

104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB2851

Introduced 2/6/2025, by Rep. Robert "Bob" Rita

SYNOPSIS AS INTRODUCED:

New Act	
425 ILCS 30/2	from Ch. 127 1/2, par. 102
425 ILCS 30/3.5	
425 ILCS 30/3.6 new	
425 ILCS 30/24	from Ch. 127 1/2, par. 124
425 ILCS 35/1	from Ch. 127 1/2, par. 127
425 ILCS 35/3.5 new	

Creates the Ground-Based Sparkler Purchaser Excise Tax Act. Imposes a tax, beginning July 1, 2025, upon purchasers for the privilege of using ground-based sparklers and not for the purpose of resale at the rate of 6% of the purchase price of ground-based sparklers. Prohibits certain retail combinations or bundles. Requires every retailer required to collect the tax to apply to the Department of Revenue for a certificate of registration. Provides that any retailer required to collect the tax shall be liable to the Department for the tax, whether the tax has been collected, and any such tax shall constitute a debt to the State. Provides for the making of returns. Provides that from the revenue collected, the Department shall pay 25% into the Fireman's Annuity and Benefit Fund, 25% into the Firefighters' Pension Investment Fund, and 50% into the General Revenue Fund. Provides for recordkeeping requirements. Establishes penalties for violations of the Act. Provides that the Department shall have full power to administer and enforce the Act. Allows for the arrest of any person who violates the Act, the search of any place of business to inspect all ground-based sparklers, and the seizure of any ground based-sparklers without a warrant. Sets forth hearing requirements after seizure. Allows the Department to adopt rules. Amends the Fireworks Regulation Act of Illinois. Allows a municipality to prohibit the sale and use of ground-based sparklers on public property. Prohibits ground-based sparklers from being sold to a person under the age of 18 years. Amends the Pyrotechnic Use Act. Prohibits ground-based sparklers from being sold to a person under the age of 18 years. Effective July 1, 2025.

LRB104 11243 BDA 21325 b

1 AN ACT concerning fireworks.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Ground-Based Sparkler Purchaser Excise Tax Act.

6 Section 5. Definitions. As used in this Act:

7 "Affirmative act in furtherance of the evasion" means an
8 act designed in whole or in part to (i) conceal, misrepresent,
9 falsify, or manipulate any material fact or (ii) tamper with
10 or destroy documents or materials related to a person's tax
11 liability under this Act.

12 "Automated sales suppression device" or "zapper" means a
13 software program that falsifies the electronic records of an
14 electronic cash register or other point-of-sale system,
15 including, but not limited to, transaction data and
16 transaction reports. "Automated sales suppression device" or
17 "zapper" includes the software program, any device that
18 carries the software program, or an Internet link to the
19 software program.

20 "Consumer distributor" means any person who distributes,
21 offers for sale, sells, or exchanges for consideration
22 consumer fireworks in this State to another distributor or
23 directly to any retailer or person for resale.

1 "Consumer retailer" means any person who offers for sale,
2 sells, or exchanges for consideration consumer fireworks in
3 this State directly to any person with a consumer display
4 permit.

5 "Department" means the Department of Revenue.

6 "Director" means the Director of Revenue.

7 "Electronic cash register" means a device that keeps a
8 register or supporting documents through the use of an
9 electronic device or computer system designed to record
10 transaction data for the purpose of computing, compiling, or
11 processing retail sales transaction data in any manner.

12 "Ground-based sparkler" means any ground-based sparkler
13 device that (i) is nonexplosive and nonaerial, (ii) may
14 produce a crackling or whistling effect, and (iii) contains 75
15 grams or less of pyrotechnic composition per tube or a total of
16 500 grams or less for multiple tubes, such as cones, including
17 showers of sparks, as well as fountains.

18 "Ground-based sparkler retailer" means any person that
19 transfers the ownership of or title to ground-based sparklers
20 to a purchaser, for the purpose of use, and not for the purpose
21 of resale, for a valuable consideration.

22 "Person" means a natural individual, firm, partnership,
23 association, joint-stock company, joint adventure, public or
24 private corporation, limited liability company, or a receiver,
25 executor, trustee, guardian, or other representative appointed
26 by order of any court.

1 "Phantom-ware" means a hidden programming option embedded
2 in the operating system of an electronic cash register or
3 hardwired into an electronic cash register that can be used to
4 create a second set of records or that can eliminate or
5 manipulate transaction records in an electronic cash register.

