

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Pyrotechnic Distributor and Operator
5 Licensing Act is amended by changing Sections 5, 10, 35, 50,
6 57, 90, and 95 and by adding Section 12 as follows:

7 (225 ILCS 227/5)

8 Sec. 5. Definitions. In this Act:

9 "1.3G fireworks" means fireworks that are 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 "Assistant" means an individual supervised by a lead
14 pyrotechnic operator, who assists with the safety, setup,
15 discharge, and removal of a pyrotechnic display.

16 "BATFE" means the federal Bureau of Alcohol, Tobacco,
17 Firearms and Explosives.

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

1 does not include a substance or article exempted under the
2 Pyrotechnic Use Act.

3 "Cover licensor" means any pyrotechnic distributor,
4 licensed under subsection (c) of Section 35 of this Act, or
5 production company, licensed under subsection (c-3) of Section
6 35 of this Act, under whose pyrotechnic license a touring
7 pyrotechnic company and its touring lead pyrotechnic operators
8 and touring technicians provide pyrotechnic displays or
9 pyrotechnic services, or both, in the State.

10 "Cover licensor representative" means a licensed lead
11 pyrotechnic operator, either employed by the cover licensor or
12 insured as an additional named insured on the cover licensor's
13 general liability and product liability insurance, as
14 applicable, who is responsible for supervising the safety and
15 regulatory compliance of the touring lead pyrotechnic
16 operators and touring technicians during a pyrotechnic display
17 or pyrotechnic service.

18 "Display fireworks" means 1.3G explosive or special
19 effects fireworks.

20 "Event employee" means an individual who works under the
21 supervision of the lead pyrotechnic operator and who assists
22 with the safety, setup, and removal of a pyrotechnic display,
23 but does not handle live pyrotechnic materials or charged flame
24 equipment.

25 "Facility" means an area being used for the conducting of a
26 pyrotechnic display business, but does not include residential

1 premises except for the portion of any residential premises
2 that is actually used in the conduct of a pyrotechnic display
3 business.

4 "Flame effect" means the detonation, ignition, or
5 deflagration of flammable gases, liquids, or special materials
6 to produce a thermal, physical, visual, or audible effect
7 before the public, invitees, or licensees, regardless of
8 whether admission is charged in accordance with NFPA 160.

9 "Lead pyrotechnic operator" means the individual with
10 overall responsibility for the safety, setup, discharge, and
11 supervision of a pyrotechnic display or pyrotechnic service.

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

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

19 "Production company" means any person in the film, digital
20 and video media, television, commercial, music, or ~~and~~
21 theatrical stage industry who provides pyrotechnic services or
22 pyrotechnic display services as part of a film, digital and
23 video media, television, commercial, music, or theatrical
24 production in the State of Illinois.

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

1 to produce a visual or audible effect of an exhibitional nature
2 before the public, invitees, or licensees, regardless of
3 whether admission is charged.

4 "Pyrotechnic distributor" means any person who distributes
5 display fireworks for sale in the State of Illinois or provides
6 them as part of a pyrotechnic display service in the State of
7 Illinois or provides only pyrotechnic services.

8 "Pyrotechnic service" means the detonation, ignition, or
9 deflagration of display fireworks, special effects, or flame
10 effects to produce a visual or audible effect.

11 "Special effects fireworks" means pyrotechnic devices used
12 for special effects by professionals in the performing arts in
13 conjunction with theatrical, musical, or other productions
14 that are similar to consumer fireworks in chemical compositions
15 and construction, but are not intended for consumer use and are
16 not labeled as such or identified as "intended for indoor use".
17 "Special effects fireworks" are classified as fireworks UN0431
18 or UN0432 by the United States Department of Transportation
19 under 49 C.F.R. 172.101.

20 "Touring lead pyrotechnic operator" means an individual
21 employed by a touring pyrotechnic company who has overall
22 responsibility for the safety, setup, discharge, and
23 supervision of a pyrotechnic display or pyrotechnic service.

