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**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** Yes

"Christie signs fireworks bill in time for Fourth of July," Associated Press State Wire: New Jersey, June 28, 2017

"N.J. legalizes some fireworks in time for July 4 celebration," The Record, June 29, 2017

"Some fireworks legalized in time for Fourth of July weekend," The Times, June 29, 2017

"Christie legalizes some fireworks in time for 4th of July weekend," The Star-Ledger, June 29, 2017

"Christie legalizes some fireworks in time for Fourth," South Jersey Times, June 29, 2017

"Gov adds sparkle to holiday, legalizes some fireworks," The Jersey Journal, June 30, 2017

"Happy Fourth of July! Christie makes some fireworks legal in NJ," nj101.5, June 28, 2017

"After NJ legalizes firecrackers, experts still urge fireworks safety," nj101.5, June 29, 2017

"Sparklers, party poppers now legal in New Jersey," news12, June 29, 2017

RWH/JA

P.L.2017, CHAPTER 92, *approved June 28, 2017*

Senate, No. 3034 (*First Reprint*)

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]** 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

**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.

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

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

5  
6 2. R.S.21:2-3 is amended to read as follows:

7 21:2-3 "Dangerous fireworks" **【mean and include】** **‘【means】**  
8 **mean<sup>1</sup>** the following:

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

11 Paper caps containing more than .35 grain of explosive  
12 composition.

13 Firecrackers or salutes exceeding 5 inches in length or 3/4  
14 inch in diameter.

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

17 Any fireworks containing a compound or mixture of yellow or  
18 white phosphorous or mercury.

19 Any fireworks that contain a detonator or blasting cap.

20 Fireworks compositions that ignite spontaneously or undergo  
21 marked decomposition when subjected for 48 consecutive hours to a  
22 temperature of 167° Fahrenheit.

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

25 Fireworks, such as **【sparklers or】** fusees, containing a match tip,  
26 or head, or similar igniting point or surface, unless each individual  
27 tip, head or igniting point or surface is thoroughly covered and  
28 securely protected from accidental contact or friction with any  
29 other surface.

30 Fireworks containing an ammonium salt and a chlorate.

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

32  
33 3. R.S.21:3-2 is amended to read as follows:

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

1 explosion, deflagration or detonation, other than aviation and  
2 railroad signal light flares **[, except (a) that]** .

3 b. Notwithstanding subsection a. of this section, it shall be  
4 lawful for **[any]** a person to offer for sale, expose for sale, sell,  
5 store, possess, or use [ , or explode any] :

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

12 (2) sparkling devices and novelties as defined in R.S.21:2-2 'if  
13 the person is 16 years of age or older' . Sparkling devices and  
14 novelties, including their sale or use, shall not be subject to further  
15 regulation by a municipality pursuant to R.S.40:48-1, except that  
16 the storage and sale of items listed in this paragraph shall be  
17 consistent with the standards set forth in NFPA 1124 National Fire  
18 Protection Association Code for the Manufacture, Transportation,  
19 Storage and Retail Sales of Fireworks and Pyrotechnic Articles,  
20 2006 edition; and

21 **[(b)]** (3) any item or device as otherwise provided in this  
22 chapter **[further provided]**.

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

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

36

37 4. This act shall take effect immediately.

38

39

40

41

42 Authorizes the sale and possession of certain fireworks.

**SENATE, No. 3034**

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

INTRODUCED FEBRUARY 27, 2017

**Sponsored by:**

**Senator NICHOLAS P. SCUTARI**

**District 22 (Middlesex, Somerset and Union)**

**SYNOPSIS**

Authorizes the sale and possession of certain fireworks.

**CURRENT VERSION OF TEXT**

As introduced.



S3034 SCUTARI

2

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" means:

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

35 b. a hand held or ground based sparkling device which is 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: R.S.21:2-2)

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.

S3034 SCUTARI

3

1 "Dangerous fireworks" **【mean and include】** means the  
2 following:

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

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

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

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

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

13 Any fireworks that contain a detonator or blasting cap.

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

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

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

24 Fireworks containing an ammonium salt and a chlorate.  
25 (cf: R.S.21:2-3)

26

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

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

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

46 (1) a toy pistol, toy cane, toy gun, or other device in which  
47 paper or plastic caps containing .25 grain or less of explosive



S3034 SCUTARI

4

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

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

13 **[(b)]** (3) any item or device as otherwise provided in this  
14 chapter [further provided].

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

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

28

29 4. This act shall take effect immediately.

30

31

32 STATEMENT

33

34 This bill allows the sale, possession, storage, and use of certain  
35 sparklers and other non-exploding, non-aerial fireworks.

36 Current law prohibits the sale, possession, or use of fireworks other  
37 than by an authorized purchaser with a valid permit to purchase  
38 fireworks for public display as approved by a municipality. A person  
39 who unlawfully sells fireworks is guilty of a fourth degree crime,  
40 which is punishable by imprisonment of up to 18 months, a fine of up  
41 to \$10,000, or both. A person who unlawfully purchases, possesses, or  
42 uses fireworks is guilty of a petty disorderly persons offense. Petty  
43 disorderly persons offenses are punishable by up to 30 days  
44 imprisonment, a fine of up to \$500, or both.