6 "Purchase price" means the consideration paid for a
7 purchase of ground-based sparklers, valued in money, whether
8 received in money or otherwise, including cash, gift cards,
9 credits, and property and shall be determined without any
10 deduction on account of the cost of materials used, labor or
11 service costs, or any other expense whatsoever. "Purchase
12 price" does not include consideration paid for:

13 (1) any charge for a payment that is not honored by a
14 financial institution;

15 (2) any finance or credit charge, penalty or charge
16 for delayed payment, or discount for prompt payment; and

17 (3) any amounts added to a purchaser's bill because of
18 charges made under the tax imposed by this Act, the
19 Retailers' Occupation Tax Act, the Use Tax Act, the
20 Service Occupation Tax Act, the Service Use Tax Act, or
21 any locally imposed occupation or use tax.

22 "Purchaser" means a person who, through a sale at retail,
23 acquires ground-based sparklers for a valuable consideration.

24 "Taxpayer" means a ground-based sparkler retailer who is
25 required to collect the tax imposed under this Act.

26 "Transaction data" includes items purchased by a

1 purchaser, the price of each item, a taxability determination
2 for each item, a segregated tax amount for each taxed item, the
3 amount of cash or credit tendered, the net amount returned to
4 the customer in change, the date and time of the purchase, the
5 name, address, and identification number of the vendor, and
6 the receipt or invoice number of the transaction.

7 "Transaction report" means a report that documents,
8 without limitation, the sales, taxes, or fees collected, media
9 totals, and discount voids at an electronic cash register and
10 that is printed on a cash register tape at the end of a day or
11 shift, or a report that documents every action at an
12 electronic cash register and is stored electronically.

13 Section 10. Tax imposed.

14 (a) Beginning July 1, 2025, a tax is imposed upon
15 purchasers for the privilege of using ground-based sparklers
16 and not for the purpose of resale at the rate of 6% of the
17 purchase price of ground-based sparklers.

18 (b) The tax imposed under this Act shall be in addition to
19 all other occupation, privilege, or excise taxes imposed by
20 the State or by any municipal corporation or political
21 subdivision thereof.

22 (c) The tax imposed under this Act shall not be imposed on
23 any purchase by a purchaser if the ground-based sparkler
24 retailer is prohibited by federal or State Constitution,
25 treaty, convention, statute, or court decision from collecting

1 the tax from the purchaser.

2 Section 15. Bundling of taxable and nontaxable items;
3 prohibition; taxation. A ground-based sparkler retailer is
4 prohibited from selling ground-based sparkler products in
5 combination or bundled with any other items not subject to tax
6 under this Act for one price, and each ground-based sparkler
7 must be separately identified by quantity and price on the
8 receipt.

9 If a ground-based sparkler retailer sells ground-based
10 sparkler products in combination or bundled with items that
11 are not subject to tax under this Act for one price in
12 violation of the prohibition on this activity, then the tax
13 under this Act is imposed on the purchase price of the entire
14 bundled product.

15 Section 20. Collection of tax.

16 (a) The tax imposed by this Act shall be collected from the
17 purchaser by the ground-based sparkler retailer at the rate
18 stated in Section 10 with respect to ground-based sparklers
19 sold by the ground-based sparkler retailer to the purchaser
20 and shall be remitted to the Department as provided in Section
21 35. Ground-based sparkler retailers shall collect the tax from
22 purchasers by adding the tax to the amount of the purchase
23 price received from the purchaser for selling ground-based
24 sparklers to the purchaser. The tax imposed by this Act shall,

1 when collected, be stated as a distinct item separate and
2 apart from the purchase price of the ground-based sparklers.

3 (b) If a ground-based sparkler retailer collects the
4 ground-based sparkler purchaser excise tax measured by a
5 purchase price that is not subject to the ground-based
6 sparkler purchaser excise tax, or if a ground-based sparkler
7 retailer, in collecting the ground-based sparkler purchaser
8 excise tax measured by a purchase price that is subject to tax
9 under this Act, collects more from the purchaser than the
10 required amount of the ground-based sparkler purchaser excise
11 tax on the transaction, the purchaser shall have a legal right
12 to claim a refund of that amount from the ground-based
13 sparkler retailer. If, however, that amount is not refunded to
14 the purchaser for any reason, the ground-based sparkler
15 retailer is liable to pay that amount to the Department.

16 (c) Any person purchasing ground-based sparklers subject
17 to tax under this Act as to which there has been no charge made
18 to them of the tax imposed by Section 10 shall make payment of
19 the tax imposed by Section 10 in the form and manner provided
20 by the Department not later than the 20th day of the month
21 following the month of purchase of the ground-based sparklers.

22 Section 25. Registration of ground-based sparkler
23 retailers. Every ground-based sparkler retailer required to
24 collect the tax under this Act shall apply to the Department
25 for a certificate of registration under this Act. All

1 applications for registration under this Act shall be made by
2 electronic means in the form and manner required by the
3 Department. For that purpose, the provisions of Section 2a of
4 the Retailers' Occupation Tax Act are incorporated into this
5 Act to the extent not inconsistent with this Act. In addition,
6 no certificate of registration shall be issued under this Act
7 unless the applicant is licensed under the Retailers'
8 Occupation Tax Act.

