



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

SB2431

Introduced 2/7/2025, by Sen. Doris Turner

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Explosives Act. Makes changes to defined terms. Provides that no person shall acquire, possess, use, transfer, or dispose of explosive materials unless the person has obtained a valid Illinois Individual Explosives License issued by the Department of Natural Resources, except as provided in the Act. In provisions concerning qualifications for licensure, provides that no person shall qualify to hold a license who is an unlawful user of or addicted to alcohol or any controlled substance or has been adjudicated a person with a mental disability as defined in the Firearm Owners Identification Card Act or the person's FOID card is suspended or revoked. Provides that upon receipt of a second revocation of an explosives license, the person shall no longer be eligible to apply for an Illinois individual explosive license. Provides that any bulk storage or holding of consumer fireworks in quantities of 1,001 pounds or greater that is not in compliance with the Pyrotechnic Use Act or the Pyrotechnic Distributor and Operator Licensing Act must be stored in a Department certified Type 1, Type 2, or Type 4 magazine and must meet the distancing requirements for low explosives in applicable law. Provides that no consumer firework cake, designed for consumer use, shall exceed 500 grams in total explosive chemical composition. Provides that any person transporting explosive materials in the State shall comply with the placard requirements, as required by federal administrative rule. Makes other changes.

LRB104 09219 AAS 19276 b

1 AN ACT concerning regulation.

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

4 Section 5. The Illinois Explosives Act is amended by  
5 changing Sections 1003, 2000, 2001, 2005, 2011, 3001, 3004,  
6 4003, 5001, 5010, and 5011 and by adding Article 6 as follows:

7 (225 ILCS 210/1003) (from Ch. 96 1/2, par. 1-1003)

8 Sec. 1003. Definitions. As used in this Act:

9 (a) "Person" means any individual, corporation, company,  
10 association, partnership, or other legal entity.

11 (b) "Explosive materials" means explosives, blasting  
12 agents, water gels, and detonators, and all items included  
13 with the "List of Explosive Materials" located in 27 CFR  
14 555.23.

15 (c) "Explosive" means any chemical compound, mixture, or  
16 device (1) the primary or common purpose of which is to  
17 function by explosion and (2) that is or can be classified as a  
18 Division 1.1, 1.2, or 1.3 material under 49 CFR 173.50 or items  
19 included within the "List of Explosive Materials" provided in  
20 27 CFR 555.23, as now or hereafter amended, renumbered, or  
21 succeeded. The term includes high and low explosives ,any  
22 explosive devices weighing over one quarter ounce of explosive  
23 material, and display fireworks. "Explosive" does not include

1 consumer fireworks that have a bulk total gross weight of  
2 under 1,001 pounds.

3 (d) "Blasting agent" means any material or mixture that  
4 (1) consists of a fuel and oxidizer intended for blasting, not  
5 otherwise defined as an explosive, provided that the finished  
6 product, as mixed and packaged for use or shipment, cannot be  
7 detonated by means of a No. 8 blasting cap, as defined by the  
8 Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S.  
9 Department of Treasury, when unconfined and (2) is classified  
10 as a Division 1.5 material under 49 CFR 173.50, as now or  
11 hereafter amended, renumbered, or succeeded.

12 (d-5) (Blank). ~~"Crime punishable by imprisonment for a~~  
13 ~~term exceeding one year" does not mean (1) any federal or state~~  
14 ~~offenses pertaining to antitrust violations, unfair trade~~  
15 ~~practices, restraint of trade, or similar offenses relating to~~  
16 ~~the regulation of business practices as the Secretary of the~~  
17 ~~Treasury may by regulation designate or (2) any State offense,~~  
18 ~~other than one involving a firearm or explosive, classified by~~  
19 ~~the laws of the State as a misdemeanor or punishable by a term~~  
20 ~~of imprisonment of 2 years or less.~~

21 (e) "Detonator" means any device that (1) contains any  
22 initiating or primary explosive that is used for initiating  
23 detonation and (2) is classified as Division 1.1 or 1.4  
24 material under 49 CFR 173.50, as now or hereafter amended,  
25 renumbered, or succeeded. A detonator may not contain more  
26 than 10 grams of total explosives by weight, excluding

1 ignition or delay charges.

