



Rep. Anthony DeLuca

Filed: 3/22/2010

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LRB096 20614 ASK 39471 a

1 AMENDMENT TO HOUSE BILL 6252

2 AMENDMENT NO. _____. Amend House Bill 6252, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Fireworks Use Act is amended by adding
6 Sections 1 and 6 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 "Advertiser" means a fireworks company purchasing an
11 advertisement on an advertising medium.

12 "Advertising mediums" means billboards, radio, television,
13 and print advertising.

14 "1.3G fireworks" means those fireworks used for
15 professional outdoor displays and classified as fireworks
16 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 consumer
4 fireworks in Illinois to another distributor or directly to any
5 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; toy
16 pistols, toy canes, toy guns, or other devices in which paper
17 or plastic caps containing twenty-five hundredths grains or
18 less of explosive compound are used, provided they are so
19 constructed that the hand cannot come in contact with the cap
20 when in place for the explosion; and toy pistol paper or
21 plastic caps that contain less than twenty hundredths grains of
22 explosive mixture; the sale and use of which shall be permitted
23 at all times.

24 "Consumer fireworks display" or "consumer display" means
25 the detonation, ignition, or deflagration of consumer
26 fireworks to produce a visual or audible effect.

1 "Consumer operator" means an adult individual who is
2 responsible for the safety, setup, and discharge of the
3 consumer fireworks display and who has completed the training
4 required in Section 2.2 of this Act.

5 "Consumer retailer" means any person who offers for sale,
6 sells, or exchanges for consideration consumer fireworks in
7 Illinois directly to any person with a consumer display permit.

8 "Display fireworks" means 1.3G or special effects
9 fireworks or as further defined in the Pyrotechnic Distributor
10 and Operator Licensing Act.

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

19 "Lead pyrotechnic operator" means an individual who is
20 responsible for the safety, setup, and discharge of the
21 pyrotechnic display or pyrotechnic service and who is licensed
22 pursuant to the Pyrotechnic Distributor and Operator Licensing
23 Act.

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, and theatrical stage
6 industry who provides pyrotechnic services or pyrotechnic
7 display services as part of a film, digital and video media,
8 television, commercial, or theatrical production in the State
9 of Illinois and is licensed by the Office pursuant to the
10 Pyrotechnic Distributor and Operator Licensing Act.

11 "Pyrotechnic display" means the detonation, ignition, or
12 deflagration of display fireworks or flame effects to produce
13 visual or audible effects of a exhibitional nature before the
14 public, invitees, or licensees, regardless of whether
15 admission is charged, and as may be further defined in the
16 Pyrotechnic Distributor and Operator Licensing Act.

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

23 "Pyrotechnic service" means the detonation, ignition or
24 deflagration of display fireworks, special effects or flame
25 effects to produce a visual or audible effect.

26 "Special effects fireworks" means pyrotechnic devices used

1 for special effects by professionals in the performing arts in
2 conjunction with theatrical, musical, or other productions
3 that are similar to consumer fireworks in chemical compositions
4 and construction, but are not intended for consumer use and are
5 not labeled as such or identified as "intended for indoor use".
6 "Special effects fireworks" are classified as fireworks UN0431
7 or UN0432 by the United States Department of Transportation
8 under 49 C.F.R. 172.101.

9 (Source: P.A. 95-331, eff. 8-21-07; 96-708, eff. 8-25-09.)

10 (425 ILCS 35/6 new)

11 Sec. 6. Advertising of fireworks.

12 (a) After January 1, 2011, all commercial advertising
13 mediums for consumer fireworks shall bear the following
14 statement:

15 WARNING: Illinois Law Prohibits the Possession of
16 Certain Fireworks Without a Proper Permit. Check with Local
17 Fire Department/Law Enforcement Prior to Purchase.

18 (b) Such warning on billboards shall appear in the format
19 and type style prescribed under 15 U.S.C. 1333 (b)(3), as
20 amended.

21 (c) Such warning in print shall appear in the format and
22 type style prescribed under Section 201 of the federal Family
23 Smoking Prevention and Tobacco Control Act (Public Law 111-31),
24 as amended.

25 (d) Such warning in broadcast shall be verbal, clear, and

1 concise.

2 (e) Any advertiser whose advertisement does not conform to
3 the provisions of this Section shall be subject to a fine not
4 to exceed \$1,000 per day.

5 (f) The State's Attorney of the county in which a violation
6 occurs or the Attorney General may bring an action for the
7 enforcement of this Section and the rules adopted and orders
8 issued under this Section, in the name of the People of the
9 State of Illinois, and may, in addition to other remedies
10 provided in this Act, bring an action for a temporary
11 restraining order, preliminary injunction, or an injunction to
12 restrain any actual or threatened violation or to impose or
13 collect a civil penalty for any violation."