

## SENATE BILL No. 225

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 22-11-14.

**Synopsis:** Fireworks regulation. Amends certain definitions relating to fireworks. Establishes the following fireworks seasons: (1) The period beginning June 15 and ending July 10 of the same year for using consumer fireworks. (2) The period beginning December 15 and ending January 2 of the following year for using consumer fireworks. Provides that a person may not use, set off, or ignite fireworks not approved for sale at a retail sales stand except during the fireworks season. Eliminates the requirement for a written assurance and the five day period for removing unapproved fireworks from Indiana. Broadens the definition of a retailer to permit certain retailers to sell as wholesalers. Eliminates the definition of interstate wholesaler.  
(Continued next page)

**Effective:** Upon passage; January 1, 1998.

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January 6, 1998, read first time and referred to Committee on Public Policy.

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Digest Continued

Prohibits the sale of certain fireworks to persons who are less than 18 years of age. Prohibits the sale of certain small sky rockets in Indiana. Establishes penalties.



Introduced

Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

## SENATE BILL No. 225

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A BILL FOR AN ACT to amend the Indiana Code concerning labor and industrial safety.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 22-11-14-1 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in this  
3 chapter:  
4 "Auto burglar alarm" means a tube that contains pyrotechnic  
5 composition that produces a loud whistle or smoke when ignited. A  
6 small quantity of explosive, not exceeding fifty (50) milligrams, may  
7 also be used to produce a small report. A squib is used to ignite the  
8 device.  
9 "Booby trap" means a small tube with string protruding from both  
10 ends, similar to a party popper in design. The ends of the string are  
11 pulled to ignite the friction sensitive composition, producing a small  
12 report.  
13 "Chaser" means a device, containing fifty (50) milligrams or less  
14 of explosive composition, that consists of a small paper or cardboard  
15 tube that travels along the ground upon ignition. A whistling effect is



1 often produced, and a small noise may be produced.

2 "Cigarette load" means a small wooden peg that has been coated  
3 with a small quantity of explosive composition. Upon ignition of a  
4 cigarette containing one (1) of the pegs, a small report is produced.

5 ~~Common~~ "Consumer firework" means a small firework that is  
6 designed primarily to produce visible effects by combustion, and that  
7 is required to comply with the construction, chemical composition, and  
8 labeling regulations promulgated by the United States Consumer  
9 Product Safety Commission under 16 CFR 1507. The term also  
10 includes some small devices designed to produce an audible effect,  
11 such as whistling devices, ground devices containing fifty (50)  
12 milligrams or less of explosive composition, and aerial devices  
13 containing one hundred thirty (130) milligrams or less of explosive  
14 composition. Propelling or expelling charges consisting of a mixture of  
15 charcoal, sulfur, and potassium nitrate are not considered as designed  
16 to produce an audible effect. ~~Common~~ Consumer fireworks:

17 (1) include:

18 (A) ground and hand-held sparkling devices, which include  
19 dipped stick, certain wire sparklers, cylindrical fountains,  
20 cone fountains, illuminating torches, wheels, ground  
21 spinners, and flutter sparklers;

22 (B) aerial devices, which include sky rockets, missile-type  
23 rockets, helicopter or aerial spinners, roman candles, mines,  
24 and shells;

25 (C) ground audible devices, which include firecrackers,  
26 salutes, and chasers; and

27 (D) firework devices containing combinations of two (2) or  
28 more of the effects described in ~~the preceding three (3)~~  
29 clauses (A), (B), and (C); and

30 (2) do not include the following novelties and trick noisemakers:

31 (A) Snakes or glow worms.

32 (B) Smoke devices.

33 (C) Wire sparklers which contain no magnesium and which  
34 contain less than one hundred (100) grams of composition  
35 per item.

36 (D) Trick noisemakers, which include party poppers, booby  
37 traps, snappers, trick matches, cigarette loads, and auto  
38 burglar alarms.

39 "Cone fountain" means a cardboard or heavy paper cone which  
40 contains up to fifty (50) grams of pyrotechnic composition and which  
41 produces the same effect as a cylindrical fountain.

