



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB2481

by Rep. Dave Severin

#### SYNOPSIS AS INTRODUCED:

New Act  
225 ILCS 227/5  
425 ILCS 35/Act rep.

Creates the Pyrotechnic Use Act of 2019. Provides that display fireworks shall only be offered for sale, exposed for sale, sold at retail, or kept with intent to sell, possess, use, or explode under a permit with specific requirements, a specific license, or for a specific use. Provides requirements for selling consumer fireworks. Provides that the State Fire Marshal may revoke the registration of any seller of consumer fireworks if the seller violates the requirements. Provides the requirements for use of consumer fireworks. Provides exemptions. Provides the procedure regarding the seizure and sale of fireworks that are stored and held in violation of the Act. Provides requirements for the storage of consumer fireworks and display fireworks. Defines terms. Makes conforming changes. Repeals the Pyrotechnic Use Act. Effective immediately.

LRB101 05310 JRG 50324 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning safety.

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 Pyrotechnic Use Act of 2019.

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

7 "Competent display operator" means a Bureau of Alcohol,  
8 Tobacco, Firearms and Explosives licensee who has participated  
9 as an assistant in at least 5 public displays of fireworks with  
10 overall responsibility for the operation and safety of a  
11 fireworks display.

12 "Consumer fireworks" means fireworks that are suitable for  
13 use by the public, designed primarily to produce visible  
14 effects by combustion, and that comply with the construction,  
15 chemical composition, and labeling regulations of the United  
16 States Consumer Product Safety Commission. "Consumer  
17 fireworks" also means fireworks classified as Division 1.4G  
18 explosives by the United States Department of Transportation  
19 under 16 CFR Part 1507, 27 CFR Part 555, or 49 CFR 173.56.  
20 "Consumer fireworks" shall not include: snake or glow worm  
21 pellets; smoke devices; trick noisemakers known as "party  
22 poppers", "booby traps", "snappers", "trick matches",  
23 "cigarette loads", and "auto burglar alarms"; sparklers; toy

1 pistols, toy canes, toy guns, or other devices in which paper  
2 or plastic caps containing twenty-five hundredths grains or  
3 less of explosive mixture are used, provided they are so  
4 constructed that the hand cannot come in contact with the cap  
5 when in place for the explosion; and toy pistol paper or  
6 plastic caps that contain less than twenty hundredths grains of  
7 explosive mixture; the sale and use of which shall be permitted  
8 at all times.

9 "Display fireworks" means pyrotechnic devices or large  
10 fireworks designed primarily to produce visible or audible  
11 effects by combustion, deflagration, or detonation. "Display  
12 fireworks" also means fireworks classified as Division 1.3G  
13 explosives by the United States Department of Transportation  
14 under 16 CFR Part 1507, 27 CFR Part 555, or 49 CFR 173.56.

15 "Public display of fireworks" means the use of pyrotechnic  
16 devices or pyrotechnic materials before a proximate audience,  
17 whether indoors or outdoors.

18 "Seasonal retailers" means any person, firm,  
19 co-partnership, nonprofit, or corporation intending to sell  
20 consumer fireworks between June 10 and July 7, or December 26  
21 and January 4 of each year or both, and shall include permanent  
22 businesses, temporary businesses, stores, stands, or tents.

23 Section 10. Legality of consumer fireworks and display  
24 fireworks.

25 (a) Consumer fireworks are legal for retail sale provided

1 all applicable federal and State requirements are met.

2 (b) Display fireworks are not legal for retail sale unless  
3 granted a permit under Section 15.

4 Section 15. Sale or use of display fireworks. No person,  
5 firm, co-partnership, nonprofit, or corporation shall offer  
6 for sale, expose for sale, sell at retail, keep with intent to  
7 sell, possess, use, or explode any display fireworks, except:

8 (1) in municipalities the chief of the fire department,  
9 or the mayor or village president where there is no fire  
10 department, and in counties outside of municipalities the  
11 county board or the board of commissioners of the county,  
12 may grant permits for supervised public displays of  
13 fireworks by municipalities, fair associations, amusement  
14 parks, and other organizations or groups of individuals,  
15 if:

16 (A) every display is handled by a competent display  
17 operator to be approved by the public official by whom  
18 the permit is granted, and shall be of such character,  
19 as in the opinion of the official, after proper  
20 inspection, to not be hazardous to property or endanger  
21 any person;

