

[First Reprint]

**SENATE, No. 3034**

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**STATE OF NEW JERSEY**  
**217th LEGISLATURE**

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INTRODUCED FEBRUARY 27, 2017

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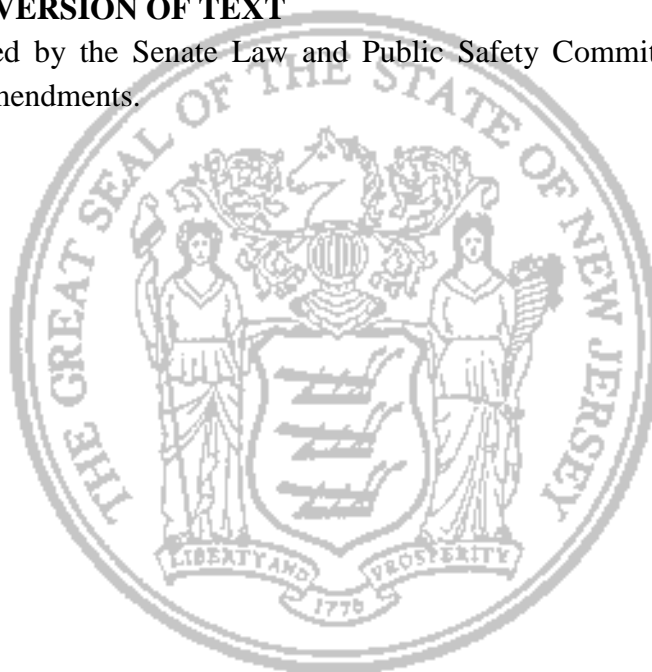
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**SYNOPSIS**

Authorizes the sale and possession of certain fireworks.

**CURRENT VERSION OF TEXT**

As reported by the Senate Law and Public Safety Committee on May 8, 2017, with amendments.



**(Sponsorship Updated As Of: 6/23/2017)**

1 AN ACT concerning the sale and possession of certain fireworks and  
2 amending R.S.21:2-2, R.S.21:2-3, and R.S.21:3-2.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. R.S.21:2-2 is amended to read as follows:

8 21:2-2. As used in this chapter:

9 "Fireworks" include any combustible or explosive composition,  
10 or any substance or combination of substances, or article prepared  
11 for the purpose of producing a visible or an audible effect by  
12 combustion, explosion, deflagration or detonation, but shall not  
13 include sparkling devices and novelties.

14 "Fireworks factory building" means any building or other  
15 structure in which the manufacture of fireworks, other than  
16 sparklers, or in which any processing involving fireworks other than  
17 sparklers, is carried on.

18 "Fireworks plant" means and includes all lands, with buildings  
19 thereon, used in connection with the manufacturing or processing of  
20 fireworks, as well as storehouses located thereon for the storage of  
21 finished fireworks.

22 "Highway" means any public street, public alley, public road, or  
23 navigable stream.

24 "Navigable streams" mean streams susceptible of being used, in  
25 their ordinary condition, as highways of commerce, over which  
26 trade and travel are or may be conducted in the customary modes,  
27 but shall not include streams which are not capable of navigation  
28 by barges, tugboats, and other large vessels.

29 "Railroad" means any steam, electric or other railroad which  
30 carries passengers for hire, but shall not include sidings or spur  
31 tracks installed primarily for the use of the fireworks plant.

32 "Sparkling devices and novelties" <sup>1</sup>**means** <sup>1</sup>**mean**<sup>1</sup>:

33 a. <sup>1</sup>**[a]**<sup>1</sup> wood <sup>1</sup>**[stick]** sticks<sup>1</sup> or wire <sup>1</sup>**[sparkler]** sparklers<sup>1</sup> of  
34 not more than 100 grams of pyrotechnic mixture per item;

35 b. <sup>1</sup>**[a]**<sup>1</sup> hand held or ground based sparkling <sup>1</sup>**[device]** devices<sup>1</sup>  
36 which <sup>1</sup>**[is]** are<sup>1</sup> non-explosive and non-aerial, which may produce  
37 a crackling or whistling effect, and contain 75 grams or less of  
38 pyrotechnic composition per tube or a total of 500 grams or less for  
39 multiple tubes; and

40 c. snakes and glow worms, smoke devices, and trick  
41 noisemakers, which include party poppers, snappers, and drop pops,  
42 each consisting of 25/100 grains or less of explosive mixture.

43 (cf: R.S.21:2-2)

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SLP committee amendments adopted May 8, 2017.