42 "Cylindrical fountain" means a cylindrical tube not exceeding



1 three-quarters (3/4) inch in inside diameter and containing up to  
 2 seventy-five (75) grams of pyrotechnic composition. Fountains produce  
 3 a shower of color and sparks upon ignition, and sometimes a whistling  
 4 effect. Cylindrical fountains may contain a spike to be inserted in the  
 5 ground (spike fountain), a wooden or plastic base to be placed on the  
 6 ground (base fountain), or a wooden handle or cardboard handle for  
 7 items designed to be hand-held (handle fountain).

8 "Dipped stick" or "wire sparkler" means a ~~common~~ **consumer**  
 9 firework that consists of a stick or wire coated with pyrotechnic  
 10 composition that produces a shower of sparks upon ignition. Total  
 11 pyrotechnic composition does not exceed one hundred (100) grams per  
 12 item. Those devices containing chlorate or perchlorate salts do not  
 13 exceed five (5) grams in total composition per item. Wire sparklers  
 14 which contain no magnesium and which contain less than one hundred  
 15 (100) grams of composition per item are not included in the category  
 16 of ~~common~~ **consumer** fireworks.

17 "~~Distributor~~" means a ~~person who sells fireworks to wholesalers~~  
 18 ~~and retailers for resale.~~

19 "Explosive composition" means a chemical or mixture of  
 20 chemicals that produces an audible effect by deflagration or detonation  
 21 when ignited.

22 "Firecracker" or "salute" is a device that consists of a small  
 23 paper-wrapped or cardboard tube containing not more than fifty (50)  
 24 milligrams of pyrotechnic composition and that produces, upon  
 25 ignition, noise, accompanied by a flash of light.

26 "Firework" means any composition or device designed for the  
 27 purpose of producing a visible or **an** audible effect by combustion,  
 28 deflagration, or detonation. Fireworks consist of ~~common~~ **consumer**  
 29 fireworks and special fireworks. The following items are excluded from  
 30 the definition of **consumer** fireworks:

- 31 (1) Model rockets.
- 32 (2) Toy pistol caps.
- 33 (3) Emergency signal flares.
- 34 (4) Matches.
- 35 (5) Fixed ammunition for firearms.
- 36 (6) Ammunition components intended for use in firearms,  
 37 muzzle loading cannons, or small arms.
- 38 (7) Shells, cartridges, and primers for use in firearms, muzzle  
 39 loading cannons, or small arms.
- 40 (8) Indoor pyrotechnics special effects material.
- 41 **(9) M-80s, cherry bombs, and silver salutes as banned by the**  
 42 **federal government.**



- 1           **"Fireworks season" means the following:**  
 2           **(1) The period for using consumer fireworks beginning June**  
 3           **15 and ending July 10 of the same year.**  
 4           **(2) The period for using consumer fireworks beginning**  
 5           **December 15 and ending January 2 of the following year.**  
 6           "Flitter sparkler" means a narrow paper tube filled with  
 7           pyrotechnic composition that produces color and sparks upon ignition.  
 8           These devices do not use a fuse for ignition, but rather are ignited by  
 9           igniting the paper at one (1) end of the tube.  
 10          "Ground spinner" means a small spinning device which is similar  
 11          to wheels in design and effect when placed on the ground and ignited,  
 12          and which produces a shower of sparks and color when spinning.  
 13          "Helicopter" or "aerial spinner" is a spinning device:  
 14               (1) that consists of a tube up to one-half (1/2) inch in inside  
 15               diameter and that contains up to twenty (20) grams of  
 16               pyrotechnic composition;  
 17               (2) to which some type of propeller or blade device is attached;  
 18               and  
 19               (3) that lifts into the air upon ignition, producing a visible or **an**  
 20               audible effect at the height of flight.  
 21          "Illuminating torch" means a cylindrical tube that:  
 22               (1) contains up to one hundred (100) grams of pyrotechnic  
 23               composition;  
 24               (2) produces, upon ignition, a colored fire; and  
 25               (3) is either a spike, base, or handle-type device.  
 26          "Importer" means:  
 27               (1) a person who imports fireworks from a foreign country; or  
 28               (2) a person who brings or causes fireworks to be brought within  
 29               this state for subsequent sale.  
 30          "Indoor pyrotechnics special effects material" means a chemical  
 31          material that is clearly labeled by the manufacturer as suitable for  
 32          indoor use (as provided in National Fire Protection Association  
 33          Standard 1126 (1992 edition)).  
 34          "~~Interstate wholesaler" means a person who is engaged in~~  
 35          ~~interstate commerce selling fireworks. not approved for sale in Indiana.~~  
 36          "Manufacturer" means a person engaged in the manufacture of  
 37          fireworks.  
 38          "Mine" or "shell" means a device that:  
 39               (1) consists of a heavy cardboard or paper tube up to two and  
 40               one-half (2 1/2) inches in inside diameter, to which a wooden or  
 41               plastic base is attached;  
 42               (2) contains up to forty (40) grams of pyrotechnic composition;