22 (B) at least one competent display operator is on  
23 site during display setup and firing and he or she  
24 maintains a copy of the permit application, as signed  
25 by the local authority having jurisdiction, on site and

1 at all times the display is in place, which shall be  
2 presented on demand of the State Fire Marshal or local  
3 fire chief;

4 (C) permits are filed with the State Fire Marshal  
5 at least 15 days in advance of the date of the display;  
6 and

7 (D) any person remaining within the display area is  
8 identified as licensed by the Bureau of Alcohol,  
9 Tobacco, Firearms and Explosives, an employee thereof,  
10 or an assistant in training to become a competent  
11 display operator and is at least 18 years of age;

12 (2) the sale, at wholesale, of any display fireworks  
13 for permitted displays by any resident manufacturer,  
14 wholesaler, dealer, or jobber, in accordance with  
15 regulations of the United States Bureau of Alcohol,  
16 Tobacco, Firearms and Explosives if the sale is to the  
17 person holding a display permit as prescribed in paragraph  
18 (1);

19 (3) the sale of display fireworks in accordance with a  
20 license issued by the United States Bureau of Alcohol,  
21 Tobacco, Firearms and Explosives;

22 (4) the sale and use in emergency situations of  
23 pyrotechnic signaling devices and distress signals for  
24 marine, aviation, and highway use;

25 (5) the use of fuses and railway torpedoes by  
26 railroads;

1           (6) the sale and use of blank cartridges for use in a  
2           show or theater or for signal or ceremonial purpose in  
3           athletics or sports;

4           (7) the use of any pyrotechnic device by military  
5           organizations; or

6           (8) the use of fireworks for agricultural purposes  
7           under the direct supervision of the United States  
8           Department of the Interior or any equivalent or local  
9           agency.

10          Nothing in this Section shall prohibit a person, firm,  
11          co-partnership, nonprofit, or corporation from offering for  
12          sale, exposing for sale, selling at retail, keeping with intent  
13          to sell, possessing or using consumer fireworks as permitted by  
14          Section 20.

15          Section 20. Requirements for sale of consumer fireworks;  
16          revocation of registration; use of consumer fireworks.

17          (a) Consumer fireworks may be offered for sale, sold at  
18          retail, or kept with the intent to sell only if the  
19          requirements of this Section are met.

20          (b) Any person, firm, co-partnership, nonprofit, or  
21          business intending to sell consumer fireworks shall register  
22          annually with the State Fire Marshal, who may assess a fee of  
23          no more than \$25 for each site at which fireworks shall be  
24          sold. This registration requirement does not apply to permanent  
25          business establishments that are open year-round and in which

1 the sale of fireworks is ancillary to the primary course of  
2 business.

3 (c) Permanent business establishments open year-round and  
4 in which the sale of consumer fireworks is ancillary to the  
5 primary course of business shall either meet the definition of  
6 "seasonal retailer" or be permitted to sell the following  
7 consumer fireworks:

8 (1) dipped stick-sparklers or wire sparklers;

9 (2) cylindrical fountains;

10 (3) cone fountains;

11 (4) illuminating torches;

12 (5) wheels;

13 (6) ground spinners;

14 (7) flitter sparklers; or

15 (8) toy smoke devices.

16 (d) A seasonal retailer shall register with the State Fire  
17 Marshal, who may assess a fee of no more than \$250 for each  
18 site at which fireworks shall be sold.

19 (e) Any person, firm, co-partnership, nonprofit, or  
20 corporation intending to sell consumer fireworks as the primary  
21 source of business, shall register with the State Fire Marshal,  
22 who may assess a fee of no more than \$500 for each site at which  
23 fireworks will be sold.

24 (f) The annual registration required by this Section shall  
25 be received by the State Fire Marshal at least 15 days prior to  
26 offering fireworks for sale at the site for which the

1 registration is intended. If the registration is received less  
2 than 15 days prior to offering fireworks for sale at the site  
3 for which registration is intended, an additional assessment of  
4 \$100 shall be added to the initial fee.

5 (g) Each site at which fireworks are offered for sale shall  
6 have its registration certificate displayed in a conspicuous  
7 location at the site.