9 Section 30. Tax collected as debt owed to State. Any
10 ground-based sparkler retailer required to collect the tax
11 imposed by this Act shall be liable to the Department for the
12 tax, whether the tax has been collected by the ground-based
13 sparkler retailer, and any such tax shall constitute a debt
14 owed by the ground-based sparkler retailer to the State. To
15 the extent that a ground-based sparkler retailer is required
16 to collect the tax imposed by this Act has actually collected
17 that tax, the tax is held in trust for the benefit of the
18 Department.

19 Section 35. Return and payment of tax by ground-based
20 sparkler retailer. Each ground-based sparkler retailer that is
21 required or authorized to collect the tax imposed by this Act
22 shall make a return to the Department, by electronic means, on
23 or before the 20th day of each month for the preceding calendar
24 month stating:

- 1 (1) the ground-based sparkler retailer's name;
- 2 (2) the address of the ground-based sparkler
- 3 retailer's principal place of business and the address of
- 4 the principal place of business, if that is a different
- 5 address, from which the ground-based sparkler retailer is
- 6 engaged in the business of selling ground-based sparklers
- 7 subject to tax under this Act;
- 8 (3) the total purchase price received by the
- 9 ground-based sparkler retailer for ground-based sparklers
- 10 subject to tax under this Act;
- 11 (4) the amount of tax due at each rate;
- 12 (5) the signature of the ground-based sparkler
- 13 retailer; and
- 14 (6) any other information as the Department may
- 15 reasonably require.

16 All returns required to be filed and payments required to
17 be made under this Act shall be by electronic means.
18 Ground-based sparkler retailers who demonstrate hardship in
19 paying electronically may petition the Department to waive the
20 electronic payment requirement.

21 Any amount that is required to be shown or reported on any
22 return or other document under this Act shall, if the amount is
23 not a whole-dollar amount, be increased to the nearest
24 whole-dollar amount if the fractional part of a dollar is
25 \$0.50 or more and decreased to the nearest whole-dollar amount
26 if the fractional part of a dollar is less than \$0.50. If a

1 total amount of less than \$1 is payable, refundable, or
2 creditable, the amount shall be disregarded if it is less than
3 \$0.50 and shall be increased to \$1 if it is \$0.50 or more.

4 The ground-based sparkler retailer making the return under
5 this Section shall also pay to the Department the amount of tax
6 imposed by this Act, less a discount of 1.75%, not to exceed
7 \$1,000 per return period, which is allowed to reimburse the
8 ground-based sparkler retailer for the expenses incurred in
9 keeping records, collecting tax, preparing and filing returns,
10 remitting the tax, and supplying data to the Department upon
11 request. No discount may be claimed by a ground-based sparkler
12 retailer on returns not timely filed and for taxes not timely
13 remitted. No discount may be claimed by a taxpayer for any
14 return that is not filed electronically. No discount may be
15 claimed by a taxpayer for any payment that is not made
16 electronically, unless a waiver has been granted under this
17 Section.

18 Notwithstanding any other provision of this Act concerning
19 the time within which a ground-based sparkler retailer may
20 file a return, any such ground-based sparkler retailer who
21 ceases to engage in the kind of business that makes the person
22 responsible for filing returns under this Act shall file a
23 final return under this Act with the Department within one
24 month after discontinuing the business.

25 If any payment provided for in this Section exceeds the
26 taxpayer's liabilities under this Act, as shown on an original

1 monthly return, the Department shall, if requested by the
2 taxpayer, issue to the taxpayer a credit memorandum no later
3 than 30 days after the date of payment. The credit evidenced by
4 the credit memorandum may be assigned by the taxpayer to a
5 similar taxpayer under this Act, in accordance with reasonable
6 rules adopted by the Department. If no such request is made,
7 the taxpayer may credit the excess payment against tax
8 liability subsequently to be remitted to the Department under
9 this Act, in accordance with reasonable rules adopted by the
10 Department. If the Department subsequently determines that all
11 or any part of the credit taken was not actually due to the
12 taxpayer, the taxpayer's discount shall be reduced, if
13 necessary, to reflect the difference between the credit taken
14 and that actually due, and that taxpayer shall be liable for
15 penalties and interest on the difference. If a ground-based
16 sparkler retailer fails to sign a return within 30 days after
17 the proper notice and demand for signature by the Department
18 is received by the ground-based sparkler retailer, the return
19 shall be considered valid and any amount shown to be due on the
20 return shall be deemed assessed.

21 Section 40. Deposit of proceeds. From the revenue
22 collected under Section 10, the Department shall pay 25% into
23 the Firemen's Annuity and Benefit Fund, 25% into the
24 Firefighters' Pension Investment Fund, and 50% into the
25 General Revenue Fund.