2 (f) "Highway" means any public street, public road, or  
3 public alley and includes privately financed, constructed, or  
4 maintained roads that are regularly and openly traveled by the  
5 general public.

6 (g) "Railroad" or "railway" means any public steam,  
7 electric or other railroad or rail system which carries  
8 passengers for hire, but shall not include auxiliary tracks,  
9 spurs and sidings installed and primarily used in serving any  
10 mine, quarry or plant.

11 (h) "Building" means and includes any building regularly  
12 occupied, in whole or in part, as a habitation for human  
13 beings, and any church, schoolhouse, railway station or other  
14 building where people are accustomed to assemble, but does not  
15 mean or include any buildings of a mine or quarry or any of the  
16 buildings of a manufacturing plant where the business of  
17 manufacturing explosive materials is conducted.

18 (i) "Factory building" means any building or other  
19 structure in which the manufacture or any part of the  
20 manufacture of explosive materials is conducted.

21 (j) "Magazine" means any building or other structure or  
22 container, other than a factory building, used to store  
23 explosive materials. Where mobile or portable type 5 magazines  
24 are permissible and used, "magazine", for the purpose of  
25 obtaining certificates and calculating fees, means the site on  
26 which such magazines are located.

1 (k) "Magazine keeper" means a qualified supervisory person  
2 with an Illinois Individual Explosives License ~~licensed~~ by the  
3 Department under Article 2 of this Act who is responsible for  
4 the acquisition, storage, use, possession, transfer, and  
5 disposal of explosive materials, including inventory and  
6 transaction records, and the proper maintenance of explosive  
7 materials, storage magazines, and surrounding areas.

8 (l) "Black powder" means a deflagrating or low explosive  
9 compound of an intimate mixture of sulfur, charcoal and an  
10 alkali nitrate, usually potassium or sodium nitrate.

11 (m) "Municipality" means cities, villages, incorporated  
12 towns, and townships.

13 (n) "Fugitive from justice" means any individual who has  
14 fled from the jurisdiction of any court of record to avoid  
15 prosecution for any crime or to avoid giving testimony in any  
16 criminal proceeding. This term shall also include any  
17 individual who has been convicted of any crime and has fled to  
18 avoid imprisonment.

19 (o) "Department" means the Department of Natural  
20 Resources.

21 (p) (Blank).

22 (q) "Director" means the Director of Natural Resources.

23 (r) "Storage certificate" means the certificate issued by  
24 the Department under Article 3 of this Act that authorizes the  
25 holder to store explosive materials in the magazine for which  
26 the certificate is issued.

1 (s) "License" or "Illinois Individual Explosives License"  
2 means a ~~that~~ license that is issued by the Department under  
3 Article 2 of this Act authorizing the holder to possess, use,  
4 purchase, transfer or dispose of, but not to store, explosive  
5 materials.

6 (t) "Transfer" of explosive materials means to sell, give,  
7 distribute, or otherwise dispose of explosive materials.

8 (u) "Use" of explosive materials means the detonation,  
9 ignition, deflagration, manufacturing, handling, or any other  
10 means of initiating explosive materials.

11 (v) "Disposal" of explosive materials means to render  
12 inert pursuant to manufacturer's recommendations or commonly  
13 accepted industry standards.

14 (w) "BATFE" means the federal Bureau of Alcohol, Tobacco,  
15 Firearms and Explosives.

16 (x) "Water gel" means an explosive or blasting agent that  
17 contains a substantial proportion of water.

18 (y) "Consumer Fireworks" means any small fireworks device  
19 designed to produce visible effects by combustion and that  
20 must comply with the construction, chemical composition and  
21 labeling regulations of the U.S. Consumer Product Safety  
22 Commission (16 CFR 1500 and 1507). "Consumer fireworks"  
23 includes some small devices designed to produce audible  
24 effects, such as whistling devices, ground devices containing  
25 50 mg (0.77 grain) or less of explosive materials, and aerial  
26 devices containing 130 mg (2 grains) or less of explosive

1 materials that are classified as explosives, Class 1, Division  
2 1.4, UN0336 or UN0337 in 49 CFR 172.101.

