

ASSEMBLY, No. 4448

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JULY 23, 2020

Sponsored by:

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

SYNOPSIS

Prohibits sale and possession of certain fireworks.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 7/23/2020)

1 AN ACT prohibiting 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
17 than 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 by
28 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" mean:**

33 a. wood sticks or wire sparklers of not more than 100 grams of
34 pyrotechnic mixture per item;

35 b. hand held or ground based sparkling devices which are non-
36 explosive and non-aerial, which may produce a crackling or
37 whistling effect, and contain 75 grams or less of pyrotechnic
38 composition per tube or a total of 500 grams or less for multiple
39 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: P.L.2017, c.92, s.1)

44

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

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.

1 21:2-3. "Dangerous fireworks" mean the following:

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

4 Paper caps containing more than .35 grain of explosive
5 composition.

6 Firecrackers or salutes exceeding 5 inches in length or 3/4 inch
7 in diameter.

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

10 Any fireworks containing a compound or mixture of yellow or
11 white phosphorous or mercury.

12 Any fireworks that contain a detonator or blasting cap.

13 Fireworks compositions that ignite spontaneously or undergo
14 marked decomposition when subjected for 48 consecutive hours to a
15 temperature of 167 degrees Fahrenheit.

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

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

22 Fireworks containing an ammonium salt and a chlorate.

23 (cf: P.L.2017, c.92, s.2)

24

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

26 21:3-2. **[a.]** It shall be unlawful for any person to offer for sale,
27 expose for sale, sell, possess or use, or explode any blank cartridge,
28 toy pistol, toy cannon, toy cane or toy gun in which explosives are
29 used; the type of balloon which requires fire underneath to propel
30 the same; firecrackers; torpedoes; skyrockets, Roman candles,
31 bombs, sparklers, or other fireworks of like construction, or any
32 fireworks containing any explosive or inflammable compound or
33 any tablets or other device commonly used and sold as fireworks
34 containing nitrates, chlorates, oxalates, sulphides of lead, barium,
35 antimony, arsenic, mercury, nitroglycerine, phosphorus or any
36 compound containing any of the same or other explosives, or any
37 substance or combination of substances, or article prepared for the
38 purpose of producing a visible or an audible effect by combustion,
39 explosion, deflagration or detonation, other than aviation and
40 railroad signal light flares.

41 b. Notwithstanding subsection a. of this section, it shall be
42 lawful for a person to offer for sale, expose for sale, sell, store,
43 possess, or use**【**:

44 (1)**】**a toy pistol, toy cane, toy gun, or other device in which
45 paper or plastic caps containing .25 grain or less of explosive
46 compound per cap are used, providing they are so constructed that
47 the hand cannot come in contact with the cap when in place for use,

1 and toy pistol paper or plastic caps which contain less than .20
2 grains of explosive mixture per cap

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

12 (3) any item or device as otherwise provided in this chapter

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

25 (cf: P.L.2017, c.92, s.3)

26

27 4. This act shall take effect immediately.

28

29

30 STATEMENT

31

32 This bill prohibits the sale, possession, and use of certain
33 fireworks.

34 This bill eliminates an exception to the law that prohibits the
35 sale, possession, or use of fireworks. Under current law, certain
36 non-exploding, non-aerial fireworks that are included in the
37 definition of sparkling devices and novelties are authorized for
38 possession by persons at least 16 years old. Sparkling devices and
39 novelties refer to: sparklers, snakes, and glow worms; smoke
40 devices; and trick. Sparkling devices and novelties refer to: wood
41 sticks or wire sparklers, hand held or ground based sparkling
42 devices which are non-explosive and non-aerial, snakes and glow
43 worms, smoke devices, and trick noisemakers, which include party
44 poppers, snappers, and drop pops.

45 This bill eliminates the exception for sparkling devices and
46 novelties from the ban on the sale, possession, and use of fireworks.
47 Under the bill, the sale, possession, and use of fireworks is

1 restricted to an authorized purchaser with a valid permit to purchase
2 fireworks for public display as approved by a municipality.

3 A person who unlawfully sells fireworks is guilty of a fourth
4 degree crime, which is punishable by imprisonment of up to 18
5 months, a fine of up to \$10,000, or both. A person who unlawfully
6 purchases, possesses, or uses fireworks is guilty of a petty
7 disorderly persons offense, which is punishable by up to 30 days'
8 imprisonment, a fine of up to \$500, or both.