

HOUSE BILL 1993

By Kane

AN ACT to amend Tennessee Code Annotated, Title 68,
Chapter 104 and Section 68-105-120, relative to
fireworks.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 68-104-101, is amended by adding the following language as new, appropriately designated subdivisions:

() “Aerial devices” means any cake that is a collection of mine or shell tubes that has a single covered fuse which is used to light several tubes in sequence; provided, a cake may also include an aerial repeater or multi-shot aerial that does not exceed more than five hundred (500) grams of pyrotechnic composition;

() “Nonprofit group” means any domestic or foreign nonprofit corporation, nonprofit association or other similar entity operating in accordance with the Tennessee Nonprofit Corporation Act, compiled in title 48, chapters 51-68;

() “Novelties” means party poppers, snappers, deregulated toy smoke devices, snakes, sparklers, and glow worms; provided, the listed items do not require approval from the United States department of transportation and are not regulated as explosives;

() “Sparkling devices” means any ground-based or hand-held devices that:

(A) Emit showers of sparks and sometimes a whistling or crackling effect when burning;

(B) Do not detonate or explode;

(C) Cannot propel themselves through the air; and

(D) Contain:

(i) No more than seventy-five (75) grams of pyrotechnic compound per tube;

(ii) No more than a total of two hundred (200) grams of pyrotechnic compound if multiple tubes are used; or

(iii) No more than five hundred (500) grams of pyrotechnic compound if multiple tubes are used and separated from each other on a base by a distance of at least one-half (1/2) inch, including, without limitation, cylindrical fountains, cone fountains, illuminating torches, wheels, ground spinners, flitter sparklers, toy smoke devices, and wire sparklers containing no more than one hundred (100) grams of pyrotechnic composition per item;

SECTION 2. Tennessee Code Annotated, Title 68, Chapter 104, Part 1, is amended by adding the following language as a new section:

68-104-117.

(a) Any person offering for sale sparkling devices that does not hold a permit described in § 68-104-102, must register each location where these items will be offered for sale with the state fire marshal; provided, the state fire marshal shall not permit a person under eighteen (18) years of age to register locations. The cost of registration shall not exceed twenty-five dollars (\$25.00). All registrations are for the calendar year or any fraction of the year and expire on December 31; provided, the state fire marshal shall allow a grace period of two (2) days to each holder of a permit.

(b) Any nonprofit group offering for sale only sparkling devices and aerial devices that does not hold a permit described in § 68-104-102, must register each location where these items will be offered for sale with the state fire marshal; provided, the state fire marshal shall not permit a person under eighteen (18) years of age to register locations. The cost of registration shall not exceed two hundred dollars (\$200). All registrations are for the calendar year or any fraction of the year and expire on

December 31; provided, the state fire marshal shall allow a grace period of two (2) days to each holder of a permit.

SECTION 3. Tennessee Code Annotated, Section 68-104-110, is amended by deleting the language:

cone, bottle, tube, and other type serpentine pop-off novelties, model rockets, wire sparklers containing not over one hundred (100) grams of composition per item (sparklers containing any chlorate or perchlorate salts may not exceed five (5) grams of composition per item)

and substituting instead the language:

sparkling devices, novelties

SECTION 4. Tennessee Code Annotated, Section 68-104-111, is amended by deleting the section 68-104-111 and substituting instead the following:

(a) It is unlawful to place, store, locate or display fireworks, sparkling devices or aerial devices in any window where the sun may shine through glass onto the fireworks, sparkling devices or aerial devices or to permit the presence of lighted cigars, cigarettes or pipes, within ten feet (10') of where the fireworks, sparkling devices or aerial devices are offered for sale. At all places where fireworks, sparkling devices or aerial devices are stored or sold, there must be posted signs with the words "Fireworks — No smoking" in letters no less than four inches (4") high. No fireworks shall be sold at retail at any location where paints, oils or varnishes are for sale or use, unless such paints, oils or varnishes are kept in their original consumer containers, nor where resin, turpentine, gasoline or any other flammable substance is stored or sold, if the storage creates an undue hazard to any person or property.

(b) All firework devices, sparkling devices or aerial devices that are readily accessible to handling by consumers or purchasers shall have their fuses protected in

such a manner as to protect against accidental ignition of an item by spark, cigarette ash or other ignition source. Safety-type thread-wrapped and coated fuses are exempt from this subsection (b).

SECTION 5. Tennessee Code Annotated, Section 68-104-112(a)(1), is amended by deleting the subdivision and substituting instead the following:

(1) To purchase any Class C common fireworks, sparkling devices or aerial devices, a person must be at least sixteen (16) years of age. Prior to purchasing Class C common fireworks, sparkling devices or aerial devices, a person sixteen (16) or seventeen (17) years of age shall provide proof of age to the person, retailer or seasonal retailer by presenting a state-issued photo identification or be accompanied by an adult. It is unlawful to offer for retail sale or to sell any Class C common fireworks, sparkling devices or aerial devices to any person under sixteen (16) years of age or to any intoxicated or irresponsible person.

SECTION 6. Tennessee Code Annotated, Section 68-104-112(a)(2), is amended by deleting the subdivision and substituting instead the following:

(2) It is unlawful to explode or ignite fireworks, sparkling devices or aerial devices within six hundred feet (600') of any church, hospital, asylum, or public school, or within two hundred feet (200') of where fireworks are stored, sold or offered for sale.

SECTION 7. Tennessee Code Annotated, Section 68-104-112(a)(3), is amended by deleting the subdivision and substituting instead the following:

(3) No person shall ignite or discharge any permissible articles of fireworks, sparkling devices or aerial devices within or throw any permissible articles of fireworks, sparkling devices or aerial devices from a motor vehicle while within, nor shall any person place or throw any ignited article of fireworks, sparkling devices or aerial devices into or at a motor vehicle, or at or near any person or group of people.

SECTION 8. Tennessee Code Annotated, Section 68-104-112, is further amended by adding the following language as a new subsection:

(d) Notwithstanding any other law to the contrary, it is lawful for nonprofit groups to sell aerial devices; provided, such nonprofit groups are registered in accordance with § 68-104-117.

SECTION 9. Tennessee Code Annotated, Section 68-104-116, is amended by deleting the section and substituting instead the following:

This chapter shall not affect the validity of any private act, nor any city ordinance further prohibiting or restricting the sale or use of fireworks; provided:

(1) In counties with a population of not less than fifty-eight thousand seventy-five (58,075), nor more than fifty-eight thousand one hundred seventy-five (58,175), according to the 1980 federal census or any subsequent federal census, § 68-104-105 shall control;

(2) No private act, nor any city ordinance shall prohibit or restrict the sale or use of items specifically listed in § 68-104-110; and

(3) No private act, nor any city ordinance shall prohibit or restrict the sale by nonprofit groups of aerial devices, registered in accordance with § 68-104-117.

SECTION 10. This act shall take effect July 1, 2014, the public welfare requiring it.