3 (Source: P.A. 96-1194, eff. 1-1-11.)

4 (225 ILCS 210/2000) (from Ch. 96 1/2, par. 1-2000)

5 Sec. 2000. Scope; exemptions.

6 (a) The license requirements of this Article apply to all  
7 explosive materials unless otherwise excepted under this  
8 Section or Section 1005 of this Act.

9 (b) This Article does not apply to the purchase, receipt,  
10 possession, or use of black powder solely for sporting,  
11 recreational, or cultural purposes by an individual for his or  
12 her own use or for his or her immediate family living in the  
13 same household. This includes components for use in muzzle  
14 loading firearms and other antique devices and hand loading,  
15 reloading, or custom loading fixed ammunition.

16 (c) A person is not required to have a license under this  
17 Article for the acquisition, possession, use, transfer, or  
18 disposal of explosive materials in connection with mine,  
19 quarry, construction, demolition, manufacturing, or wholesale  
20 or retail explosive materials operations if (1) the person  
21 holds a storage certificate under Article 3 of this Act and (2)  
22 the acquisition, possession, use, transfer, or disposal of the  
23 explosive materials is limited to the purpose authorized by  
24 his or her storage certificate.

25 In addition to the person who holds the storage

1 certificate, this exemption shall also apply to any employee,  
2 contractor, or other authorized individual if he or she is  
3 under the direct supervision of an individual who is either  
4 licensed under this Act or ~~7~~ licensed for blasting operations  
5 or use of explosives in aggregate mining operations under the  
6 Surface-Mined Land Conservation and Reclamation Act, ~~certified~~  
7 ~~for blasting or use of explosives in mining operations under~~  
8 ~~the Surface Coal Mining Land Conservation and Reclamation Act,~~  
9 ~~or certified as a shot firer under the Coal Mining Act.~~ Direct  
10 supervision requires the supervising individual to be  
11 physically present at all times during the use or disposal of  
12 the explosive materials.

13 (Source: P.A. 96-1194, eff. 1-1-11.)

14 (225 ILCS 210/2001) (from Ch. 96 1/2, par. 1-2001)

15 Sec. 2001. Illinois Individual Explosives License  
16 ~~Unlicensed activity; non residents.~~ No person shall acquire,  
17 possess, use, transfer, or dispose of explosive materials  
18 unless the person has obtained a valid Illinois Individual  
19 Explosives License issued ~~licensed~~ by the Department, except  
20 as provided under Section 1005 or 2000 of this Act ~~and the~~  
21 ~~Pyrotechnic Distributor and Operator Licensing Act.~~

22 (Source: P.A. 96-1194, eff. 1-1-11.)

23 (225 ILCS 210/2005) (from Ch. 96 1/2, par. 1-2005)

24 Sec. 2005. Qualifications for licensure.

- 1 (a) No person shall qualify to hold a license who:
- 2 (1) is under 21 years of age;
- 3 (2) has been convicted in any court of a crime
- 4 punishable by imprisonment for a term exceeding one year;
- 5 (3) is under indictment for a crime punishable by
- 6 imprisonment for a term exceeding one year;
- 7 (4) is a fugitive from justice;
- 8 (5) is an unlawful user of or addicted to alcohol or
- 9 any controlled substance as defined in Section 102 of the
- 10 federal Controlled Substances Act (21 U.S.C. Sec. 802 et
- 11 seq.);
- 12 (6) has been adjudicated a person with a mental
- 13 disability as defined in Section 1.1 of the Firearm Owners
- 14 Identification Card Act or the person's FOID card is
- 15 suspended or revoked; or
- 16 (7) is not a legal citizen of the United States or
- 17 lawfully admitted for permanent residence.

18 (b) A person who has been granted a "relief from

19 disabilities" regarding criminal convictions and indictments,

20 pursuant to the federal Safe Explosives Act (18 U.S.C. Sec.

21 845) may receive a license provided all other qualifications

22 under this Act are met.