1 Section 45. Recordkeeping; books and records.

2 (a) Every ground-based sparkler retailer, whether the
3 ground-based sparkler retailer has obtained a certificate of
4 registration under Section 25, shall keep complete and
5 accurate records of ground-based sparklers held, purchased,
6 sold, or otherwise disposed of, and shall preserve and keep
7 all invoices, bills of lading, sales records, and copies of
8 bills of sale, returns, and other pertinent papers and
9 documents relating to the purchase, sale, or disposition of
10 ground-based sparklers. Such records need not be maintained on
11 the licensed premises but must be maintained in the State.
12 However, all original invoices or copies thereof covering
13 purchases of ground-based sparklers must be retained on the
14 licensed premises for a period of 90 days after such purchase,
15 unless the Department has granted a waiver in response to a
16 written request in cases where records are kept at a central
17 business location within the State. The Department shall adopt
18 rules regarding the eligibility for a waiver, revocation of a
19 waiver, and requirements and standards for maintenance and
20 accessibility of records located at a central location under a
21 waiver provided under this Section.

22 (b) Books, records, papers, and documents that are
23 required by this Act to be kept shall, at all times during the
24 usual business hours of the day, be subject to inspection by
25 the Department or its duly authorized agents and employees.

1 The books, records, papers, and documents for any period with
2 respect to which the Department is authorized to issue a
3 notice of tax liability shall be preserved until the
4 expiration of that period.

5 Section 50. Violations and penalties.

6 (a) If the amount due is under \$300, any ground-based
7 sparkler retailer who fails to file a return, willfully fails
8 or refuses to make any payment to the Department of the tax
9 imposed by this Act, or files a fraudulent return, or any
10 officer or agent of a corporation engaged in the business of
11 selling ground-based sparklers to purchasers located in this
12 State who signs a fraudulent return filed on behalf of the
13 corporation, or any accountant or other agent who knowingly
14 enters false information on the return of any taxpayer under
15 this Act is guilty of a Class 4 felony.

16 (b) If the amount due is \$300 or more, any ground-based
17 sparkler retailer who files, or causes to be filed, a
18 fraudulent return, or any officer or agent of a corporation
19 engaged in the business of selling ground-based sparklers to
20 purchasers located in this State who files or causes to be
21 filed or signs or causes to be signed a fraudulent return filed
22 on behalf of the corporation, or any accountant or other agent
23 who knowingly enters false information on the return of any
24 taxpayer under this Act is guilty of a Class 3 felony.

25 (c) Any person who violates any provision of Section 30,

1 fails to keep books and records as required under this Act, or
2 willfully violates a rule of the Department for the
3 administration and enforcement of this Act is guilty of a
4 Class 4 felony. A person commits a separate offense on each day
5 that the person engages in business in violation of Section 30
6 or a rule of the Department for the administration and
7 enforcement of this Act. If a person fails to produce the books
8 and records for inspection by the Department upon request, a
9 prima facie presumption shall arise that the person has failed
10 to keep books and records as required under this Act. A person
11 who is unable to rebut this presumption is in violation of this
12 Act and is subject to the penalties provided in this Section.

13 (d) Any person who willfully violates a rule of the
14 Department for the administration and enforcement of this
15 Article, is guilty of a business offense and may be fined up to
16 \$5,000.

17 (e) Any taxpayer or agent of a taxpayer who with the intent
18 to defraud purports to make a payment due to the Department by
19 issuing or delivering a check or other order upon a real or
20 fictitious depository for the payment of money, knowing that
21 it will not be paid by the depository, is guilty of a deceptive
22 practice in violation of Section 17-1 of the Criminal Code of
23 2012.

24 (f) Any person who fails to keep books and records or fails
25 to produce books and records for inspection, as required by
26 Section 45, is liable to pay to the Department, for deposit in

1 the Tax Compliance and Administration Fund, a penalty of
2 \$1,000 for the first failure to keep books and records or
3 failure to produce books and records for inspection, as
4 required by Section 45, and \$3,000 for each subsequent failure
5 to keep books and records or failure to produce books and
6 records for inspection, as required by Section 45.

7 (g) Any person who knowingly acts as a ground-based
8 sparkler retailer in this State without first having obtained
9 a certificate of registration to do so in compliance with
10 Section 25 shall be guilty of a Class 4 felony.

11 (h) A person commits the offense of tax evasion under this
12 Act when a person knowingly attempts in any manner to evade or
13 defeat the tax imposed on the person or on any other person, or
14 the payment thereof, and a person commits an affirmative act
15 in furtherance of the evasion.