24 "Touring pyrotechnic company" means any person that
25 performs pyrotechnic services or pyrotechnic displays in the
26 State who lacks a license under subsections (c) or (c-3) of

1 Section 35 of this Act.

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

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

10 (225 ILCS 227/10)

11 Sec. 10. License; enforcement. No person may act as a
12 pyrotechnic distributor, production company, or lead
13 pyrotechnic operator, or advertise or use any title implying
14 that the person is a pyrotechnic distributor, production
15 company, or lead pyrotechnic operator, unless licensed by the
16 Office under this Act. ~~An out of state person hired for or~~
17 ~~engaged in pyrotechnic services or a pyrotechnic display must~~
18 ~~be employed by a licensed pyrotechnic distributor or licensed~~
19 ~~production company and hold a lead pyrotechnic operator license~~
20 ~~issued by the Office.~~ No pyrotechnic services or pyrotechnic
21 display shall be conducted without a person licensed under this
22 Act as a lead pyrotechnic operator supervising the pyrotechnic
23 display or pyrotechnic service. The State Fire Marshal, in the
24 name of the People, through the Attorney General, the State's
25 Attorney of any county, any resident of the State, or any legal

1 entity within the State may apply for injunctive relief in any
2 court to enjoin any person who has not been issued a license or
3 whose license has been suspended, revoked, or not renewed, from
4 practicing a licensed activity. Upon filing a verified petition
5 in court, the court, if satisfied by affidavit, or otherwise,
6 that the person is or has been practicing in violation of this
7 Act, may enter a temporary restraining order or preliminary
8 injunction, without bond, enjoining the defendant from further
9 unlicensed activity. A copy of the verified complaint shall be
10 served upon the defendant and the proceedings are to be
11 conducted as in other civil cases. The court may enter a
12 judgment permanently enjoining a defendant from further
13 unlicensed activity if it is established that the defendant has
14 been or is practicing in violation of this Act. In case of
15 violation of any injunctive order or judgment entered under
16 this Section, the court may summarily try and punish the
17 offender for contempt of court. Injunctive proceedings are in
18 addition to all penalties and other remedies in this Act.

19 (Source: P.A. 96-708, eff. 8-25-09.)

20 (225 ILCS 227/12 new)

21 Sec. 12. Cover license.

22 (a) Prior to engaging in the setup, discharge, and
23 supervision of a pyrotechnic display or pyrotechnic service in
24 the State, all touring pyrotechnic companies shall associate
25 themselves with a cover licensor in accordance with this

1 Section. Such association shall be at the discretion of the
2 cover licensor, and a touring pyrotechnic company shall not
3 setup or discharge a pyrotechnic display or pyrotechnic service
4 in the State without such association.

5 (b) Prior to associating itself with a cover licensor in
6 accordance with this Section, the touring pyrotechnic company
7 shall send the cover licensor the following pre-permitting
8 information a minimum of 20 business days before the event:

9 (1) a pyrotechnic plan for the event that meets the
10 specifications of the most current edition of NFPA 1126,
11 Standard for the Use of Pyrotechnics Before a Proximate
12 Audience, Sections 6.2 and 6.3 or NFPA 160, Standard for
13 the Use of Flame Effects Before an Audience, Section 5.3,
14 or both;

15 (2) a Certificate of Insurance showing proof of not
16 less than \$1,000,000 in product liability insurance and
17 \$1,000,000 in general liability insurance that both covers
18 the pyrotechnic display or pyrotechnic service provided
19 and naming the cover licensor as an additional insured; the
20 product and general liability insurance coverage shall be
21 an occurrence-based policy, or its equivalent, and it shall
22 cover all periods of time during which pyrotechnical
23 materials, including flame effect materials, are in the
24 insured's actual or constructive possession, including
25 those times when the materials are being stored,
26 transported, handled, used, discharged, and displayed; and

1 (3) proof of Illinois workers' compensation insurance
2 held by the touring pyrotechnic company for all periods of
3 time during which the touring pyrotechnic company
4 employees are engaged in employment-related activities in
5 the State.

