

**HOUSE . . . . . No. 2104**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Paul McMurtry***

*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:

*Paul McMurtry*

*11th Norfolk*

*Susannah M. Whipps*

*2nd Franklin*

**HOUSE . . . . . No. 2104**

By Mr. McMurtry of Dedham, a petition (accompanied by bill, House, No. 2104) of Paul McMurtry and Susannah M. Whipps relative to novelty sparklers. Public Safety and Homeland Security.

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-First General Court  
(2019-2020)**

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:*

1 SECTION 1. Section 39 of Chapter 148 of the General Laws, as appearing in the 2014  
2 Official Edition, is hereby amended by striking out the sixth paragraph and inserting in place  
3 thereof the following paragraphs -

4 The term “fireworks” as used herein shall not include toy pistols, toy canes, toy guns or  
5 other devices in which paper caps or plastic caps containing twenty-five hundredths grains or  
6 less of explosive compound are used, if they are so constructed that the hand cannot come in  
7 contact with the cap when in place for the explosion, or toy pistol paper caps or plastic caps  
8 which contain less than twenty hundredths grains of explosive mixture, or wood stick or wire  
9 sparklers of not more than 100 grams of pyrotechnic mixture per item: other hand held or ground  
10 based sparkling devices which are non-explosive and non-aerial, sometimes produce a crackling  
11 or whistling effect, and contain 75 grams or less of pyrotechnic composition per tube or a total of  
12 500 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 storage, possession, sale, and use of  
15 which shall be permitted at all times throughout the state; and provided further, the regulation of  
16 items listed in this paragraph including the storage and sale shall be consistent with the standards  
17 set forth in NFPA1124 National Fire protection Association Code for the Manufacture,  
18 Transportation, Storage and Retail Sales of Fireworks and Pyrotechnic Articles, 2006 edition.

19         This section shall not apply (1) to the sale of any fireworks to be shipped directly out of  
20 the commonwealth, or (2) to the sale of any such article for the use of, and its use by, persons  
21 having obtained a permit for a supervised display of such fireworks from the marshal or some  
22 officer designated by him therefor, under any provision of section thirty-nine A, or (3) to the sale  
23 of flares, lanterns or fireworks for the use of, and their use by, railroads, railways, boats, motor  
24 vehicles or other transportation agencies, or other activity, lawfully permitted or required to use  
25 any or all of such articles for signal purposes, illumination or otherwise, or (4) to the sale or use  
26 of blank cartridges for a duly licensed show or theatre or for signal or ceremonial purposes in  
27 athletics or sports, or to the sale of special blank cartridges and their use in the proper operation  
28 of industrial tools and equipment only, or (5) to experiments at a factory for explosives, or (6) to  
29 the sale of blank cartridges for the use of, or their use by, the militia or any organization of war  
30 veterans or other organizations authorized by law to parade in public, a color guard armed with  
31 firearms, or (7) in teaching the use of firearms by experts, or (8) to the sale of shells for firearms,  
32 cartridges, gunpowder, and for the purpose of using, and their use, or in connection with the  
33 hunting of game or in target practice with firearms, or (9) to farmers and fruit growers who,  
34 having obtained a permit under section thirteen of chapter forty-eight, use firecrackers for the  
35 control of damage to their crops by birds.