23 (Source: P.A. 101-541, eff. 8-23-19.)

24 (225 ILCS 210/2011) (from Ch. 96 1/2, par. 1-2011)

25 Sec. 2011. Enforcement action; licenses.

1 (a) Failure to satisfy the age or examination requirements  
2 of Sections 2004 and 2005(1) shall result in automatic license  
3 denial.

4 (b) Subject to the provisions of Sections 5003 through  
5 5005 of this Act, the Department may suspend, revoke, or  
6 refuse to issue or renew a license and may take any other  
7 disciplinary action that the Department may deem proper,  
8 including the imposition of fines not to exceed \$5,000 for  
9 each occurrence, if the person, applicant, or licensee fails  
10 to comply with or satisfy the requirements of any provision of  
11 this Act and for any of the following reasons:

12 (1) Failure to meet or maintain the qualifications for  
13 licensure set forth in Section 2005.

14 (2) Willful disregard or violation of this Act or its  
15 rules.

16 (3) Willfully aiding or abetting another in the  
17 violation of this Act or its rules.

18 (4) Allowing a license issued under this Act to be  
19 used by an unlicensed person.

20 (5) Possession, use, acquisition, transfer, handling,  
21 disposal, or storage of explosive materials in a manner  
22 that endangers the public health, safety, or welfare.

23 (6) Refusal to produce records or reports or permit  
24 any inspection lawfully requested by the Department.

25 (7) Failure to make, keep, or submit any record or  
26 report required by this Act or its implementing

1 regulations; or making, keeping, or submitting a false  
2 record or report.

3 (8) Material misstatement in the application for an  
4 original or renewal license.

5 (9) Failure to pay fines for each occurrence upon a  
6 final administrative decision.

7 (b-5) Upon receipt of a second revocation of an explosives  
8 license, the person shall no longer be eligible to apply for an  
9 Illinois individual explosive license

10 (c) (Blank).

11 (d) (Blank).

12 (e) All fines collected under this Section shall be  
13 deposited into the Explosives Regulatory Fund.

14 (Source: P.A. 96-1194, eff. 1-1-11.)

15 (225 ILCS 210/3001) (from Ch. 96 1/2, par. 1-3001)

16 Sec. 3001. Storage requirements; magazines; ~~Magazines~~  
17 consumer fireworks.

18 (a) No person shall possess or store explosive materials  
19 unless such explosive materials are stored in a magazine or in  
20 a factory building in accordance with this Act except while  
21 being transported or being used in preparation for blasting.

22 (b) Not more than 300,000 pounds of explosive materials  
23 shall be stored in any magazine at any one time.

24 (c) (Blank).

25 (d) (Blank).

1 (e) (Blank).

2 (f) Any bulk storage or holding of consumer fireworks in  
3 quantities of 1,001 pounds or greater that is not in  
4 compliance with the Pyrotechnic Use Act or the Pyrotechnic  
5 Distributor and Operator Licensing Act must be stored in a  
6 Department certified Type 1, Type 2, or Type 4 magazine and  
7 must meet the distancing requirements for low explosives in 27  
8 CFR 555.219 and other applicable law.

9 (g) No consumer firework cake, designed for consumer use,  
10 shall exceed 500 grams in total explosive chemical  
11 composition.

12 (Source: P.A. 96-1194, eff. 1-1-11.)

13 (225 ILCS 210/3004) (from Ch. 96 1/2, par. 1-3004)

14 Sec. 3004. Refusal, suspension, or revocation of  
15 certificate; Grounds.

16 (a) Subject to the provisions of Sections 5003 through  
17 5005 of this Act, the Department may suspend, revoke, refuse  
18 to issue or renew a certificate or take any other disciplinary  
19 action as the Department may deem proper, including the  
20 imposition of fines not to exceed \$5000 for each occurrence,  
21 if the person, applicant, or certificate holder fails to  
22 comply with or satisfy the requirements of any provision of  
23 this Act or for any of the following reasons:

24 (1) Material misstatement in the application for  
25 original certificate or in the application for any renewal

1 certificate under this Act.