6 (c) After confirming the sufficiency of the touring
7 pyrotechnic company's pre-permitting information and agreeing
8 to associate itself with the touring pyrotechnic company, the
9 cover licensor shall be obligated to contact the Office of the
10 State Fire Marshal and any authority having jurisdiction over
11 the venue or location of the State-based pyrotechnic display or
12 pyrotechnic service with the following information a minimum of
13 15 days before the event:

14 (1) a pyrotechnic plan for the event that meets the
15 specifications of the most current edition of NFPA 1126,
16 Standard for the Use of Pyrotechnics Before a Proximate
17 Audience, Sections 6.2 and 6.3 or NFPA 160, Standard for
18 the Use of Flame Effects Before an Audience, Section 5.3,
19 or both;

20 (2) the cover licensor's own Certificate of Insurance
21 showing proof of the necessary insurance coverage as
22 provided in Section 35 of this Act that covers the
23 pyrotechnic service or pyrotechnic display provided and
24 names the touring pyrotechnic company as an additional
25 insured and proof of Illinois workers' compensation
26 insurance;

1 (3) the touring pyrotechnic company's Certificate of
2 Insurance showing proof of not less than \$1,000,000 in
3 product liability insurance and \$1,000,000 in general
4 liability insurance that covers the pyrotechnic service or
5 pyrotechnic display, provided that each of which names the
6 cover licensor as an additional insured;

7 (4) the touring pyrotechnic company's proof of
8 Illinois workers' compensation insurance for all periods
9 of time during which the touring pyrotechnic company
10 employees are engaged in employment-related activities in
11 the State; and

12 (5) the touring pyrotechnic company's contact
13 information.

14 (d) Questions or concerns raised by either the Office of
15 the State Fire Marshal or the authority having jurisdiction
16 regarding the information submitted by the touring pyrotechnic
17 company shall be directed to, and resolved by, the touring
18 pyrotechnic company prior to the event.

19 (e) The cover licensor representative shall be present
20 during, and shall personally supervise, all phases of the
21 pyrotechnic display or pyrotechnic service subject to the cover
22 license. The cover licensor representative shall personally
23 supervise all touring lead pyrotechnic operators, touring
24 technicians, assistants, and event employees.

25 (f) Representatives of the Office of the State Fire
26 Marshal, the authority having jurisdiction, and the cover

1 licensor representative each possess the authority to halt any
2 pyrotechnic display or pyrotechnic service governed by the
3 cover license should questions arise about failures to follow
4 industry standards and safety guidelines, including the most
5 current edition of NFPA 1126, Standard for the Use of
6 Pyrotechnics Before a Proximate Audience, and NFPA 160,
7 Standard for the Use of Flame Effects Before an Audience.
8 Pyrotechnic displays and pyrotechnic services halted due to
9 safety concerns shall resume only with the express written
10 approval of both the cover licensor representative and the
11 authority having jurisdiction.

12 (225 ILCS 227/35)

13 Sec. 35. Licensure requirements and fees.

14 (a) Each application for a license to practice under this
15 Act shall be in writing and signed by the applicant on forms
16 provided by the Office.

17 (b) After January 1, 2006, all pyrotechnic displays and
18 pyrotechnic services, both indoor and outdoor, must comply with
19 the requirements set forth in this Act.

20 (c) After January 1, 2006, no person may engage in
21 pyrotechnic distribution without first applying for and
22 obtaining a license from the Office. Applicants for a license
23 must submit to the Office the following:

24 (1) A current BATFE license for the type of pyrotechnic
25 service or pyrotechnic display ~~service~~ provided.

1 (2) Proof of \$1,000,000 in product liability
2 insurance.

3 (3) Proof of \$1,000,000 in general liability insurance
4 that covers the pyrotechnic display ~~service~~ or pyrotechnic
5 service provided.

6 (4) Proof of Illinois Workers' Compensation Insurance.

7 (5) A license fee set by the Office.

8 (6) Proof of a current United States Department of
9 Transportation (DOT) Identification Number.

10 (7) Proof of a current USDOT Hazardous Materials
11 Registration Number.

12 (8) Proof of having the requisite knowledge, either
13 through training, examination, or continuing education, as
14 established by Office rule.

