

SENATE BILL 1296

By Niceley

AN ACT to amend Tennessee Code Annotated, Title 68,
Chapter 104, Part 1, 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 new subdivisions thereto:

() "Novelties" means the following items that do not require approval from the United States department of transportation and are not regulated as explosives: party poppers; snappers; deregulated toy smoke devices; snakes; and glow worms;

() "Sparkling devices" means any ground-based or hand-held device that emits showers of sparks and sometimes a whistling or crackling effect when burning, do not detonate or explode, cannot propel themselves through the air and contain not more than seventy-five (75) grams of pyrotechnic compound per tube, not more than a total of two hundred (200) grams of pyrotechnic compound if multiple tubes are used, and not 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, and include, without limitation, cylindrical fountains; cone fountains; illuminating torches; wheels; ground spinners; flitter sparklers; toy smoke devices; and wire sparklers containing not more than one hundred (100) grams of pyrotechnic composition per item;

SECTION 2. Tennessee Code Annotated, Section 68-104-110, is amended by deleting the language "cone, bottle, tube and other type serpentine pop-off novelties" and by substituting instead the language "sparkling devices, novelties".

SECTION 3. Tennessee Code Annotated, Section 68-104-116, is amended by designating the existing language as subsection (a) and by adding the following language as a new subsection:

(b) No private act, resolution or ordinance of a county or municipality shall prohibit or restrict the sale or use of sparkling devices and novelties as defined in § 68-104-110.

SECTION 4. This act shall take effect June 1, 2013, the public welfare requiring it.