1 and  
 2 (3) propels, upon ignition, stars (pellets of pressed pyrotechnic  
 3 composition that burn with bright color), whistles, parachutes, or  
 4 combinations thereof, with the tube remaining on the ground.

5 "Missile-type rocket" means a device that is similar to a sky rocket  
 6 in size, composition, and effect, and that uses fins rather than a stick for  
 7 guidance and stability.

8 "Party popper" means a small plastic or paper item containing not  
 9 more than sixteen (16) milligrams of explosive composition that is  
 10 friction sensitive. A string protruding from the device is pulled to ignite  
 11 it, expelling paper streamers and producing a small report.

12 "Person" means an individual, an association, an organization, a  
 13 limited liability company, or a corporation.

14 "Pyrotechnic composition" means a mixture of chemicals that  
 15 produces a visible or **an** audible effect by combustion rather than  
 16 deflagration or detonation. Pyrotechnic compositions will not explode  
 17 upon ignition unless severely confined.

18 "Retail sales stand" means a temporary business site or location  
 19 where goods are to be sold.

20 "Retailer" means a person who:

21 (1) purchases **consumer** fireworks for resale to consumers **at a**  
 22 **retail sales stand;**

23 (2) **sells consumer fireworks at retail that are not approved**  
 24 **for sale at a retail sales stand as allowed by this chapter; or**

25 (3) **purchases and sells consumer fireworks as provided in**  
 26 **subdivisions (1) and (2).**

27 "Roman candle" means a device that consists of a heavy paper or  
 28 cardboard tube not exceeding three-eighths (3/8) inch in inside  
 29 diameter and that contains up to twenty (20) grams of pyrotechnic  
 30 composition. Upon ignition, up to ten (10) "stars" (pellets of pressed  
 31 pyrotechnic composition that burn with bright color) are individually  
 32 expelled at several-second intervals.

33 "Sky rocket" means a device that:

34 (1) consists of a tube that ~~does not exceed one-half (1/2) inch in~~  
 35 ~~inside diameter and that~~ contains up to twenty (20) grams of  
 36 pyrotechnic composition;

37 (2) contains a ~~wooden~~ stick for guidance and stability; and

38 (3) rises into the air upon ignition, producing a burst of color or  
 39 noise at the height of flight.

40 "Smoke device" means a tube or sphere containing pyrotechnic  
 41 composition that produces white or colored smoke upon ignition as the  
 42 primary effect.



1 "Snake" or "glow worm" means a pressed pellet of pyrotechnic  
 2 composition that produces a large, snake-like ash upon burning. The  
 3 ash expands in length as the pellet burns. These devices do not contain  
 4 mercuric thiocyanate.

5 "Snapper" means a small, paper-wrapped item containing a minute  
 6 quantity of explosive composition coated on small bits of sand. When  
 7 dropped, the device explodes, producing a small report.