16 Two or more acts of sales tax evasion may be charged as a
17 single count in any indictment, information, or complaint and
18 the amount of tax deficiency may be aggregated for purposes of
19 determining the amount of tax that is attempted to be or is
20 evaded and the period between the first and last acts may be
21 alleged as the date of the offense.

22 (1) If the amount of tax, the assessment or payment of
23 which is attempted to be or is evaded is less than \$500, a
24 person is guilty of a Class 4 felony.

25 (2) If the amount of tax, the assessment or payment of
26 which is attempted to be or is evaded is \$500 or more but

1 less than \$10,000, a person is guilty of a Class 3 felony.

2 (3) If the amount of tax, the assessment or payment of
3 which is attempted to be or is evaded is \$10,000 or more
4 but less than \$100,000, a person is guilty of a Class 2
5 felony.

6 (4) If the amount of tax, the assessment or payment of
7 which is attempted to be or is evaded is \$100,000 or more,
8 a person is guilty of a Class 1 felony.

9 Any person who knowingly sells, purchases, installs,
10 transfers, possesses, uses, or accesses any automated sales
11 suppression device, zapper, or phantom-ware in this State is
12 guilty of a Class 3 felony.

13 A prosecution for any act in violation of this Section may
14 be commenced at any time within 5 years of the commission of
15 that act.

16 (i) The Department may adopt rules to administer the
17 penalties under this Section.

18 (j) Any person whose principal place of business is in
19 this State and who is charged with a violation under this
20 Section shall be tried in the county where the person's
21 principal place of business is located unless the person
22 asserts a right to be tried in another venue.

23 (k) Except as otherwise provided in subsection (h), a
24 prosecution for a violation described in this Section may be
25 commenced within 3 years after the commission of the act
26 constituting the violation.

1 Section 55. Department administration and enforcement. The
2 Department shall have full power to administer and enforce
3 this Act, to collect all taxes and penalties due hereunder, to
4 dispose of taxes and penalties so collected in the manner
5 hereinafter provided, and to determine all rights to credit
6 memoranda, arising on account of the erroneous payment of tax
7 or penalty hereunder.

8 In the administration of, and compliance with, this Act,
9 the Department and persons who are subject to this Act shall
10 have the same rights, remedies, privileges, immunities,
11 powers, and duties, and be subject to the same conditions,
12 restrictions, limitations, penalties, and definitions of
13 terms, and employ the same modes of procedure, as are
14 prescribed in Sections 2, 3-55, 3a, 4, 5, 7, 10a, 11, 12a, 12b,
15 14, 15, 19, 20, 21, and 22 of the Use Tax Act and Sections 1,
16 2-12, 2b, 4 (except that the time limitation provisions shall
17 run from the date when the tax is due rather than from the date
18 when gross receipts are received), 5 (except that the time
19 limitation provisions on the issuance of notices of tax
20 liability shall run from the date when the tax is due rather
21 than from the date when gross receipts are received and except
22 that in the case of a failure to file a return required by this
23 Act, no notice of tax liability shall be issued on and after
24 each July 1 and January 1 covering tax due with that return
25 during any month or period more than 6 years before that July 1

1 or January 1, respectively), 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i,
2 5j, 6d, 7, 8, 9, 10, 11, and 12 of the Retailers' Occupation
3 Tax Act and all of the provisions of the Uniform Penalty and
4 Interest Act, which are not inconsistent with this Act, as
5 fully as if those provisions were set forth herein. References
6 in the incorporated Sections of the Retailers' Occupation Tax
7 Act and the Use Tax Act to retailers, to sellers, or to persons
8 engaged in the business of selling tangible personal property
9 mean ground-based sparkler retailers when used in this Act.
10 References in the incorporated Sections to sales of tangible
11 personal property mean sales of ground-based sparklers subject
12 to tax under this Act when used in this Act.

13 Section 60. Arrest; search and seizure without warrant.
14 Any duly authorized employee of the Department (i) may arrest,
15 without warrant, any person committing in their presence a
16 violation of any of the provisions of this Act, (ii) may,
17 without a search warrant, inspect all ground-based sparklers
18 located in any place of the business, and (iii) may seize any
19 ground-based sparklers in the possession of the ground-based
20 sparkler retailer in violation of this Act. The ground-based
21 sparklers so seized are subject to confiscation and forfeiture
22 as provided in Sections 65 and 70.