15 (c-3) After January 1, 2010, no production company may
16 provide pyrotechnic displays ~~display services~~ or pyrotechnic
17 services as part of any production without either (i) obtaining
18 a production company license from the Office under which all
19 pyrotechnic displays ~~display services~~ and pyrotechnic services
20 are performed by a licensed lead pyrotechnic operator or (ii)
21 hiring a pyrotechnic distributor licensed in accordance with
22 this Act to perform the pyrotechnic displays ~~display services~~
23 or pyrotechnic services. Applicants for a production company
24 license must submit to the Office the following:

25 (1) Proof of \$2,000,000 in commercial general
26 liability insurance that covers any damage or injury

1 resulting from the pyrotechnic displays ~~display services~~
2 or pyrotechnic services provided.

3 (2) Proof of Illinois Worker's Compensation insurance.

4 (3) A license fee set by the Office.

5 (4) Proof of a current USDOT Identification Number,
6 unless: ~~proof of such is provided by the employed lead~~
7 ~~pyrotechnic operator.~~

8 (A) proof of such is provided by the lead
9 pyrotechnic operator employed by the production
10 company or insured as an additional named insured on
11 the production company's general liability insurance,
12 as required under paragraph (1) of this subsection; or

13 (B) the production company certifies under penalty
14 of perjury that it engages only in flame effects or
15 never transports materials in quantities that require
16 registration with USDOT, or both.

17 (5) Proof of a current USDOT Hazardous Materials
18 Registration Number, unless: ~~proof of such is provided by~~
19 ~~the employed lead pyrotechnic operator.~~

20 (A) proof of such is provided by the lead pyrotechnic
21 operator employed by the production company or insured as
22 an additional named insured on the production company's
23 general liability insurance, as required under paragraph
24 (1) of this subsection; or

25 (B) the production company certifies under penalty of
26 perjury that it engages only in flame effects or never

1 transports materials in quantities that require
2 registration with USDOT, or both.

3 (6) Identification of the licensed lead pyrotechnic
4 operator ~~being~~ employed by the production company or
5 insured as an additional named insured on the production
6 company's general liability insurance, as required under
7 paragraph (1) of this subsection.

8 The insurer shall not cancel the insured's coverage or
9 remove any additional named insured or an additional insured
10 from the policy coverage without notifying the Office in
11 writing at least 15 days before cancellation.

12 (c-5) After January 1, 2006, no individual may act as a
13 lead operator in a pyrotechnic display without first applying
14 for and obtaining a lead pyrotechnic operator's license from
15 the Office. The Office shall establish separate licenses for
16 lead pyrotechnic operators for indoor and outdoor pyrotechnic
17 displays. Applicants for a license must:

18 (1) Pay the fees set by the Office.

19 (2) Have the requisite training or continuing
20 education as established in the Office's rules.

21 (3) (Blank).

22 (d) A person is qualified to receive a license under this
23 Act if the person meets all of the following minimum
24 requirements:

25 (1) Is at least 21 years of age.

26 (2) Has not willfully violated any provisions of this

1 Act.

2 (3) Has not made any material misstatement or knowingly
3 withheld information in connection with any original or
4 renewal application.

5 (4) Has not been declared incompetent by any competent
6 court by reasons of mental or physical defect or disease
7 unless a court has since declared the person competent.

8 (5) Does not have an addiction to or dependency on
9 alcohol or drugs that is likely to endanger the public at a
10 pyrotechnic display.

11 (6) Has not been convicted in any jurisdiction of any
12 felony within the prior 5 years.

13 (7) Is not a fugitive from justice.

14 (8) Has, or has applied for, a BATFE explosives license
15 or a Letter of Clearance from the BATFE.

16 (9) If a lead pyrotechnic operator is employed by a
17 political subdivision of the State or by a licensed
18 production company~~7~~ or is insured as an additional named
19 insured on the production company's general liability
20 insurance, as required under paragraph (1) of subsection
21 (c-3) of this Section, he or she shall have a BATFE license
22 for the pyrotechnic services or pyrotechnic display
23 ~~services~~ provided.