8 "Special fireworks" means fireworks designed primarily to  
 9 produce visible or audible effects by combustion, deflagration, or  
 10 detonation, including firecrackers containing more than one hundred  
 11 thirty (130) milligrams of explosive composition, aerial shells  
 12 containing more than forty (40) grams of pyrotechnic composition, and  
 13 other ~~exhibition display~~ items that exceed the limits for classification  
 14 as **common consumer** fireworks.

15 "Trick match" means a kitchen or book match that has been coated  
 16 with a small quantity of explosive or pyrotechnic composition. Upon  
 17 ignition of the match, a small report or a shower of sparks is produced.

18 "Trick noisemaker" means an item that produces a small report  
 19 intended to surprise the user.

20 "Wheel" means a pyrotechnic device that:

- 21 (1) is attached to a post or tree by means of a nail or string;
- 22 (2) contains up to six (6) driver units (tubes not exceeding
- 23 one-half (1/2) inch in inside diameter) containing up to sixty (60)
- 24 grams of composition per driver unit; and
- 25 (3) revolves, upon ignition, producing a shower of color and
- 26 sparks and sometimes a whistling effect.

27 "Wholesaler" means a person who:

- 28 (1) purchases **consumer** fireworks for resale to retailers and
- 29 **other wholesalers;**
- 30 (2) **sells consumer fireworks at retail that are not approved**
- 31 **for sale at a retail sales stand as allowed by this chapter; or**
- 32 **(3) purchases and sells consumer fireworks as provided in**
- 33 **subdivisions (1) and (2).**

34 SECTION 2. IC 22-11-14-4 IS AMENDED TO READ AS  
 35 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Nothing in  
 36 this chapter shall be construed to prohibit:

- 37 (1) any ~~resident retailer or~~ wholesaler ~~manufacturer, importer,~~
- 38 ~~or distributor~~ from selling,
  - 39 (A) ~~at wholesale at retail and at a permanent location,~~
  - 40 ~~consumer fireworks not prohibited by this chapter; or~~
  - 41 (B) ~~fireworks not approved for sale in Indiana if they are to~~
  - 42 ~~be shipped directly out of state within five (5) days of the~~



- 1                    ~~date of sale;~~  
 2                    **that are prohibited from sale at a retail sales stand by this**  
 3                    **chapter;**  
 4                    (2) the use of **special** fireworks by railroads or other  
 5                    transportation agencies for signal purposes or illumination;  
 6                    (3) the sale or use of blank cartridges for:  
 7                        (A) a show or theater;  
 8                        (B) signal or ceremonial purposes in athletics or sports; or  
 9                        (C) use by military organizations;  
 10                    (4) the intrastate sale of **consumer** fireworks ~~not approved for~~  
 11                    ~~sale in Indiana~~ between ~~interstate~~ wholesalers;  
 12                    (5) the possession, sale, or disposal of **special** fireworks,  
 13                    incidental to the public display of ~~Class B special~~ fireworks, by  
 14                    wholesalers or other persons who possess a permit to possess,  
 15                    store, and sell ~~Class B explosives special fireworks~~ from the  
 16                    Bureau of Alcohol, Tobacco and Firearms, United States  
 17                    Department of the Treasury; **or**  
 18                    (6) the use of indoor pyrotechnics special effects material before  
 19                    an indoor or outdoor proximate audience.  
 20                    (b) For the purposes of this section, a ~~resident wholesaler importer;~~  
 21                    ~~or distributor;~~ is a person who:  
 22                        (1) is a resident of Indiana;  
 23                        (2) possesses for resale ~~common consumer~~ fireworks ~~approved~~  
 24                        ~~or not approved~~ for sale in Indiana;  
 25                        (3) is engaged in the ~~interstate~~ sale of ~~common consumer~~  
 26                        fireworks described in subdivision (2) as ~~an essential~~ part of a  
 27                        business that is located in a permanent structure; and is ~~open~~  
 28                        ~~at least six (6) months each year;~~  
 29                        ~~(4) sells common fireworks described in subdivision (2) only to~~  
 30                        ~~purchasers who provide a written and signed assurance that the~~  
 31                        ~~fireworks are to be shipped out of Indiana within five (5) days of~~  
 32                        ~~the date of sale; and~~  
 33                        ~~(5) (4) has possession of a certificate of compliance issued by the~~  
 34                        ~~state fire marshal under section 5 of this chapter.~~  
 35                    (c) A purchaser may not provide a written and signed assurance  
 36                    that the fireworks purchased are to be shipped out of Indiana and then  
 37                    sell or use them in Indiana.  
 38                    SECTION 3. IC 22-11-14-5, AS AMENDED BY P.L.2-1995,  
 39                    SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 40                    UPON PASSAGE]: Sec. 5. (a) The state fire marshal shall remove at  
 41                    the expense of the owner all stocks of **consumer** fireworks or  
 42                    combustibles possessed, transported, or delivered in violation of this



