

HOUSE No. 3613

The Commonwealth of Massachusetts

PRESENTED BY:

Colleen M. Garry

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 the sale and use of fireworks.

PETITION OF:

NAME:

Colleen M. Garry

DISTRICT/ADDRESS:

36th Middlesex

HOUSE No. 3613

By Miss Garry of Dracut, a petition (accompanied by bill, House, No. 3613) of Colleen M. Garry relative to the sale and use of fireworks. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act relative to the sale and use of fireworks.

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 29 of the General Laws is hereby amended by inserting after
2 section 2VVVV the following section:-

3 Section 2WWWW. There shall be a State Fire Marshal Fireworks Fund. There shall be
4 credited to the fund all monies generated from fees and fines collected pursuant to section 60 of
5 chapter 148, leases, gifts, grants, interest earned on any monies within this fund or any other
6 revenue sources. Revenues credited to the fund shall be used, not subject to appropriation, for
7 operating costs, capital improvements, equipment and maintenance, including the costs of
8 personnel for the state fire marshal, but no expenditure shall be made from the fund that shall
9 cause the fund to be in deficit at the close of a fiscal year.

10 SECTION 2. Section 39 of chapter 148 of the General Laws, as appearing in the 2014
11 Official Edition, is hereby amended by inserting after the word “substance”, in line 15, the

12 following words:- ; provided, however, that in a city or town which accepts section 61, sparklers
13 and novelty poppers shall not be considered fireworks.

14 SECTION 3. Said section 39 of said section 148 is hereby further amended by inserting
15 after the word “both”, in line 19” the following words:- ; provided, that all fines collected
16 pursuant to this section shall be credited to the State Fire Marshal Fireworks Fund, established by
17 section 2WWW of chapter 29.

18 SECTION 4. Said chapter 148 is hereby further amended by adding the following
19 section:-

20 Section 61. (a) A city or town may accept this section pursuant to section 4 of chapter 4.

21 (b) The legislative body of a city or town, upon application in writing, on a form provided
22 by the division, may authorize the head of a fire department of the city or town to grant a permit
23 for the use of fireworks otherwise prohibited by section 39 within the city or town for display by
24 individuals approved by the city or town; provided, however that no permit shall be required for
25 the display of either sparklers under 3 feet in length or novelty poppers. The permit shall be on a
26 form provided by the division. After a permit has been granted, use of fireworks for the purposes
27 described in the permit only may be made. A permit granted pursuant to this subsection shall not
28 be transferable and nor shall a permit be issued to a person under the age of 18 years. The fee for
29 such permit shall not exceed \$25, which shall be credited to the State Fire Marshal Fireworks
30 Fund, established by section 2WWW of chapter 29. The state fire marshal may require
31 municipal fire departments to include safety materials, developed and provided by the division,
32 to a person who receives such permit.

33 (c) The legislative body of a city or town, upon application in writing, may grant a sales
34 license, on a form provided by the division, to a resident wholesale dealer or retailer to have in
35 his possession within the city or town fireworks otherwise prohibited by this chapter, for sale
36 only to people 18 years of age or older. A license granted pursuant to this subsection shall not be
37 transferable, nor shall a license be issued to a person under the age of 18 years.

38 The storage of fireworks at the site of a wholesaler, dealer, or retailer who has goods on
39 hand for sale to the public in a supervised display area, shall be in a 1-story, noncombustible
40 building without a basement, which building is weather resistant, well ventilated, and equipped
41 with a strong door kept securely locked except when open for business; The location of the
42 storage building shall be approved by the department.

43 (d) If a municipality grants a fireworks sales license pursuant to subsection (d), the
44 municipality shall authorize the head of the fire department to grant permits for the use of
45 fireworks within the municipality pursuant to subsection (c). If a municipality authorizes the fire
46 department to grant fireworks use permits, the municipality shall have in place the procedure for
47 licensing fireworks sales, using the form provided by the division.

48 (e) The state fire marshal shall promulgate rules and regulations to implement this
49 section. The regulations shall include the storage requirements for licensed sellers.