45 This bill authorizes the sale, possession, and use of sparklers,  
46 snakes and glow worms, smoke devices, and trick noisemakers,  
47 including party poppers, snappers, and drop pops. In addition, the  
48 bill prohibits the regulation of these non-exploding, non-aerial

## **S3034 SCUTARI**

5

- 1 fireworks by a local governing body. The storage and sale of these
- 2 items is to be consistent with the standards set forth in NFPA 1124
- 3 National Fire Protection Association Code for the Manufacture,
- 4 Transportation, Storage and Retail Sales of Fireworks and
- 5 Pyrotechnic Articles, 2006 edition.

# ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

[First Reprint]

**SENATE, No. 3034**

# **STATE OF NEW JERSEY**

DATED: JUNE 12, 2017

The Assembly Law and Public Safety Committee reports favorably Senate Bill No. 3034 (1R).

Senate Bill No. 3034 (1R) allows the sale, possession, storage, and use of certain sparklers and other non-exploding, non-aerial fireworks by persons 16 years of age or older.

Current law prohibits the sale, possession, or use of fireworks other than by an authorized purchaser with a valid permit to purchase fireworks for public display as approved by a municipality. A person who unlawfully sells fireworks is guilty of a fourth degree crime, which is punishable by imprisonment of up to 18 months, a fine of up to \$10,000, or both. A person who unlawfully purchases, possesses, or uses fireworks is guilty of a petty disorderly persons offense, which is punishable by up to 30 days' imprisonment, a fine of up to \$500, or both.

This bill authorizes the sale, possession, and use of sparkling devices and novelties by persons at least 16 years old. Under the bill, sparkling devices and novelties refer to: sparklers, snakes, and glow worms; smoke devices; and trick noisemakers, including party poppers, snappers, and drop pops. In addition, the bill prohibits the regulation of these non-exploding, non-aerial fireworks by a local governing body. The storage and sale of these items is to be consistent with the standards set forth in NFPA 1124 National Fire Protection Association Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles, 2006 edition.

As reported by the committee, Senate Bill No. 3034 (1R) is identical to Assembly Bill No 4458, which was amended and also reported by the committee on this date.

# SENATE LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### SENATE, No. 3034

with committee amendments

# STATE OF NEW JERSEY

DATED: MAY 8, 2017

The Senate Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 3034.

As amended and reported by the committee, this bill allows the sale, possession, storage, and use of certain sparklers and other non-exploding, non-aerial fireworks by persons 16 years of age or older.

Current law prohibits the sale, possession, or use of fireworks other than by an authorized purchaser with a valid permit to purchase fireworks for public display as approved by a municipality. A person who unlawfully sells fireworks is guilty of a fourth degree crime, which is punishable by imprisonment of up to 18 months, a fine of up to \$10,000, or both. A person who unlawfully purchases, possesses, or uses fireworks is guilty of a petty disorderly persons offense. Petty disorderly persons offenses are punishable by up to 30 days imprisonment, a fine of up to \$500, or both.

The amended bill authorizes the sale, possession, and use of sparklers, snakes, and glow worms; smoke devices; and trick noisemakers, including party poppers, snappers, and drop pops, by persons at least 16 years old. In addition, the bill prohibits the regulation of these non-exploding, non-aerial fireworks by a local governing body. The storage and sale of these items is to be consistent with the standards set forth in NFPA 1124 National Fire Protection Association Code for the Manufacture, Transportation, Storage and Retail Sales of Fireworks and Pyrotechnic Articles, 2006 edition.

#### COMMITTEE AMENDMENTS:

The committee amended the bill to:

- (1) specify that only persons 16 years of age or older are authorized to buy, possess, and use the sparklers and other fireworks listed in the bill; and
- (2) make technical corrections.

**ASSEMBLY, No. 4458**

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

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INTRODUCED JANUARY 10, 2017

**Sponsored by:**

**Assemblyman JOHN J. BURZICHELLI**  
**District 3 (Cumberland, Gloucester and Salem)**

**SYNOPSIS**

Authorizes the sale and possession of certain fireworks.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/2/2017)**

A4458 BURZICHELLI

2

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  
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14 "Fireworks factory building" means any building or other  
15 structure in which the manufacture of fireworks, other than  
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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  
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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" means:

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

35 b. a hand held or ground based sparkling device which is 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: R.S.21:2-2)

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.

A4458 BURZICHELLI

3

1 "Dangerous fireworks" **【mean and include】** means the  
2 following:

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

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

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

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

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

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15 marked decomposition when subjected for 48 consecutive hours to a  
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19 Fireworks, such as **【sparklers or】** fusees, containing a match tip,  
20 or head, or similar igniting point or surface, unless each individual  
21 tip, head or igniting point or surface is thoroughly covered and  
22 securely protected from accidental contact or friction with any  
23 other surface.