23 Section 65. Seizure and forfeiture. After seizing any
24 ground-based sparklers as provided in Section 60, the

1 Department must hold a hearing and determine whether (i) the
2 ground-based sparkler retailer was properly registered to sell
3 the ground-based sparklers, (ii) the ground-based sparkler
4 retailer possessed the ground-based sparklers in violation of
5 this Act, or (iii) the ground-based sparkler retailer
6 possessed the ground-based sparklers in violation of any
7 reasonable rule adopted by the Department for the enforcement
8 of this Act at the time of its seizure by the Department. The
9 Department shall give not less than 20 days' notice of the time
10 and place of the hearing to the owner of the ground-based
11 sparklers, if the owner is known, and also to the person in
12 whose possession the ground-based sparklers were found, if
13 that person is known and if the person in possession is not the
14 owner of the ground-based sparklers. If neither the owner nor
15 the person in possession of the ground-based sparklers is
16 known, the Department must cause publication of the time and
17 place of the hearing to be made at least once in each week for
18 3 weeks successively in a newspaper of general circulation in
19 the county where the hearing is to be held.

20 If, as the result of the hearing, the Department makes any
21 of the findings listed in (i) through (iii) above, the
22 Department must enter an order declaring the ground-based
23 sparklers confiscated and forfeited to the State, to be held
24 by the Department for disposal by it as provided in Section 70.
25 The Department must give notice of the order to the owner of
26 the ground-based sparklers, if the owner is known, and also to

1 the person in whose possession the ground-based sparklers were
2 found, if that person is known and if the person in possession
3 is not the owner of the ground-based sparklers. If neither the
4 owner nor the person in possession of the ground-based
5 sparklers is known, the Department must cause publication of
6 the order to be made at least once in each week for 3 weeks
7 successively in a newspaper of general circulation in the
8 county where the hearing was held.

9 Section 70. Search warrant; issuance and return; process;
10 confiscation of ground-based sparklers; forfeitures.

11 (a) If a peace officer of this State or any duly authorized
12 officer or employee of the Department has reason to believe
13 that any violation of this Act or a rule of the Department for
14 the administration and enforcement of this Act has occurred
15 and that the person violating this Act or rule has in that
16 person's possession any ground-based sparklers in violation of
17 this Act or a rule of the Department for the administration and
18 enforcement of this Act, that peace officer or officer or
19 employee of the Department may file or cause to be filed a
20 complaint in writing, verified by affidavit, with any court
21 within whose jurisdiction the premises to be searched are
22 situated, stating the facts upon which the belief is founded,
23 the premises to be searched, and the property to be seized, and
24 procure a search warrant and execute that warrant. Upon the
25 execution of the search warrant, the peace officer, or officer

1 or employee of the Department, executing the search warrant
2 shall make due return of the warrant to the court issuing the
3 warrant, together with an inventory of the property taken
4 under the warrant. The court must then issue process against
5 the owner of the property if the owner is known; otherwise,
6 process must be issued against the person in whose possession
7 the property is found, if that person is known. In case of
8 inability to serve process upon the owner or the person in
9 possession of the property at the time of its seizure, notice
10 of the proceedings before the court must be given in the same
11 manner as required by the law governing cases of attachment.
12 Upon the return of the process duly served or upon the posting
13 or publishing of notice made, as appropriate, the court or
14 jury, if a jury is demanded, shall proceed to determine
15 whether the property so seized was held or possessed in
16 violation of this Act or a rule of the Department for the
17 administration and enforcement of this Act. If a violation is
18 found, judgment shall be entered confiscating the property and
19 forfeiting it to the State and ordering its delivery to the
20 Department. In addition, the court may tax and assess the
21 costs of the proceedings.

22 (b) If any ground-based sparklers have been declared
23 forfeited to the State by the Department and all proceedings
24 for the judicial review of the Department's decision have
25 terminated, the Department shall, to the extent that its
26 decision is sustained on review, destroy such ground-based

1 sparklers.

2 Section 75. Rulemaking. The Department may adopt rules in
3 accordance with the Illinois Administrative Procedure Act and
4 prescribe forms relating to the administration and enforcement
5 of this Act as it deems appropriate.

6 Section 900. The Fireworks Regulation Act of Illinois is
7 amended by changing Sections 2, 3.5, and 24 and by adding
8 Section 3.6 as follows:

9 (425 ILCS 30/2) (from Ch. 127 1/2, par. 102)

10 Sec. 2. The following words and phrases, when used in this
11 Act, shall for the purpose of this Act have the following
12 definition and meaning:

13 (a) The term "fireworks" ~~means shall mean and include~~ any
14 explosive composition or any substance or combination of
15 substances, or article prepared for the purpose of producing a
16 visible or audible effect of a temporary exhibitional nature
17 by explosion, combustion, deflagration, or detonation.
18 "Fireworks" includes ~~, and shall include~~ blank cartridges, toy
19 cannons in which explosives are used, the type of balloons
20 which require fire underneath to propel the same,
21 firecrackers, torpedoes, sky rockets, Roman candles, bombs or
22 other fireworks of like construction, and any fireworks
23 containing any explosive compound; or any tablets or other