8 (h) No person or business shall give, offer for sale, or  
9 sell any consumer fireworks to any person under 18 years of  
10 age.

11 (i) No person under 18 years of age may be employed by a  
12 fireworks distribution facility or manufacturing facility.

13 (j) No person under 18 years of age shall sell consumer  
14 fireworks at a consumer fireworks retail sales facility  
15 registered under this Section unless the individual is  
16 supervised by a parent or guardian.

17 (k) A person lawfully possessing consumer fireworks may use  
18 those items if:

19 (1) he or she is at least 18 years of age;

20 (2) the fireworks are not ignited within 200 feet of  
21 any structure, vehicle, or other person; and

22 (3) use of the fireworks does not place him or her in  
23 violation of any local ordinance.

24 (l) The State Fire Marshal may revoke the registration of  
25 any site that is in violation of a requirement of this Section  
26 or any other requirement provided by this Act. If the violation



1 renders any property especially susceptible to fire loss and  
2 there is present such hazard to human life or limb that the  
3 public safety imperatively requires emergency action, the  
4 State Fire Marshal may take that action.

5 Section 25. Insurance coverage. No permit shall be issued  
6 under this Act unless the applicant shows proof of insurance as  
7 required under Section 12 of the Pyrotechnic Distributor and  
8 Operator Licensing Act. However, the local fire chief or State  
9 Fire Marshal may require a larger amount if, in his or her  
10 judgment, the situation requires it, conditioned for the  
11 payment of all damages which may be caused thereby either to a  
12 person or to property by reason of the permitted display, and  
13 arising from any acts of the licensee, his or her agents,  
14 employees, or subcontractors.

15 Section 30. Exemptions. Nothing in this Act prevents the  
16 retail sale and use of explosives or signaling flares used in  
17 the course of ordinary business or industry, snake or glow worm  
18 pellets, smoke devices, trick noisemakers known as "party  
19 poppers", "booby traps", "snappers", "trick matches",  
20 "cigarette loads", and "auto burglar alarms", sparklers, toy  
21 pistols, toy canes, toy guns, or other devices in which paper  
22 or plastic caps containing twenty-five hundredths grains or  
23 less of explosive mixture are used, provided they are so  
24 constructed that the hand cannot come in contact with the cap

1 when in place for the explosion, and toy pistol paper or  
2 plastic caps that contain less than twenty hundredths grains of  
3 explosive mixture, shells or cartridges used as ammunition in  
4 firearms, blank cartridges for a show or theater, signal or  
5 ceremonial purposes in athletics or sports, use by military  
6 organizations, or the sale of any kind of fireworks provided  
7 the same are to be shipped by the seller directly out of the  
8 State.

9 Section 35. Seizure and sale of fireworks.

10 (a) The State Fire Marshal, or any fire department having  
11 jurisdiction which has been deputized to act on behalf of the  
12 State Fire Marshal, shall cause to be removed at the expense of  
13 the owner all stocks of fireworks which are stored and held in  
14 violation of this Act. After a period of 60 days, the seized  
15 fireworks may be offered for sale by closed bid to a properly  
16 certified fireworks wholesaler.

17 (b) After a period of 60 days, the seized fireworks may be  
18 offered for sale by closed bid to a properly certified  
19 manufacturer, distributor, or wholesaler. All seized fireworks  
20 or explosives with a Division 1.3G or display firework  
21 designation shall require the notification of the United States  
22 Bureau of Alcohol, Tobacco, Firearms and Explosives. The State  
23 Fire Marshal shall provide the owner or possessor a receipt  
24 containing the complete inventory of any fireworks seized  
25 within 5 business days of the seizure.

1 (c) Before any seized fireworks may be disposed of:

2 (1) if the owner of the seized fireworks is known to  
3 the State Fire Marshal, the State Fire Marshal shall give  
4 notice by registered mail or personal service to the owner  
5 of the State Fire Marshal's intention to dispose of the  
6 fireworks. The notice shall inform the owner of the State  
7 Fire Marshal's intent. The Office of the State Fire Marshal  
8 shall conduct an administrative hearing under the  
9 provisions of the Illinois Administrative Procedure Act;  
10 or

11 (2) if the identity of the owner of any seized  
12 fireworks is not known to the State Fire Marshal, the State  
13 Fire Marshal shall cause to be published, in a newspaper of  
14 general circulation in the county in which the seizure was  
15 made, notice of the seizure, and of the State Fire  
16 Marshal's intention to dispose of the fireworks. The notice  
17 shall be published once each week for 3 consecutive weeks.  
18 If no person claims ownership of the fireworks within 10  
19 days of the date of the last publication, the State Fire  
20 Marshal may proceed with disposal of the fireworks. If the  
21 owner does claim the fireworks within 10 days of the date  
22 of the last publication, the Office of the State Fire  
23 Marshal shall conduct an administrative hearing under the  
24 provisions of the Illinois Administrative Procedure Act.