24 (10) If a production company has not provided proof of
25 a current USDOT Identification Number and a current USDOT
26 Hazardous Materials Registration Number, as required by

1 paragraphs (5) and (6) of subsection (c-3) of this Section,
2 then the lead pyrotechnic operator employed by the
3 production company or insured as an additional named
4 insured on the production company's general liability
5 insurance, as required under paragraph (1) of subsection
6 (c-3) of this Section, which it employs shall provide such
7 proof to the Office.

8 (e) A person is qualified to assist a lead pyrotechnic
9 operator if the person meets all of the following minimum
10 requirements:

11 (1) Is at least 18 years of age.

12 (2) Has not willfully violated any provision of this
13 Act.

14 (3) Has not been declared incompetent by any competent
15 court by reasons of mental or physical defect or disease
16 unless a court has since declared the person competent.

17 (4) Does not have an addiction to or dependency on
18 alcohol or drugs that is likely to endanger the public at a
19 pyrotechnic display.

20 (5) Has not been convicted in any jurisdiction of any
21 felony within the prior 5 years.

22 (6) Is not a fugitive from justice.

23 (7) Is employed as an employee of the licensed
24 pyrotechnic distributor or the licensed production
25 company, or insured as an additional named insured on the
26 pyrotechnic distributor's product liability and general

1 liability insurance, as required under paragraphs (2) and
2 (3) of subsection (c) of this Section, or insured as an
3 additional named insured on the production company's
4 general liability insurance, as required under paragraph
5 (1) of subsection (c-3) of this Section.

6 (8) Has been registered with the Office by the licensed
7 distributor or the licensed production company on a form
8 provided by the Office prior to the time when the assistant
9 begins work ~~as an employee~~ on the pyrotechnic display or
10 pyrotechnic service.

11 (Source: P.A. 96-708, eff. 8-25-09.)

12 (225 ILCS 227/50)

13 Sec. 50. Issuance of license; renewal; fees nonrefundable.

14 (a) The Office, upon the applicant's satisfactory
15 completion of the requirements imposed under this Act and upon
16 receipt of the requisite fees, shall issue the appropriate
17 license showing the name, address, and photograph of the
18 licensee and the dates of issuance and expiration. The license
19 shall include the name of the pyrotechnic distributor or
20 production company employing the lead pyrotechnic operator or
21 insuring the lead pyrotechnic operator as an additional named
22 insured on the pyrotechnic distributor's product liability and
23 general liability insurance, as required under paragraphs (2)
24 and (3) of subsection (c) of Section 35, or insuring the lead
25 pyrotechnic operator as an additional named insured on the

1 production company's general liability insurance, as required
2 under paragraph (1) of subsection (c-3) of Section 35. A lead
3 pyrotechnic operator is required to have a separate license for
4 each pyrotechnic distributor or production company who employs
5 the lead pyrotechnic operator or insures the lead pyrotechnic
6 operator as an additional named insured on the pyrotechnic
7 distributor's product liability and general liability
8 insurance, as required under paragraphs (2) and (3) of
9 subsection (c) of Section 35, or insures the lead pyrotechnic
10 operator as an additional named insured on the production
11 company's general liability insurance, as required under
12 paragraph (1) of subsection (c-3) of Section 35.

13 (b) Each licensee may apply for renewal of his or her
14 license upon payment of the applicable fees. The expiration
15 date and renewal period for each license issued under this Act
16 shall be set by rule. Failure to renew within 60 days of the
17 expiration date results in lapse of the license. A lapsed
18 license may not be reinstated until a written application is
19 filed, the renewal fee is paid, and the reinstatement fee
20 established by the Office is paid. Renewal and reinstatement
21 fees shall be waived for persons who did not renew while on
22 active duty in the military and who file for renewal or
23 restoration within one year after discharge from the service. A
24 lapsed license may not be reinstated after 5 years have elapsed
25 except upon passing an examination to determine fitness to have
26 the license restored and by paying the required fees.

1 (c) All fees paid under this Act are nonrefundable.

