

# SB3723



## 96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB3723

Introduced 2/11/2010, by Sen. Michael W. Frerichs

### SYNOPSIS AS INTRODUCED:

425 ILCS 35/1

from Ch. 127 1/2, par. 127

Amends the Pyrotechnic Use Act. Makes a technical change in a Section concerning definitions.

LRB096 20663 DRJ 36380 b

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

6 (425 ILCS 35/1) (from Ch. 127 1/2, par. 127)

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

9 "1.3G fireworks" means those fireworks used for  
10 professional outdoor displays and classified as fireworks  
11 UN0333, UN0334, or UN0335 by the United States Department of  
12 Transportation under 49 C.F.R. 172.101.

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

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

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

12 "Consumer fireworks display" or "consumer display" means  
13 the detonation, ignition, or deflagration of consumer  
14 fireworks to produce a visual or audible effect.

15 "Consumer operator" means an adult individual who is  
16 responsible for the safety, setup, and discharge of the  
17 consumer fireworks display and who has completed the training  
18 required in Section 2.2 of this Act.

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

22 "Display fireworks" means 1.3G or special effects  
23 fireworks or as further defined in the Pyrotechnic Distributor  
24 and Operator Licensing Act.

25 "Flame effect" means the detonation, ignition, or  
26 deflagration of flammable gases, liquids, or special materials

1 to produce a thermal, physical, visual, or audible effect  
2 before the public, invitees, or licensees, regardless of  
3 whether admission is charged, in accordance with National Fire  
4 Protection Association 160 guidelines, and as may be further  
5 defined in the Pyrotechnic Distributor and Operator Licensing  
6 Act.

7 "Lead pyrotechnic operator" means an individual who is  
8 responsible for the safety, setup, and discharge of the  
9 pyrotechnic display or pyrotechnic service and who is licensed  
10 pursuant to the Pyrotechnic Distributor and Operator Licensing  
11 Act.

12 "Person" means an individual, firm, corporation,  
13 association, partnership, company, consortium, joint venture,  
14 commercial entity, state, municipality, or political  
15 subdivision of a state or any agency, department, or  
16 instrumentality of the United States and any officer, agent, or  
17 employee of these entities.

18 "Production company" means any person in the film, digital  
19 and video media, television, commercial, and theatrical stage  
20 industry who provides pyrotechnic services or pyrotechnic  
21 display services as part of a film, digital and video media,  
22 television, commercial, or theatrical production in the State  
23 of Illinois and is licensed by the Office pursuant to the  
24 Pyrotechnic Distributor and Operator Licensing Act.

25 "Pyrotechnic display" means the detonation, ignition, or  
26 deflagration of display fireworks or flame effects to produce

1 visual or audible effects of a exhibitional nature before the  
2 public, invitees, or licensees, regardless of whether  
3 admission is charged, and as may be further defined in the  
4 Pyrotechnic Distributor and Operator Licensing Act.

5 "Pyrotechnic distributor" means any person who distributes  
6 display fireworks for sale in the State of Illinois or provides  
7 them as part of a pyrotechnic display service in the State of  
8 Illinois or provides only pyrotechnic services and is licensed  
9 by the Office pursuant to the Pyrotechnic Distributor and  
10 Operator Licensing Act.

11 "Pyrotechnic service" means the detonation, ignition or  
12 deflagration of display fireworks, special effects or flame  
13 effects to produce a visual or audible effect.

14 "Special effects fireworks" means pyrotechnic devices used  
15 for special effects by professionals in the performing arts in  
16 conjunction with theatrical, musical, or other productions  
17 that are similar to consumer fireworks in chemical compositions  
18 and construction, but are not intended for consumer use and are  
19 not labeled as such or identified as "intended for indoor use".

20 "Special effects fireworks" are classified as fireworks UN0431  
21 or UN0432 by the United States Department of Transportation  
22 under 49 C.F.R. 172.101.

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