2 (2) Failure to continue to possess the necessary  
3 qualifications or to meet the requirements of the Act for  
4 the issuance or holding of a certificate after issuance of  
5 the certificate, in which case the certificate shall be  
6 revoked.

7 (3) Willful disregard or violation of this Act or of  
8 its rules.

9 (4) Willfully aiding or abetting another in the  
10 violation of this Act or its rules.

11 (5) Allowing a certificate under this Act to be used  
12 by an unauthorized person.

13 (6) Refusing to produce records or permit inspections  
14 lawfully requested by the Department.

15 (7) Failing to make or keep records or reports, or  
16 making or keeping false records or reports as required  
17 under this Act.

18 (8) Storing any explosive material in a manner not in  
19 conformity with this Act.

20 (9) Possession, use, or storage of explosive materials  
21 in a manner which endangers the public health, safety, or  
22 welfare in violation of this Act.

23 (b) All fines collected under this Section of this Act  
24 shall be deposited into the Explosives Regulatory Fund.

25 (Source: P.A. 87-835; 88-599, eff. 9-1-94.)

1 (225 ILCS 210/4003) (from Ch. 96 1/2, par. 1-4003)

2 Sec. 4003. Recordkeeping and inspection.

3 (a) All persons, license holders, and certificate holders  
4 shall maintain such records pertaining to the possession, use,  
5 purchase, transfer and storage of explosive materials as the  
6 Department may prescribe and shall furnish the Department or  
7 its authorized representatives such records or other relevant  
8 information legally requested by the Department or its  
9 representatives. In establishing record keeping requirements,  
10 the Department shall consider the requirements imposed by  
11 agencies of the federal government to avoid duplication or  
12 inconsistency. All records required by the Department related  
13 to the possession, use, purchase, transfer, or storage of  
14 explosive materials shall be maintained for a minimum of 3  
15 years.

16 (b) (Blank).

17 (c) All license and certificate holders shall permit their  
18 facilities to be inspected at reasonable times and in a  
19 reasonable manner by representatives of the Department.

20 (Source: P.A. 96-1194, eff. 1-1-11.)

21 (225 ILCS 210/5001) (from Ch. 96 1/2, par. 1-5001)

22 Sec. 5001. Powers, duties, and functions of Department. In  
23 addition to the powers, duties, and functions vested in the  
24 Department by this Act, or by other laws of this State, the  
25 Department shall have the full powers and authority to carry

1 out and administer this Act, including the following powers,  
2 duties, and functions:

3 (a) To adopt reasonable rules consistent with this Act  
4 to carry out the purposes and enforce the provisions of  
5 this Act.

6 (b) To prescribe and furnish application forms,  
7 licenses, certificates, and any other forms necessary  
8 under this Act.

9 (c) To prescribe examinations which reasonably test  
10 the applicant's knowledge of the safe and proper use,  
11 storage, possession, handling, and transfer of explosive  
12 materials.

13 (d) To establish and enforce reasonable standards for  
14 the use, storage, disposal, and transfer of explosive  
15 materials.

16 (e) To issue licenses and certificates to qualified  
17 applicants who comply with the requirements of this Act  
18 and its rules.

19 (f) To suspend, revoke, or refuse to issue or renew  
20 licenses or certificates, or take other disciplinary  
21 action, including the imposition of fines. All fines  
22 collected under this Act shall be deposited into the  
23 Explosives Regulatory Fund.

24 (g) To establish by rule the expiration and renewal  
25 period for licenses and certificates issued under this  
26 Act, and to establish and collect license and certificate

1 application fees, fees required by the Illinois State  
2 Police for criminal identification purposes, and such  
3 other fees as are authorized or necessary under this Act.

4 (h) To conduct and prescribe rules of procedure for  
5 hearings under this Act.

6 (i) To appoint qualified inspectors to periodically  
7 visit places where explosive materials may be stored or  
8 used, and to make such other inspections as are necessary  
9 to determine satisfactory compliance with this Act.

10 (j) To receive data and assistance from federal,  
11 State, and local governmental agencies, and to obtain  
12 copies of identification and arrest data from all federal,  
13 State, and local law enforcement agencies for use in  
14 carrying out the purposes and functions of the Department  
15 and this Act.