25 (d) Nothing in this Act restricts a county or municipality  
26 from enacting ordinances that affect the sale or use of

1 fireworks within its jurisdiction.

2 Section 40. Storage of consumer fireworks and display  
3 fireworks.

4 (a) The storage of consumer fireworks or display fireworks  
5 at retail, wholesale, storage, or manufacturing facilities  
6 shall be reported in writing to the State Fire Marshal and the  
7 local fire chief of the jurisdiction where the facilities are  
8 located.

9 (1) The report shall be completed by the owner or  
10 lessee of the property or the supplier of the fireworks,  
11 and shall include the address of the facility, the location  
12 of the fireworks to be stored, a copy of the shipping bill,  
13 and whether they are consumer fireworks or display  
14 fireworks.

15 (2) The initial report for permanent business  
16 establishments open year-round shall be submitted between  
17 January 1, 2020, and January 31, 2020, for existing  
18 business and 15 days before storage begins for new  
19 businesses. The report for permanent business  
20 establishments open year-round shall be updated annually  
21 and upon a change in location of the stored items.

22 (b) Seasonal retailers shall submit, at least 15 days prior  
23 to opening for sale each year, a report to the State Fire  
24 Marshal and the local fire chief of the jurisdiction  
25 identifying:

- 1 (1) the address where the sales will be taking place;
- 2 (2) the address where the fireworks will be stored; and
- 3 (3) a description of how the fireworks will be stored.

4 Only one report is due if the seasonal retailer stores the  
5 same product at the same location for both the June 10 through  
6 July 7 and December 26 through January 4 seasons.

7 (c) Failure to submit a report required under this Section  
8 shall be cause to cease and desist operation of the facility or  
9 site until the required information is properly submitted.  
10 Inspectors shall notify the permit holder in writing and may  
11 allow 24 hours to remedy the violation, unless the violation  
12 poses a distinct fire hazard.

13 Section 45. Rulemaking. The State Fire Marshal shall adopt  
14 such rules as may be necessary for the implementation of this  
15 Act.

16 Section 70. The Pyrotechnic Distributor and Operator  
17 Licensing Act is amended by changing Section 5 as follows:

18 (225 ILCS 227/5)

19 Sec. 5. Definitions. In this Act:

20 "1.3G fireworks" means fireworks that are used for  
21 professional outdoor displays and classified as fireworks  
22 UN0333, UN0334, or UN0335 by the United States Department of  
23 Transportation under 49 C.F.R. 172.101.

1 "Assistant" means an individual supervised by a lead  
2 pyrotechnic operator, who assists with the safety, setup,  
3 discharge, and removal of a pyrotechnic display.

4 "BATFE" means the federal Bureau of Alcohol, Tobacco,  
5 Firearms and Explosives.

6 "Consumer fireworks" means fireworks that must comply with  
7 the construction, chemical composition, and labeling  
8 regulations of the U.S. Consumer Products Safety Commission, as  
9 set forth in 16 C.F.R. Parts 1500 and 1507, and classified as  
10 fireworks UN0336 or UN0337 by the United States Department of  
11 Transportation under 49 C.F.R. 172.101. "Consumer fireworks"  
12 does not include a substance or article exempted under the  
13 Pyrotechnic Use Act of 2019.

14 "Cover licensor" means any pyrotechnic distributor,  
15 licensed under subsection (c) of Section 35 of this Act, or  
16 production company, licensed under subsection (c-3) of Section  
17 35 of this Act, under whose pyrotechnic license a touring  
18 pyrotechnic company and its touring lead pyrotechnic operators  
19 and touring technicians provide pyrotechnic displays or  
20 pyrotechnic services, or both, in the State.

