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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 642 Session of  
2013

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INTRODUCED BY WAUGH, STACK, ALLOWAY, BROWNE, YAW, ERICKSON,  
BREWSTER, COSTA, BAKER, SOLOBAY AND PILEGGI, MARCH 8, 2013

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REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,  
MARCH 8, 2013

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AN ACT

1 Amending the act of May 15, 1939 (P.L.134, No.65), entitled, as  
2 amended, "An act relating to fireworks; defining fireworks;  
3 prohibiting the sale, regulating the sale, offering or  
4 exposing for sale and use of fireworks, except in certain  
5 cases; authorizing cities, boroughs, towns and townships to  
6 issue permits for fireworks displays, and to regulate the  
7 same; imposing duties on the Pennsylvania State Police,  
8 sheriffs and police officers; and providing penalties,"  
9 providing for a public safety fee.

10 The General Assembly of the Commonwealth of Pennsylvania  
11 hereby enacts as follows:

12 Section 1. Section 4.5 of the act of May 15, 1939 (P.L.134,  
13 No.65), referred to as the Fireworks Law, added November 30,  
14 2004 (P.L.1598, No.204), is amended to read:

15 Section 4.5. (a) A facility licensed by the Department of  
16 Agriculture shall be exclusively dedicated to the storage and  
17 sale of consumer fireworks and related items, and the facility  
18 shall operate in accordance with the following rules:

19 (1) There shall be security personnel on the premises for  
20 the seven (7) days preceding and including July 4 and for the  
21 three (3) days preceding and including January 2.

1 (2) No smoking shall be permitted in the facility.

2 (3) No cigarettes or tobacco products, matches, lighters, or  
3 any other flame-producing devices shall be permitted to be taken  
4 into the facility.

5 (4) No minors shall be permitted in the facility unless  
6 accompanied by an adult, and each minor shall stay with the  
7 adult in the facility.

8 (5) All facilities shall carry at least two million dollars  
9 (\$2,000,000) in public and product liability insurance.

10 (6) A licensee shall provide its employes with documented  
11 training in the area of operational safety of a facility. The  
12 licensee shall provide to the Department of Agriculture written  
13 documentation that each employe has received such training.

14 (7) No display fireworks shall be stored or located at a  
15 facility.

16 (8) No person who appears to be under the influence of  
17 intoxicating liquor or drugs shall be admitted to the facility,  
18 and no liquor, beer, or wine shall be permitted in the facility.

19 (9) No consumer fireworks or display fireworks shall be  
20 ignited within three hundred (300) feet of a facility.

21 (10) Emergency evacuation plans shall be conspicuously  
22 posted in appropriate locations within the facility.

23 (b) Upon each separate sale at retail of consumer fireworks  
24 a fee equivalent to twenty-five percent (25%) of the purchase  
25 price of the consumer fireworks shall be charged and collected  
26 by a licensee.

27 (c) Moneys collected as a result of the fee imposed under  
28 this section shall be distributed as follows:

29 (1) Seventy-five percent (75%) to the Volunteer Fire and  
30 Emergency Services Retention Program Fund to be used to support

1 volunteer fire and emergency services retention programs as set  
2 forth by law.

3 (2) Fifteen (15%) percent to the county fire technical  
4 school where the licensee is located.

5 (3) Ten percent (10%) in equal shares to the local fire  
6 departments in the area where the licensee is located.

7 Section 2. This act shall take effect in 60 days.