2 (d) A production company licensed under this Act shall pay
3 all applicable licensing fees for each lead pyrotechnic
4 operator it employs or insures as an additional named insured
5 on the production company's general liability insurance, as
6 required under paragraph (1) of subsection (c-3) of Section 35.

7 (Source: P.A. 96-708, eff. 8-25-09.)

8 (225 ILCS 227/57)

9 Sec. 57. Training; additional lead pyrotechnic operators.
10 No pyrotechnic distributor or production company shall allow
11 any person ~~in the pyrotechnic distributor's or production~~
12 ~~company's employ~~ to act as a lead pyrotechnic operator until
13 the person has obtained a lead pyrotechnic operator's license
14 from the Office. Nothing in this Section shall prevent an
15 assistant from acting as a lead pyrotechnic operator under the
16 direct supervision of a licensed lead pyrotechnic operator for
17 training purposes.

18 (Source: P.A. 96-708, eff. 8-25-09.)

19 (225 ILCS 227/90)

20 Sec. 90. Penalties. Any natural person who violates any of
21 the following provisions is guilty of a Class A misdemeanor for
22 the first offense and a corporation or other entity that
23 violates any of the following provisions ~~provision~~ commits a
24 business offense punishable by a fine not to exceed \$5,000; a

1 second or subsequent offense in violation of any Section of
2 this Act, including this Section, is a Class 4 felony if
3 committed by a natural person, or a business offense punishable
4 by a fine of up to \$10,000 if committed by a corporation or
5 other business entity:

6 (1) Practicing or attempting to practice as a
7 pyrotechnic distributor or production company, or lead
8 pyrotechnic operator without a license;

9 (2) Obtaining or attempting to obtain a license,
10 practice or business, or any other thing of value by
11 fraudulent representation;

12 (3) Permitting, directing, or authorizing any person
13 ~~in one's employ or~~ under one's direction or supervision to
14 work or serve as a licensee if that individual does not
15 possess an appropriate valid license.

16 Whenever any person is punished as a repeat offender under
17 this Section, the Office may proceed to obtain a permanent
18 injunction against the person under Section 10. If any person
19 in making any oath or affidavit required by this Act swears
20 falsely, the person is guilty of perjury and upon conviction
21 may be punished accordingly.

22 (Source: P.A. 96-708, eff. 8-25-09.)

23 (225 ILCS 227/95)

24 Sec. 95. Display Reports. A lead pyrotechnic operator
25 shall file an Illinois Display Report, which shall include the

1 names and signatures of all lead pyrotechnic operators and
2 assistants participating in the pyrotechnic display or
3 pyrotechnic service and the name, department, and signature of
4 the fire protection jurisdiction, with the Office within 30
5 days following any pyrotechnic display or pyrotechnic service.
6 The fire protection jurisdiction shall sign the Illinois Display
7 Report if the information therein is true and correct.

8 (Source: P.A. 96-708, eff. 8-25-09.)

9 Section 10. The Pyrotechnic Use Act is amended by changing
10 Sections 1 and 2.1 as follows:

11 (425 ILCS 35/1) (from Ch. 127 1/2, par. 127)

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

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
17 Transportation under 49 C.F.R. 172.101.

18 "Consumer distributor" means any person who distributes,
19 offers for sale, sells, or exchanges for consideration consumer
20 fireworks in Illinois to another distributor or directly to any
21 retailer or person for resale.

22 "Consumer fireworks" means those fireworks that must
23 comply with the construction, chemical composition, and
24 labeling regulations of the U.S. Consumer Products Safety

1 Commission, as set forth in 16 C.F.R. Parts 1500 and 1507, and
2 classified as fireworks UN0336 or UN0337 by the United States
3 Department of Transportation under 49 C.F.R. 172.101.
4 "Consumer fireworks" shall not include snake or glow worm
5 pellets; smoke devices; trick noisemakers known as "party
6 poppers", "booby traps", "snappers", "trick matches",
7 "cigarette loads", and "auto burglar alarms"; sparklers; toy
8 pistols, toy canes, toy guns, or other devices in which paper
9 or plastic caps containing twenty-five hundredths grains or
10 less of explosive compound are used, provided they are so
11 constructed that the hand cannot come in contact with the cap
12 when in place for the explosion; and toy pistol paper or
13 plastic caps that contain less than twenty hundredths grains of
14 explosive mixture; the sale and use of which shall be permitted
15 at all times.