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3

1 2. R.S.21:2-3 is amended to read as follows:

2 21:2-3 "Dangerous fireworks" **【mean and include】** <sup>1</sup>**【means】**  
3 mean<sup>1</sup> the following:

4 Toy torpedoes containing more than 5 grains of an explosive  
5 composition.

6 Paper caps containing more than .35 grain of explosive  
7 composition.

8 Firecrackers or salutes exceeding 5 inches in length or 3/4  
9 inch in diameter.

10 Cannons, canes, pistols or other devices designed for use  
11 otherwise than with paper caps.

12 Any fireworks containing a compound or mixture of yellow or  
13 white phosphorous or mercury.

14 Any fireworks that contain a detonator or blasting cap.

15 Fireworks compositions that ignite spontaneously or undergo  
16 marked decomposition when subjected for 48 consecutive hours to a  
17 temperature of 167° Fahrenheit.

18 Fireworks that can be exploded en masse by a blasting cap  
19 placed in one of the units or by impact of a rifle bullet or otherwise.

20 Fireworks, such as **【sparklers or】** fusees, containing a match tip,  
21 or head, or similar igniting point or surface, unless each individual  
22 tip, head or igniting point or surface is thoroughly covered and  
23 securely protected from accidental contact or friction with any  
24 other surface.

25 Fireworks containing an ammonium salt and a chlorate.

26 (cf: R.S.21:2-3)

27

28 3. R.S.21:3-2 is amended to read as follows:

29 21:3-2. a. It shall be unlawful for any person to offer for sale,  
30 expose for sale, sell, possess or use, or explode any blank cartridge,  
31 toy pistol, toy cannon, toy cane or toy gun in which explosives are  
32 used; the type of balloon which requires fire underneath to propel  
33 the same; firecrackers; torpedoes; skyrockets, Roman candles,  
34 bombs, **【sparklers】** or other fireworks of like construction, or any  
35 fireworks containing any explosive or inflammable compound or  
36 any tablets or other device commonly used and sold as fireworks  
37 containing nitrates, chlorates, oxalates, sulphides of lead, barium,  
38 antimony, arsenic, mercury, nitroglycerine, phosphorus or any  
39 compound containing any of the same or other explosives, or any  
40 substance or combination of substances, or article prepared for the  
41 purpose of producing a visible or an audible effect by combustion,  
42 explosion, deflagration or detonation, other than aviation and  
43 railroad signal light flares **【, except (a) that】** .

44 b. Notwithstanding subsection a. of this section, it shall be  
45 lawful for **【any】** a person to offer for sale, expose for sale, sell,  
46 store, possess, or use **【, or explode any】** ;

1       (1) a toy pistol, toy cane, toy gun, or other device in which  
2 paper or plastic caps containing .25 grain or less of explosive  
3 compound per cap are used, providing they are so constructed that  
4 the hand cannot come in contact with the cap when in place for use,  
5 and toy pistol paper or plastic caps which contain less than .20 grain  
6 of explosive mixture per cap;

7       (2) sparkling devices and novelties as defined in R.S.21:2-2 'if  
8 the person is 16 years of age or older' . Sparkling devices and  
9 novelties, including their sale or use, shall not be subject to further  
10 regulation by a municipality pursuant to R.S.40:48-1, except that  
11 the storage and sale of items listed in this paragraph shall be  
12 consistent with the standards set forth in NFPA 1124 National Fire  
13 Protection Association Code for the Manufacture, Transportation,  
14 Storage and Retail Sales of Fireworks and Pyrotechnic Articles,  
15 2006 edition; and

16       **【(b)】** (3) any item or device as otherwise provided in this  
17 chapter **【further provided】**.

18       c. Except as otherwise may be provided in this chapter, it shall  
19 be lawful to sell fireworks to a person only if that person is named  
20 as the authorized purchaser in a valid permit issued pursuant to  
21 R.S.21:3-3 or that person is the owner, manager, or designated  
22 employee acting as the agent of the owner or manager, of a legally  
23 operated commercial enterprise registered pursuant to section 10 of  
24 P.L.1991, c.55 (C.21:2-37), and the permit is presented to the  
25 manufacturer, seller or distributor at the time of purchase. If the  
26 manufacturer, seller or distributor is located in a state other than  
27 this State, a purchase shall be by mail order form and a photocopy  
28 of the valid permit or registration shall be submitted with the form  
29 to satisfy the requirement in this paragraph.

30 (cf: P.L.1991, c.55, s.4)

31

32       4. This act shall take effect immediately.