1 chapter.

2 (b) The state fire marshal shall stop the shipments and sale of  
3 **consumer** fireworks, novelties, and trick noisemakers unless, prior to  
4 shipment into this state for sale, the manufacturer, wholesaler, **or**  
5 importer ~~or distributor~~ of the **consumer** fireworks, novelties, and trick  
6 noisemakers submits to the state fire marshal:

7 ~~(1) a complete description of each item proposed to be shipped~~  
8 ~~into Indiana;~~

9 ~~(2) (1) a written certification that the items are manufactured in~~  
10 ~~accordance with section 1 of this chapter; the regulations~~  
11 ~~promulgated by the United States Consumer Products Safety~~  
12 ~~Commission under 16 CFR 1500 et seq. or with the~~  
13 ~~requirements of the American Fireworks Standards~~  
14 ~~Laboratories; and~~

15 ~~(3) (2) an annual registration fee of one thousand dollars~~  
16 ~~(\$1,000) for each wholesale permit location at which there~~  
17 ~~are to be any sales of consumer fireworks not approved for~~  
18 ~~sale at a retail sales stand.~~

19 (c) If upon inspection the state fire marshal finds that this chapter  
20 has been complied with, an annual certificate of compliance shall be  
21 issued to the manufacturer, wholesaler, **or** importer. ~~or distributor.~~ An  
22 annual certificate of compliance expires ~~December 31 of the year~~  
23 ~~during which the certificate is issued.~~ **one (1) year after the date of**  
24 **issue.**

25 (d) Each manufacturer, wholesaler, importer, or ~~distributor~~  
26 **retailer** must obtain a certificate of compliance **for each location.** The  
27 certificate is not transferable ~~except that between wholesalers.~~  
28 **However,** a retailer that offers the items **not approved for sale at a**  
29 **retail sales stand** for sale to the public is entitled to receive a certified  
30 copy of the certificate from the manufacturer, wholesaler, **or** importer  
31 ~~or distributor~~ from which the retailer purchases the items. A certified  
32 copy of the certificate of compliance must be posted in each location  
33 where the items are offered for sale to the public.

34 (e) If upon inspection the state fire marshal finds that this chapter  
35 has not been complied with, the state fire marshal shall refuse to issue  
36 a certificate of compliance and state the reasons for the refusal. A copy  
37 of the order denying the issuance of a certificate of compliance and the  
38 reasons shall be forwarded to the manufacturer, wholesaler, **or**  
39 importer. ~~or distributor.~~ The state fire marshal may revoke any  
40 certificate of compliance issued to any manufacturer, wholesaler, **or**  
41 importer ~~or distributor~~ if the holder of the certificate has violated this  
42 chapter.



1           ~~(e)~~ **(f)** All **consumer** fireworks, novelties, and trick noisemakers  
 2 shipped into Indiana, or manufactured and sold in Indiana, must have  
 3 distinctly and durably painted, stamped, printed, or marked on the  
 4 package, box, or container in which the items are enclosed the exact  
 5 number of pieces in the container.

