



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB2121

Introduced 2/7/2023, by Rep. Robert "Bob" Rita

SYNOPSIS AS INTRODUCED:

425 ILCS 30/2
425 ILCS 35/1

from Ch. 127 1/2, par. 102
from Ch. 127 1/2, par. 127

Amends the Fireworks Regulation Act of Illinois and the Pyrotechnic Use Act. Provides that "fireworks" and "consumer fireworks" do not include handheld or ground-based sparklers that are nonexplosive and nonaerial, sometimes producing a crackling or whistling effect, and containing 75 grams or less of pyrotechnic composition per tube or a total of 500 grams or less for multiple tubes (rather than only sparklers) or wood stick or wire sparklers containing not more than 100 grams of pyrotechnic mixture per item. Effective January 1, 2024.

LRB103 28605 CPF 54986 b

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 5. The Fireworks Regulation Act of Illinois is
5 amended by changing Section 2 as follows:

6 (425 ILCS 30/2) (from Ch. 127 1/2, par. 102)

7 Sec. 2. The following words and phrases, when used in this
8 Act, shall for the purpose of this Act have the following
9 definition and meaning:

10 (a) The term fireworks shall mean and include any
11 explosive composition or any substance or combination of
12 substances, or article prepared for the purpose of producing a
13 visible or audible effect of a temporary exhibitional nature
14 by explosion, combustion, deflagration or detonation, and
15 shall include blank cartridges, toy cannons in which
16 explosives are used, the type of balloons which require fire
17 underneath to propel the same, firecrackers, torpedoes, sky
18 rockets, Roman candles, bombs or other fireworks of like
19 construction and any fireworks containing any explosive
20 compound; or any tablets or other device containing any
21 explosive substance, or containing combustible substances
22 producing visual effects. The term "fireworks" shall not
23 include snake or glow worm pellets; smoke devices; handheld or

1 ground-based sparklers that are nonexplosive and nonaerial,
2 that may produce a crackling or whistling effect, and that
3 contain 75 grams or less of pyrotechnic composition per tube
4 or a total of 500 grams or less for multiple tubes; trick
5 noisemakers known as "party poppers", "booby traps",
6 "snappers", "trick matches", "cigarette loads" and "auto
7 burglar alarms"; toy pistols, toy canes, toy guns, or other
8 devices in which paper or plastic caps containing twenty-five
9 hundredths grains or less of explosive compound are used,
10 provided they are so constructed that the hand cannot come in
11 contact with the cap when in place for the explosion; wood
12 stick or wire sparklers that contain not more than 100 grams of
13 pyrotechnic mixture per item; and toy pistol paper or plastic
14 caps which contain less than twenty-five hundredths grains of
15 explosive mixture; the sale and use of which shall be
16 permitted at all times.

17 (b) The term "fireworks plant" shall mean and include all
18 lands, with buildings thereon, used in connection with the
19 manufacture or processing of fireworks, as well as storehouses
20 located thereon for the storage of finished fireworks.

21 (c) The term "fireworks factory building" shall mean any
22 building or other structure in which the manufacture of
23 fireworks, or in which any processing involving fireworks is
24 carried on.

25 (d) The term "magazine" shall mean any building or other
26 structure used for the storage of explosive raw materials used

1 in the manufacture of fireworks.

2 (e) The term "Office" shall mean the Office of the State
3 Fire Marshal.

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

5 Section 10. The Pyrotechnic Use Act is amended by changing
6 Section 1 as follows:

7 (425 ILCS 35/1) (from Ch. 127 1/2, par. 127)

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

10 "1.3G fireworks" means those fireworks used for
11 professional outdoor displays and classified as fireworks
12 UN0333, UN0334, or UN0335 by the United States Department of
13 Transportation under 49 C.F.R. 172.101.

14 "Consumer distributor" means any person who distributes,
15 offers for sale, sells, or exchanges for consideration
16 consumer fireworks in Illinois to another distributor or
17 directly to any retailer or person for resale.

