



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

SB1256

Introduced 2/3/2023, by Sen. Napoleon Harris, III

#### 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 28604 CPF 54985 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.