1 device containing any explosive substance, or containing
2 combustible substances producing visual effects. "Fireworks"
3 does ~~The term "fireworks" shall~~ not include snake or glow worm
4 pellets; smoke devices; sparklers; ground-based sparklers that
5 (i) are nonexplosive and nonaerial, (ii) may produce a
6 crackling or whistling effect, and (iii) contain 75 grams or
7 less of pyrotechnic composition per tube or a total of 500
8 grams or less for multiple tubes, such as cones, including
9 showers of sparks, as well as fountains; trick noisemakers
10 known as "party poppers", "booby traps", "snappers", "trick
11 matches", "cigarette loads", and "auto burglar alarms"; toy
12 pistols, toy canes, toy guns, or other devices in which paper
13 or plastic caps containing twenty-five hundredths grains or
14 less of explosive compound are used, provided they are so
15 constructed that the hand cannot come in contact with the cap
16 when in place for the explosion; and toy pistol paper or
17 plastic caps which contain less than twenty-five hundredths
18 grains of explosive mixture; the sale and use of which shall be
19 permitted at all times.

20 (b) "Fireworks plant" means ~~The term "fireworks plant"~~
21 ~~shall mean and include~~ all lands, with buildings thereon, used
22 in connection with the manufacture or processing of fireworks,
23 as well as storehouses located thereon for the storage of
24 finished fireworks.

25 (c) "Fireworks factory building" means ~~The term "fireworks~~
26 ~~factory building" shall mean~~ any building or other structure

1 in which the manufacture of fireworks, or in which any
2 processing involving fireworks is carried on.

3 (d) "Magazine" means ~~The term "magazine" shall mean~~ any
4 building or other structure used for the storage of explosive
5 raw materials used in the manufacture of fireworks.

6 (e) "Office" means ~~The term "Office" shall mean~~ the Office
7 of the State Fire Marshal.

8 (Source: P.A. 83-474.)

9 (425 ILCS 30/3.5)

10 Sec. 3.5. Sale and use prohibited on public property. A
11 municipality may, by ordinance, prohibit the sale and use of
12 sparklers or ground-based sparklers on public property.

13 (Source: P.A. 92-93, eff. 1-1-02.)

14 (425 ILCS 30/3.6 new)

15 Sec. 3.6. Sale of ground-based sparklers. No ground-based
16 sparkler that (i) is nonexplosive and nonaerial, (ii) may
17 produce a crackling or whistling effect, and (iii) contains 75
18 grams or less of pyrotechnic composition per tube or a total of
19 500 grams or less for multiple tubes, such as cones, including
20 showers of sparks, as well as fountains, may be sold to a
21 person under the age of 18 years.

22 (425 ILCS 30/24) (from Ch. 127 1/2, par. 124)

23 Sec. 24. The provisions of this Act shall not be construed

1 or held to abrogate or in any way affect the power of cities,
2 villages, and incorporated towns to regulate, restrain and
3 prohibit the use of fireworks, firecrackers, torpedoes, Roman
4 candles, skyrockets, ground-based sparklers, and other
5 pyrotechnic displays within their corporate limits. The
6 sections of this Act and every part of such sections are hereby
7 declared to be independent sections and parts of sections, and
8 the invalidity of any section or part thereof shall not affect
9 any other section or part of a section. However, the retail
10 sales of ground-based sparklers may not be further regulated,
11 restrained, or prohibited provided that the ground-based
12 sparkler retailer, as defined in Section 5-2, complies with
13 the National Fire Protection Association standard, NFPA 1124,
14 Code for the Manufacture, Transportation, Storage, and Retail
15 Sales of Fireworks and Pyrotechnic Articles, 2006 Edition.

16 (Source: Laws 1935, p. 881.)

17 Section 905. The Pyrotechnic Use Act is amended by
18 changing Section 1 and by adding Section 3.5 as follows:

19 (425 ILCS 35/1) (from Ch. 127 1/2, par. 127)

20 Sec. 1. Definitions. As used in this Act, the following
21 words shall have the following meanings:

22 "1.3G fireworks" means those fireworks used for
23 professional outdoor displays and classified as fireworks
24 UN0333, UN0334, or UN0335 by the United States Department of

1 Transportation under 49 C.F.R. 172.101.

2 "Consumer distributor" means any person who distributes,
3 offers for sale, sells, or exchanges for consideration
4 consumer fireworks in Illinois to another distributor or
5 directly to any retailer or person for resale.

6 "Consumer fireworks" means those fireworks that must
7 comply with the construction, chemical composition, and
8 labeling regulations of the U.S. Consumer Products Safety
9 Commission, as set forth in 16 C.F.R. Parts 1500 and 1507, and
10 classified as fireworks UN0336 or UN0337 by the United States
11 Department of Transportation under 49 C.F.R. 172.101.