18 "Consumer fireworks" means those fireworks that must
19 comply with the construction, chemical composition, and
20 labeling regulations of the U.S. Consumer Products Safety
21 Commission, as set forth in 16 C.F.R. Parts 1500 and 1507, and
22 classified as fireworks UN0336 or UN0337 by the United States
23 Department of Transportation under 49 C.F.R. 172.101.

24 "Consumer fireworks" shall not include snake or glow worm

1 pellets; smoke devices; trick noisemakers known as "party
2 poppers", "booby traps", "snappers", "trick matches",
3 "cigarette loads", and "auto burglar alarms"; handheld or
4 ground-based sparklers that are nonexplosive and nonaerial,
5 that produce a crackling or whistling effect, and that contain
6 75 grams or less of pyrotechnic composition per tube or a total
7 of 500 grams or less for multiple tubes; toy pistols, toy
8 canes, toy guns, or other devices in which paper or plastic
9 caps containing twenty-five hundredths grains or less of
10 explosive compound are used, provided they are so constructed
11 that the hand cannot come in contact with the cap when in place
12 for the explosion; wood stick or wire sparklers that contain
13 not more than 100 grams of pyrotechnic mixture per item; and
14 toy pistol paper or plastic caps that contain less than twenty
15 hundredths grains of explosive mixture; the sale and use of
16 which shall be permitted at all times.

17 "Consumer fireworks display" or "consumer display" means
18 the detonation, ignition, or deflagration of consumer
19 fireworks to produce a visual or audible effect.

20 "Consumer operator" means an adult individual who is
21 responsible for the safety, setup, and discharge of the
22 consumer fireworks display and who has completed the training
23 required in Section 2.2 of this Act.

24 "Consumer retailer" means any person who offers for sale,
25 sells, or exchanges for consideration consumer fireworks in
26 Illinois directly to any person with a consumer display

1 permit.

2 "Display fireworks" means 1.3G or special effects
3 fireworks or as further defined in the Pyrotechnic Distributor
4 and Operator Licensing Act.

5 "Flame effect" means the detonation, ignition, or
6 deflagration of flammable gases, liquids, or special materials
7 to produce a thermal, physical, visual, or audible effect
8 before the public, invitees, or licensees, regardless of
9 whether admission is charged, in accordance with National Fire
10 Protection Association 160 guidelines, and as may be further
11 defined in the Pyrotechnic Distributor and Operator Licensing
12 Act.

13 "Lead pyrotechnic operator" means an individual who is
14 responsible for the safety, setup, and discharge of the
15 pyrotechnic display or pyrotechnic service and who is licensed
16 pursuant to the Pyrotechnic Distributor and Operator Licensing
17 Act.

18 "Person" means an individual, firm, corporation,
19 association, partnership, company, consortium, joint venture,
20 commercial entity, state, municipality, or political
21 subdivision of a state or any agency, department, or
22 instrumentality of the United States and any officer, agent,
23 or employee of these entities.

24 "Production company" means any person in the film, digital
25 and video media, television, commercial, music, or theatrical
26 stage industry who provides pyrotechnic services or

1 pyrotechnic display services as part of a film, digital and
2 video media, television, commercial, music, or theatrical
3 production in the State of Illinois and is licensed by the
4 Office pursuant to the Pyrotechnic Distributor and Operator
5 Licensing Act.

6 "Pyrotechnic display" means the detonation, ignition, or
7 deflagration of display fireworks or flame effects to produce
8 visual or audible effects of an exhibitional nature before the
9 public, invitees, or licensees, regardless of whether
10 admission is charged, and as may be further defined in the
11 Pyrotechnic Distributor and Operator Licensing Act.

12 "Pyrotechnic distributor" means any person who distributes
13 display fireworks for sale in the State of Illinois or
14 provides them as part of a pyrotechnic display service in the
15 State of Illinois or provides only pyrotechnic services and is
16 licensed by the Office pursuant to the Pyrotechnic Distributor
17 and Operator Licensing Act.

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

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

1 "intended for indoor use". "Special effects fireworks" are
2 classified as fireworks UN0431 or UN0432 by the United States
3 Department of Transportation under 49 C.F.R. 172.101.
4 (Source: P.A. 99-642, eff. 7-28-16.)

5 Section 99. Effective date. This Act takes effect January
6 1, 2024.