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

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

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

26 "Display fireworks" means 1.3G or special effects

1 fireworks or as further defined in the Pyrotechnic Distributor
2 and Operator Licensing Act.

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

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

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

22 "Production company" means any person in the film, digital
23 and video media, television, commercial, music, or ~~and~~
24 theatrical stage industry who provides pyrotechnic services or
25 pyrotechnic display services as part of a film, digital and
26 video media, television, commercial, music, or theatrical

1 production in the State of Illinois and is licensed by the
2 Office pursuant to the Pyrotechnic Distributor and Operator
3 Licensing Act.

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

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

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

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

25 "Special effects fireworks" are classified as fireworks UN0431
26 or UN0432 by the United States Department of Transportation

1 under 49 C.F.R. 172.101.

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

3 (425 ILCS 35/2.1)

4 Sec. 2.1. Pyrotechnic displays or pyrotechnic service.

5 Each pyrotechnic display or pyrotechnic service shall be
6 conducted by a licensed lead pyrotechnic operator employed by a
7 licensed pyrotechnic distributor or a licensed production
8 company, or insured as an additional named insured on the
9 pyrotechnic distributor's product liability and general
10 liability insurance, as required under paragraphs 2 and 3 of
11 subsection (c) of Section 35 of the Pyrotechnic Distribution
12 and Operating Licensing Act, or insured as an additional named
13 insured on the production company's general liability
14 insurance, as required under paragraph (1) of subsection (c-3)
15 of Section 35 of the Pyrotechnic Distribution and Operating
16 Licensing Act. Applications for a pyrotechnic display permit
17 shall be made in writing at least 15 days in advance of the
18 date of the pyrotechnic display or pyrotechnic service, unless
19 agreed to otherwise by the local jurisdiction issuing the
20 permit and the fire chief of the jurisdiction in which the
21 display or pyrotechnic service will occur. After a permit has
22 been granted, sales, possession, use, and distribution of
23 display fireworks for the display or pyrotechnic service shall
24 be lawful for that purpose only. No permit granted hereunder
25 shall be transferable.

1 Pyrotechnic display permits may be granted hereunder to any
2 adult individual applying therefor. No permit shall be required
3 under the provisions of this Act for supervised public displays
4 by State or County fair associations.

5 The applicant seeking the pyrotechnic display permit must
6 provide proof of liability insurance in a sum not less than
7 \$1,000,000 to the local governmental entity issuing the permit.

8 A permit shall be issued only after the chief of the fire
9 department providing fire protection coverage to the area of
10 display or pyrotechnic service, or his or her designee, has
11 inspected the site and determined that the display or
12 pyrotechnic service can be performed in full compliance with
13 the rules adopted by the State Fire Marshal and that the
14 display or pyrotechnic service shall not be hazardous to
15 property or endanger any person or persons. Nothing in this
16 Section shall prohibit the issuer of a permit from adopting
17 more stringent rules.

18 All indoor pyrotechnic displays and pyrotechnic services
19 shall be conducted in buildings protected by automatic
20 sprinkler systems and meeting the requirements of rules adopted
21 by the State Fire Marshal pursuant to this Act. At the time an
22 individual applies for an indoor pyrotechnic display permit
23 from the local jurisdiction, written notice of the permit
24 application and the indoor display or pyrotechnic service
25 information shall be made in writing at least 15 days in
26 advance of the date of the pyrotechnic display or pyrotechnic

1 service to the Office, unless agreed to otherwise by the
2 Office.

3 Permits shall be signed by the chief of the fire department
4 providing fire protection to the area of display or pyrotechnic
5 service, or his or her designee, and must identify the licensed
6 pyrotechnic distributor or licensed production company and the
7 lead pyrotechnic operator.

8 (Source: P.A. 96-708, eff. 8-25-09.)

9 Section 99. Effective date. This Act takes effect January
10 1, 2012.