance.

164 (4) The State Fire Marshal, any local fire marshal, any police officer,  
165 as defined in section 7-294a of the general statutes, acting within the  
166 jurisdiction of such official, may enforce the provisions of this section  
167 and may inspect any facility where consumer fireworks are to be sold,  
168 stored or offered for sale. Any inspection of a facility licensed pursuant  
169 to subsection (a) of this section shall be conducted in a manner and at a  
170 time that does not interfere with the regular commerce of such facility.

171 (c) No person may offer for sale, expose for sale, sell at retail or  
172 possess with intent to sell consumer fireworks at a facility licensed  
173 pursuant to this section unless such person is at least eighteen years of  
174 age and under the direct supervision of a person who is on the premises  
175 and at least twenty-one years of age. No person may sell consumer  
176 fireworks to another person unless such other person is twenty-one  
177 years of age or older.

178 (d) Not later than December 1, 2022, the Department of Emergency  
179 Services and Public Protection shall develop and make available to

180 licensees a summary of fireworks safety recommendations. Licensees  
181 shall post such summary in a conspicuous place near the final point of  
182 sale in each location in which the licensee is authorized to sell consumer  
183 fireworks pursuant to this section.

184 (e) Any license issued under subsection (a) of this section may be  
185 suspended or revoked by the department, after notice and opportunity  
186 for a hearing in accordance with the provisions of chapter 54 of the  
187 general statutes, for any violation of the provisions of this section or if  
188 the licensee no longer meets the criteria for licensure.

189 Sec. 4. (NEW) (*Effective October 1, 2022*) (a) No person who is under  
190 twenty-one years of age may purchase, possess or use consumer  
191 fireworks.

192 (b) A person twenty-one years of age or older may only ignite or  
193 discharge a consumer firework (1) between six o'clock p.m. and eleven  
194 o'clock p.m. on any day, or between eleven o'clock p.m. and midnight  
195 on the thirty-first day of December and for the first hour of New Year's  
196 Day, in addition to said hours, and (2) with the express permission of  
197 the owner of the property on which the consumer firework will be  
198 ignited or discharged.

199 (c) No person may ignite or discharge a consumer firework while  
200 under the influence of alcohol, drugs or both.

201 (d) Any person violating any provision of this section shall be guilty  
202 of a class C misdemeanor.

203 Sec. 5. (NEW) (*Effective October 1, 2022*) Notwithstanding the  
204 provisions of section 29-357 of the general statutes, as amended by this  
205 act, or section 3 or 4 of this act, a municipality may, by ordinance of its  
206 legislative body, impose additional regulations or restrictions on the  
207 sale or use of consumer fireworks within such municipality.

208 Sec. 6. (NEW) (*Effective October 1, 2022*) (a) As used in this section:

209 (1) "Consumer fireworks" has the same meaning as in section 29-356

210 of the general statutes, as amended by this act;

211 (2) "Consumer fireworks retailer" means the holder of a license to sell  
212 consumer fireworks issued pursuant to section 3 of this act; and

213 (3) "First sale of consumer fireworks" means the initial sale of  
214 consumer fireworks in this state.

215 (b) On and after October 1, 2022, each person or entity that sells  
216 consumer fireworks to a consumer fireworks retailer shall pay a tax to  
217 the state on the first sale of consumer fireworks, at the rate of five per  
218 cent of the average wholesale price, as determined by the Department  
219 of Revenue Services. The Commissioner of Revenue Services shall  
220 prescribe the form and manner of the remittance of such tax and any  
221 return filing the commissioner deems necessary.

222 (c) Any tax due and unpaid under this section shall be subject to the  
223 penalties and interest established in section 12-547 of the general  
224 statutes and the amount of such tax, penalty or interest, due and unpaid,  
225 may be collected under the provisions of section 12-35 of the general  
226 statutes.

227 (d) The provisions of sections 12-548 and 12-550 to 12-555b, inclusive,  
228 of the general statutes shall apply to the provisions of this section in the  
229 same manner and with the same force and effect as if the language of  
230 said sections had been incorporated in full into this section and had  
231 expressly referred to the tax imposed under this section, except to the  
232 extent that any such provision is inconsistent with a provision of this  
233 section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2022	29-356
Sec. 2	October 1, 2022	29-357
Sec. 3	October 1, 2022	New section
Sec. 4	October 1, 2022	New section
Sec. 5	October 1, 2022	New section



Sec. 6	October 1, 2022	New section
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**Statement of Purpose:**

To authorize the sale and use of consumer fireworks in the state.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*