

# HOUSE BILL No. 1328

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 22-11-14-4; IC 22-11-14-10.

**Synopsis:** Fireworks regulation. Specifies that all sales of fireworks not approved for sale in Indiana must be made at wholesale.

**Effective:** Upon passage.

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**Smith V, Tincher, Pond**

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January 12, 1999, read first time and referred to Committee on Commerce and Economic Development.

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Introduced

First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

## HOUSE BILL No. 1328

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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 22-11-14-4 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Nothing in  
3 this chapter shall be construed to prohibit:  
4 (1) any resident wholesaler, manufacturer, importer, or distributor  
5 from selling **at wholesale**:  
6 (A) ~~at wholesale~~ fireworks not prohibited by this chapter; or  
7 (B) fireworks not approved for sale in Indiana if they are to be  
8 shipped directly out of state within five (5) days of the date of  
9 sale;  
10 (2) the use of fireworks by railroads or other transportation  
11 agencies for signal purposes or illumination;  
12 (3) the sale or use of blank cartridges for:  
13 (A) a show or theater;  
14 (B) signal or ceremonial purposes in athletics or sports; or  
15 (C) use by military organizations;  
16 (4) the intrastate sale of fireworks not approved for sale in Indiana  
17 between interstate wholesalers;



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1 (5) the possession, sale, or disposal of fireworks, incidental to the  
 2 public display of Class B fireworks, by wholesalers or other  
 3 persons who possess a permit to possess, store, and sell Class B  
 4 explosives from the Bureau of Alcohol, Tobacco and Firearms,  
 5 United States Department of the Treasury; or

6 (6) the use of indoor pyrotechnics special effects material before  
 7 an indoor or outdoor proximate audience.

8 (b) For the purposes of this section, a resident wholesaler, importer,  
 9 or distributor, is a person who:

10 (1) is a resident of Indiana;

11 (2) possesses for resale common fireworks approved or not  
 12 approved for sale in Indiana;

13 (3) is engaged in the interstate sale of common fireworks  
 14 described in subdivision (2) as an essential part of a business that  
 15 is located in a permanent structure and is open at least six (6)  
 16 months each year;

17 (4) sells common fireworks described in subdivision (2) **at**  
 18 **wholesale** only to purchasers who provide a written and signed  
 19 assurance that the fireworks are to be shipped out of Indiana  
 20 within five (5) days of the date of sale; and

21 (5) has possession of a certificate of compliance issued by the  
 22 state fire marshal under section 5 of this chapter.

23 (c) A purchaser may not provide a written and signed assurance that  
 24 the fireworks purchased **at wholesale** are to be shipped out of Indiana  
 25 and then sell or use them in Indiana.

26 SECTION 2. IC 22-11-14-10 IS AMENDED TO READ AS  
 27 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) Each  
 28 interstate wholesaler shall keep a record of each sale of fireworks not  
 29 approved for sale in Indiana. This record must include:

30 (1) the purchaser's name;

31 (2) the purchaser's address; and

32 (3) the date of the sale.

33 These records shall be kept for three (3) years and be available for  
 34 inspection by the fire marshal.

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

37 "Under Indiana law, a resident wholesaler of fireworks may sell  
 38 **at wholesale**, fireworks not approved for sale in Indiana only to  
 39 other resident wholesalers and to purchasers who provide a  
 40 written and signed assurance that the fireworks are to be shipped  
 41 out of Indiana within five (5) days of the date of sale. A purchaser  
 42 who provides a written and signed assurance that fireworks



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1 purchased are to be shipped out of Indiana within five (5) days of  
2 the date of sale and who then sells the fireworks in Indiana or uses  
3 them in Indiana commits a Class A misdemeanor, which is  
4 punishable by imprisonment for up to one (1) year and a fine of  
5 up to five thousand dollars (\$5,000)."

6 The state fire marshal shall provide interstate wholesalers with signs  
7 for the purposes of this subsection.

8 **SECTION 3. An emergency is declared for this act.**

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