21 "Cover licensor representative" means a licensed lead  
22 pyrotechnic operator, either employed by the cover licensor or  
23 insured as an additional named insured on the cover licensor's  
24 general liability and product liability insurance, as  
25 applicable, who is responsible for supervising the safety and  
26 regulatory compliance of the touring lead pyrotechnic

1 operators and touring technicians during a pyrotechnic display  
2 or pyrotechnic service.

3 "Display fireworks" means 1.3G explosive or special  
4 effects fireworks.

5 "Event employee" means an individual who works under the  
6 supervision of the lead pyrotechnic operator and who assists  
7 with the safety, setup, and removal of a pyrotechnic display,  
8 but does not handle live pyrotechnic materials or charged flame  
9 equipment.

10 "Facility" means an area being used for the conducting of a  
11 pyrotechnic display business, but does not include residential  
12 premises except for the portion of any residential premises  
13 that is actually used in the conduct of a pyrotechnic display  
14 business.

15 "Flame effect" means the detonation, ignition, or  
16 deflagration of flammable gases, liquids, or special materials  
17 to produce a thermal, physical, visual, or audible effect  
18 before the public, invitees, or licensees, regardless of  
19 whether admission is charged in accordance with NFPA 160.

20 "Lead pyrotechnic operator" means the individual with  
21 overall responsibility for the safety, setup, discharge, and  
22 supervision of a pyrotechnic display or pyrotechnic service.

23 "Office" means Office of the State Fire Marshal.

24 "Person" means an individual, firm, corporation,  
25 association, partnership, company, consortium, joint venture,  
26 commercial entity, state, municipality, or political

1 subdivision of a state or any agency, department, or  
2 instrumentality of the United States and any officer, agent, or  
3 employee of these entities.

4 "Production company" means any person in the film, digital  
5 and video media, television, commercial, music, or theatrical  
6 stage industry who provides pyrotechnic services or  
7 pyrotechnic display services as part of a film, digital and  
8 video media, television, commercial, music, or theatrical  
9 production in the State of Illinois.

10 "Pyrotechnic display" or "display" means the detonation,  
11 ignition, or deflagration of display fireworks or flame effects  
12 to produce a visual or audible effect of an exhibitional nature  
13 before the public, invitees, or licensees, regardless of  
14 whether admission is charged.

15 "Pyrotechnic distributor" means any person who distributes  
16 display fireworks for sale in the State of Illinois or provides  
17 them as part of a pyrotechnic display service in the State of  
18 Illinois or provides only pyrotechnic services.

19 "Pyrotechnic service" means the detonation, ignition, or  
20 deflagration of display fireworks, special effects, or flame  
21 effects to produce a visual or audible effect.

22 "Special effects fireworks" means pyrotechnic devices used  
23 for special effects by professionals in the performing arts in  
24 conjunction with theatrical, musical, or other productions  
25 that are similar to consumer fireworks in chemical compositions  
26 and construction, but are not intended for consumer use and are



1 not labeled as such or identified as "intended for indoor use".  
2 "Special effects fireworks" are classified as fireworks UN0431  
3 or UN0432 by the United States Department of Transportation  
4 under 49 C.F.R. 172.101.

5 "Touring lead pyrotechnic operator" means an individual  
6 employed by a touring pyrotechnic company who has overall  
7 responsibility for the safety, setup, discharge, and  
8 supervision of a pyrotechnic display or pyrotechnic service.

9 "Touring pyrotechnic company" means any person that  
10 performs pyrotechnic services or pyrotechnic displays in the  
11 State who lacks a license under subsections (c) or (c-3) of  
12 Section 35 of this Act.

13 "Touring technician" means an individual employed by a  
14 touring pyrotechnic company who is at least 18 years of age,  
15 who is covered by his or her employer's workers' compensation,  
16 product liability, and general liability policies under  
17 Section 35 of this Act and who, under the supervision of the  
18 touring lead pyrotechnic operator, assists with the safety,  
19 setup, discharge, and removal of a pyrotechnical display.

20 (Source: P.A. 96-708, eff. 8-25-09; 97-164, eff. 1-1-12.)

21 (425 ILCS 35/Act rep.)

22 Section 75. The Pyrotechnic Use Act is repealed.

23 Section 99. Effective date. This Act takes effect upon  
24 becoming law.