6           ~~(d)~~ **(g)** It is unlawful for a manufacturer, wholesaler, importer, or  
 7 ~~distributor~~ **retailer** to sell at wholesale, offer to sell at wholesale, or  
 8 ship or cause to be shipped into Indiana **consumer** fireworks, novelties,  
 9 or trick noisemakers unless the manufacturer, wholesaler, **or** importer  
 10 **or distributor** has been issued and holds a valid certificate of  
 11 compliance issued under subsection ~~(b)~~: **(c)**. This subsection applies to  
 12 nonresidents and residents of Indiana.

13           **(h) A wholesaler may sell consumer fireworks that are not**  
 14 **approved for sale at a retail sales stand only to purchasers who are**  
 15 **at least eighteen (18) years of age.**

16           **(i) This chapter does not prohibit a wholesaler from selling**  
 17 **consumer or special fireworks to another wholesaler in interstate**  
 18 **commerce.**

19           SECTION 4. IC 22-11-14-6 IS AMENDED TO READ AS  
 20 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. **(a)** A person  
 21 who **knowingly or intentionally**:

22           **(1)** violates section ~~4(e)~~, ~~5(e)~~, 5(d), 7, **or 5(f), 5(g), 5(h), or 8** of  
 23 this chapter; **or**

24           **(2) sells or distributes a sky rocket in violation of section 8.6**  
 25 **of this chapter;**

26 commits a Class A misdemeanor.

27           **(b) A person who knowingly or intentionally:**

28           **(1) violates section 8.5 of this chapter; or**

29           **(2) uses a sky rocket in violation of section 8.6 of this**  
 30 **chapter;**

31 **commits a Class C infraction.**

32           SECTION 5. IC 22-11-14-7 IS AMENDED TO READ AS  
 33 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. **(a)** A retailer  
 34 selling **consumer** fireworks at one (1) or more temporary stands must  
 35 obtain a fireworks stand retail sales permit, referred to in this section  
 36 as a "permit", from the state fire marshal.

37           **(b)** An application for a permit must be made before June 1 of  
 38 each year and must require that at least the following information be  
 39 supplied by the retailer:

40           **(1)** The retailer's retail merchant certificate number or proof of  
 41 application for a certificate number.

42           **(2)** The location of each stand.



1 The state fire marshal shall, within seven (7) days after the receipt of  
 2 an application for a permit, either issue the permit or notify the  
 3 applicant of the denial of the permit.

4 (c) The retailer must pay to the state fire marshal an annual permit  
 5 fee set under IC 22-12-6-8. If the state fire marshal approves an  
 6 application for a permit, he shall issue a permit to the retailer. The  
 7 permit expires one (1) year after the date of issuance.

8 (d) The permit shall be posted by the retailer at the stand so that  
 9 it is easily seen by the public. However, the state fire marshal's  
 10 issuance of a permit does not constitute approval of the **consumer**  
 11 fireworks offered for sale by the retailer. The retailer is responsible for  
 12 determining that all **consumer** fireworks which he offers for sale  
 13 conform to applicable law.

14 (e) At each stand, the retailer shall provide:

15 (1) a posted certificate of compliance, including a descriptive list  
 16 of approved **consumer** fireworks; and

17 (2) a supervisor who is at least sixteen (16) years of age.

18 (f) **Consumer** fireworks may not be sold at retail from trucks,  
 19 vans, or automobiles.

20 SECTION 6. IC 22-11-14-8 IS AMENDED TO READ AS  
 21 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. A person shall  
 22 not sell at a retail **sales stand** or offer for sale at a retail **sales stand**  
 23 any **consumer** fireworks, novelties, or trick noisemakers other than the  
 24 following:

25 (1) Dipped sticks or wire sparklers. However, total pyrotechnic  
 26 composition may not exceed one hundred (100) grams per item.  
 27 Devices containing chlorate or perchlorate salts may not exceed  
 28 five (5) grams in total composition per item.

29 (2) Cylindrical fountains.

30 (3) Cone fountains.

31 (4) Illuminating torches.

32 (5) Wheels.

33 (6) Ground spinners.