16 (k) To receive and respond to inquiries from the  
17 industry, public, and agencies or instrumentalities of the  
18 State, and to investigate, offer advice, make  
19 recommendations, and provide monitoring services pertinent  
20 to such inquiries regarding the safe and proper storage,  
21 handling, and use of explosive materials.

22 (l) To inform, advise, and assist the State's Attorney  
23 of the county where any noncompliance with or violation of  
24 this Act occurs when the State's Attorney is seeking  
25 criminal charges against a person pursuant to Section 5010  
26 or 5011 of this Act.

1 (m) To bring an action in the name of the Department,  
2 through the Attorney General of the State of Illinois,  
3 whenever it appears to the Department that any person is  
4 engaged or is about to engage in any acts or practices that  
5 constitute or may constitute a violation of the provisions  
6 of this Act or its rules, for an order enjoining such  
7 violation or for an order enforcing compliance with this  
8 Act. Upon filing of a verified petition in such court, the  
9 court may issue a temporary restraining order without  
10 notice or bond and may preliminarily or permanently enjoin  
11 such violation. If it is established that such person has  
12 violated or is violating the injunction, the court may  
13 punish the offender for contempt of court. Proceedings  
14 under this paragraph are in addition to, and not in lieu  
15 of, all other remedies and penalties provided for by this  
16 Act.

17 (n) In accordance with constitutional limitations, the  
18 Department shall have authority to enter at all reasonable  
19 times upon any private or public property, for the purpose  
20 of inspecting and investigating, to ascertain possible  
21 violations of this Act, any rule adopted pursuant to this  
22 Act, or any permit, term, or condition of a permit.

23 The powers, duties, and functions vested in the Department  
24 under the provisions of this Act shall not be construed to  
25 affect in any manner the powers, duties, and functions vested  
26 in the Department under any other provision of law.

1 (Source: P.A. 96-1194, eff. 1-1-11; 97-333, eff. 8-12-11.)

2 (225 ILCS 210/5010) (from Ch. 96 1/2, par. 1-5010)

3 Sec. 5010. Unlawful possession , storage, and transfer.

4 (a) It is a violation of this Act for any ~~Any~~ person to;  
5 ~~subject to this Act who~~

6 (1) possesses an explosive material without having  
7 obtained a valid license or certificate under this Act;

8 (2) store an explosive material without having  
9 obtained a valid storage certificate issued pursuant to

10 this Act; is guilty of a Class 3 felony unless otherwise  
11 exempted under Section 1005 or 2000 of this Act. Any

12 person subject to this Act

13 (3) transfer ~~who transfers~~ explosive material to a  
14 person who does not possess a valid license or certificate  
15 under this Act; or

16 (4) obtain control over stolen explosive material  
17 knowing that the explosive material is stolen or under  
18 such circumstances where a reasonable person would believe  
19 the explosive material was stolen.

20 (b) A person convicted of a violation of paragraphs (1),  
21 (2) or (3) of subsection (a). is guilty of a Class 3 felony  
22 unless otherwise exempted under Section 1005 or 2000 of this  
23 Act.

24 (Source: P.A. 96-1194, eff. 1-1-11.)

1 (225 ILCS 210/5011) (from Ch. 96 1/2, par. 1-5011)

2 Sec. 5011. Violation and penalty. Unless otherwise  
3 specified, any person, ~~Any~~ license holder, or certificate  
4 holder who fails to comply with or violates any applicable  
5 provision of this Act is guilty of a Class B misdemeanor. All  
6 law enforcement officers and personnel of the State of  
7 Illinois and the various units of local government are  
8 responsible for assisting with the enforcement of this Act.

9 (Source: P.A. 86-364.)

10 (225 ILCS 210/Art. 6 heading new)

11 ARTICLE 6. TRANSPORTATION

12 (225 ILCS 210/6001 new)

13 Sec. 6001. Transportation. Any person transporting  
14 explosive materials in this State shall comply with the  
15 placard requirements, as required by federal administrative  
16 rule.

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