12 "Consumer fireworks" shall not include snake or glow worm
13 pellets; smoke devices; trick noisemakers known as "party
14 poppers", "booby traps", "snappers", "trick matches",
15 "cigarette loads", and "auto burglar alarms"; sparklers;
16 ground-based sparklers that (i) are nonexplosive and
17 nonaerial, (ii) may produce a crackling or whistling effect,
18 and (iii) contain 75 grams or less of pyrotechnic composition
19 per tube or a total of 500 grams or less for multiple tubes,
20 such as cones, including showers of sparks, as well as
21 fountains; toy pistols, toy canes, toy guns, or other devices
22 in which paper or plastic caps containing twenty-five
23 hundredths grains or less of explosive compound are used,
24 provided they are so constructed that the hand cannot come in
25 contact with the cap when in place for the explosion; and toy
26 pistol paper or plastic caps that contain less than twenty

1 hundredths grains of explosive mixture; the sale and use of
2 which shall be permitted at all times.

3 "Consumer fireworks display" or "consumer display" means
4 the detonation, ignition, or deflagration of consumer
5 fireworks to produce a visual or audible effect.

6 "Consumer operator" means an adult individual who is
7 responsible for the safety, setup, and discharge of the
8 consumer fireworks display and who has completed the training
9 required in Section 2.2 of this Act.

10 "Consumer retailer" means any person who offers for sale,
11 sells, or exchanges for consideration consumer fireworks in
12 Illinois directly to any person with a consumer display
13 permit.

14 "Display fireworks" means 1.3G or special effects
15 fireworks or as further defined in the Pyrotechnic Distributor
16 and Operator Licensing Act.

17 "Flame effect" means the detonation, ignition, or
18 deflagration of flammable gases, liquids, or special materials
19 to produce a thermal, physical, visual, or audible effect
20 before the public, invitees, or licensees, regardless of
21 whether admission is charged, in accordance with National Fire
22 Protection Association 160 guidelines, and as may be further
23 defined in the Pyrotechnic Distributor and Operator Licensing
24 Act.

25 "Lead pyrotechnic operator" means an individual who is
26 responsible for the safety, setup, and discharge of the

1 pyrotechnic display or pyrotechnic service and who is licensed
2 pursuant to the Pyrotechnic Distributor and Operator Licensing
3 Act.

4 "Person" means an individual, firm, corporation,
5 association, partnership, company, consortium, joint venture,
6 commercial entity, state, municipality, or political
7 subdivision of a state or any agency, department, or
8 instrumentality of the United States and any officer, agent,
9 or employee of these entities.

10 "Production company" means any person in the film, digital
11 and video media, television, commercial, music, or theatrical
12 stage industry who provides pyrotechnic services or
13 pyrotechnic display services as part of a film, digital and
14 video media, television, commercial, music, or theatrical
15 production in the State of Illinois and is licensed by the
16 Office pursuant to the Pyrotechnic Distributor and Operator
17 Licensing Act.

18 "Pyrotechnic display" means the detonation, ignition, or
19 deflagration of display fireworks or flame effects to produce
20 visual or audible effects of an exhibitional nature before the
21 public, invitees, or licensees, regardless of whether
22 admission is charged, and as may be further defined in the
23 Pyrotechnic Distributor and Operator Licensing Act.

24 "Pyrotechnic distributor" means any person who distributes
25 display fireworks for sale in the State of Illinois or
26 provides them as part of a pyrotechnic display service in the

1 State of Illinois or provides only pyrotechnic services and is
2 licensed by the Office pursuant to the Pyrotechnic Distributor
3 and Operator Licensing Act.

4 "Pyrotechnic service" means the detonation, ignition, or
5 deflagration of display fireworks, special effects, or flame
6 effects to produce a visual or audible effect.

7 "Special effects fireworks" means pyrotechnic devices used
8 for special effects by professionals in the performing arts in
9 conjunction with theatrical, musical, or other productions
10 that are similar to consumer fireworks in chemical
11 compositions and construction, but are not intended for
12 consumer use and are not labeled as such or identified as
13 "intended for indoor use". "Special effects fireworks" are
14 classified as fireworks UN0431 or UN0432 by the United States
15 Department of Transportation under 49 C.F.R. 172.101.

16 (Source: P.A. 99-642, eff. 7-28-16.)

17 (425 ILCS 35/3.5 new)

18 Sec. 3.5. Sale of ground-based sparklers. No ground-based
19 sparkler that (i) is nonexplosive and nonaerial, (ii) may
20 produce a crackling or whistling effect, and (iii) contains 75
21 grams or less of pyrotechnic composition per tube or a total of
22 500 grams or less for multiple tubes, such as cones, including
23 showers of sparks, as well as fountains, may be sold to a
24 person under the age of 18 years.

25 Section 999. Effective date. This Act takes effect July 1,

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