34 (7) Flitter sparklers.

35 (8) Snakes or glow worms.

36 (9) Smoke devices.

37 (10) Trick noisemakers, which include **the following**:

38 (A) Party poppers.

39 (B) Booby traps.

40 (C) Snappers.

41 (D) Trick matches.

42 (E) Cigarette loads.



1 (F) Auto burglar alarms.

2 SECTION 7. IC 22-11-14-8.5 IS ADDED TO THE INDIANA  
3 CODE AS A NEW SECTION TO READ AS FOLLOWS  
4 [EFFECTIVE UPON PASSAGE]: **Sec. 8.5. (a) A person may not use,  
5 set off, or ignite consumer fireworks not approved for sale at a  
6 retail sales stand except during the fireworks season. However, this  
7 section does not prohibit a wholesaler or an importer from igniting  
8 or setting off consumer fireworks in accordance with a mandatory  
9 or voluntary testing program.**

10 (b) Notwithstanding subsection (a), a person who is less than  
11 eighteen (18) years of age may not possess, use, set off, or ignite:

12 (1) special fireworks; or

13 (2) consumer fireworks that are not approved for sale at a  
14 retail sales stand.

15 SECTION 8. IC 22-11-14-8.6 IS ADDED TO THE INDIANA  
16 CODE AS A NEW SECTION TO READ AS FOLLOWS  
17 [EFFECTIVE JANUARY 1, 1998]: **Sec. 8.6. (a) A person may not  
18 sell, distribute, or use a sky rocket:**

19 (1) with a tube diameter of less than three-eighths (3/8) inch  
20 by two and one-fourth (2 1/4) inches in length;

21 (2) with a stick dimension that is less than one-eighth (1/8)  
22 inch in diameter by eleven and one-half (11 1/2) inches in  
23 length; and

24 (3) that has a total pyrotechnic composition that is less than  
25 twenty (20) grams in weight.

26 (b) A sky rocket that is prohibited from sale, use, or  
27 distribution under this section may be stored and sold by a licensed  
28 wholesaler for the exclusive purpose of out-of-state distribution.

29 SECTION 9. IC 22-11-14-10 IS AMENDED TO READ AS  
30 FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 10. ~~(a)~~ Each  
31 interstate wholesaler shall keep a record of each sale of fireworks not  
32 approved for sale in Indiana. This record must include:**

33 ~~(1)~~ the purchaser's name;

34 ~~(2)~~ the purchaser's address; and

35 ~~(3)~~ the date of the sale.

36 These records shall be kept for three ~~(3)~~ years and be available for  
37 inspection by the fire marshal:

38 ~~(b)~~ Each resident wholesaler shall post in a prominent location in  
39 the wholesaler's place of business a sign that reads as follows:

40 "Under Indiana law, a **resident** wholesaler of **consumer**  
41 fireworks may sell **consumer** fireworks not approved for sale **at**  
42 **a retail sales stand** in Indiana ~~only to other resident wholesalers~~



1 and to purchasers who provide a written and signed assurance  
 2 that the fireworks are to be shipped out of Indiana within five (5)  
 3 days of the date of sale. A purchaser who provides a written and  
 4 signed assurance that fireworks purchased are to be shipped out  
 5 of Indiana within five (5) days of the date of sale and who then  
 6 sells the fireworks in Indiana or uses them in Indiana to any  
 7 person who is at least eighteen (18) years of age. However, a  
 8 person may not use, set off, or ignite consumer fireworks not  
 9 approved for sale at a retail sales stand except during the  
 10 fireworks season. A person who violates this section commits  
 11 a ~~Class A misdemeanor; Class C infraction~~, which is  
 12 punishable by imprisonment for up to one (1) year and a fine of  
 13 up to five ~~thousand hundred~~ dollars (~~\$5,000~~): **(\$500)**".

14 The state fire marshal shall provide ~~interstate~~ wholesalers with signs  
 15 for the purposes of this ~~subsection~~: **section**.

16 **SECTION 10. An emergency is declared for this act.**