24 Fireworks containing an ammonium salt and a chlorate.  
25 (cf: R.S.21:2-3)

26

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

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31 used; the type of balloon which requires fire underneath to propel  
32 the same; firecrackers; torpedoes; skyrockets, Roman candles,  
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34 fireworks containing any explosive or inflammable compound or  
35 any tablets or other device commonly used and sold as fireworks  
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38 compound containing any of the same or other explosives, or any  
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40 purpose of producing a visible or an audible effect by combustion,  
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42 railroad signal light flares **【, except (a) that】** .

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

46 (1) a toy pistol, toy cane, toy gun, or other device in which  
47 paper or plastic caps containing .25 grain or less of explosive  
48 compound per cap are used, providing they are so constructed that

1 the hand cannot come in contact with the cap when in place for use,  
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5 Sparkling devices and novelties, including their sale or use, shall  
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11 and Pyrotechnic Articles, 2006 edition; and

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

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

27

28 4. This act shall take effect immediately.

29

30

31

## STATEMENT

32

33 This bill allows the sale, possession, storage, and use of certain  
34 sparklers and other non-exploding, non-aerial fireworks.

35 Current law prohibits the sale, possession, or use of fireworks other  
36 than by an authorized purchaser with a valid permit to purchase  
37 fireworks for public display as approved by a municipality. A person  
38 who unlawfully sells fireworks is guilty of a fourth degree crime,  
39 which is punishable by imprisonment of up to 18 months, a fine of up  
40 to \$10,000, or both. A person who unlawfully purchases, possesses, or  
41 uses fireworks is guilty of a petty disorderly persons offense. Petty  
42 disorderly persons offenses are punishable by up to 30 days  
43 imprisonment, a fine of up to \$500, or both.

44 This bill authorizes the sale, possession, and use of sparklers,  
45 snakes and glow worms, smoke devices, and trick noisemakers,  
46 including party poppers, snappers, and drop pops. In addition, the  
47 bill prohibits the regulation of these non-exploding, non-aerial  
48 fireworks by a local governing body. The storage and sale of these



**A4458 BURZICHELLI**

5

- 1 items is to be consistent with the standards set forth in NFPA 1124
- 2 National Fire Protection Association Code for the Manufacture,
- 3 Transportation, Storage and Retail Sales of Fireworks and
- 4 Pyrotechnic Articles, 2006 edition.

# ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 4458**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JUNE 12, 2017

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 4458.

As amended and reported by the committee, Assembly Bill No. 4458 allows the sale, possession, storage, and use of certain sparklers and other non-exploding, non-aerial fireworks by persons 16 years of age or older.

Current law prohibits the sale, possession, or use of fireworks other than by an authorized purchaser with a valid permit to purchase fireworks for public display as approved by a municipality. A person who unlawfully sells fireworks is guilty of a fourth degree crime, which is punishable by imprisonment of up to 18 months, a fine of up to \$10,000, or both. A person who unlawfully purchases, possesses, or uses fireworks is guilty of a petty disorderly persons offense, which is punishable by up to 30 days' imprisonment, a fine of up to \$500, or both.

This amended bill authorizes the sale, possession, and use of sparkling devices and novelties by persons at least 16 years old. Under the amended bill, sparkling devices and novelties refer to: sparklers, snakes, and glow worms; smoke devices; and trick noisemakers, including party poppers, snappers, and drop pops. In addition, the amended bill prohibits the regulation of these non-exploding, non-aerial fireworks by a local governing body. The storage and sale of these items is to be consistent with the standards set forth in NFPA 1124 National Fire Protection Association Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles, 2006 edition.

As amended and reported by the committee, Assembly Bill No. 4458 is identical to Senate Bill No 3034 (1R), which also was reported by the committee on this date.

#### COMMITTEE AMENDMENTS

The committee amended the bill to:

(1) specify that only persons 16 years of age or older are authorized to buy, possess, and use sparkling devices and novelties; and

(2) make technical corrections.

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## Governor Christie Signs Fireworks Bill in Time for Fourth of July Celebrations

Wednesday, June 28, 2017 Tags: [Bill Action](#)



**Trenton, NJ** – Governor Chris Christie today signed S-3034/A-4458 (Scutari, Burzichelli/Mukherji) to immediately lift New Jersey’s complete ban on the sale and possession of fireworks by exempting certain sparkling devices and novelties, specifically sparklers.

The new legislation, which goes into effect today, permits devices such as hand-held sparklers and ground-based sparklers, and novelty items, including party poppers and snappers. Equally important, all other fireworks will remain illegal in the State, under the new legislation, including all explosive and aerial fireworks such as firecrackers, sky rockets, bottle rockets, Roman candles and similar devices.

The new legislation also restricts the sale of sparklers to individuals who are 16-years-old and over. Sales of the items will be permitted in retail stores throughout the State subject to the federal National Fire Protection Agency’s guidelines. The storage and sale of these items is regulated under federal law and must be consistent with the National Fire Protection Association Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles, 2006 edition.

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