

4529--B

2011-2012 Regular Sessions

I N   S E N A T E

April 11, 2011

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Introduced by Sen. NOZZOLIO -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law and the executive law, in relation to offenses relating to possession or sale of fireworks, sparkling devices and ammunition

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Subdivisions 1, 2, and 3 of section 270.00 of the penal  
2     law, as amended by chapter 180 of the laws of 1997, are amended and a  
3     new subdivision 6 is added to read as follows:  
4     1.     Definition of "fireworks," "ARTICLES PYROTECHNIC" and "dangerous  
5     fireworks".  
6     (A) The term "fireworks," as used in this section, [is defined and  
7     declared to be and to include any blank cartridge, blank cartridge  
8     pistol, or toy cannon in which explosives are used, firecrackers, spark-  
9     lers or other combustible or explosive of like construction, or any  
10    preparation containing any explosive or inflammable compound or any  
11    tablets or other device commonly used and sold as fireworks containing  
12    nitrates, chlorates, oxalates, sulphides of lead, barium, antimony,  
13    arsenic, mercury, nitroglycerine, phosphorus or any compound containing  
14    any of the same or other explosives, or any substance or combination of  
15    substances, or article prepared for the purpose of producing a visible  
16    or an audible effect by combustion, explosion, deflagration or detona-  
17    tion, or other device containing any explosive substance and the]  
18    INCLUDES:  
19    (I) DISPLAY FIREWORKS, WHICH MEANS FIREWORKS DEVICES IN A FINISHED  
20    STATE, EXCLUSIVE OF MERE ORNAMENTATION, PRIMARILY INTENDED FOR COMMER-  
21    CIAL DISPLAYS WHICH ARE DESIGNED TO PRODUCE VISIBLE AND/OR AUDIBLE

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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EFFECTS BY COMBUSTION, DEFLAGRATION OR DETONATION, INCLUDING, BUT NOT LIMITED TO, SALUTES CONTAINING MORE THAN 130 MG (2 GRAINS) OF EXPLOSIVE COMPOSITION, AERIAL SHELLS CONTAINING MORE THAN 40G OF CHEMICAL COMPOSITION EXCLUSIVE OF LIFT CHARGE, AND OTHER EXHIBITION DISPLAY ITEMS THAT EXCEED THE LIMITS OF CONSUMER FIREWORKS CONTAINED IN THE AMERICAN PYROTECHNIC ASSOCIATION (APA) STANDARD 87-1, 2001 EDITION;

(II) ARTICLES PYROTECHNIC, WHICH MEANS PYROTECHNIC DEVICES FOR PROFESSIONAL USE SIMILAR TO CONSUMER FIREWORKS IN CHEMICAL COMPOSITION AND CONSTRUCTION BUT NOT INTENDED FOR CONSUMER USE AND WHICH ARTICLES MEET THE WEIGHT LIMITS FOR CONSUMER FIREWORKS BUT ARE NOT LABELED AS SUCH AND ARE CLASSIFIED BY THE UNITED STATES DEPARTMENT OF TRANSPORTATION IN 49 CFR 172.101 AS UN0431;

(III) SPECIAL EFFECTS, WHICH MEANS ANY COMBINATION OF CHEMICAL ELEMENTS OR CHEMICAL COMPOUNDS CAPABLE OF BURNING INDEPENDENTLY OF THE OXYGEN OF THE ATMOSPHERE, AND DESIGNED AND INTENDED TO PRODUCE AN AUDIBLE, VISUAL, MECHANICAL, OR THERMAL EFFECT AS AN INTEGRAL PART OF A MOTION PICTURE, RADIO, TELEVISION, THEATRICAL, OR OPERA PRODUCTION, OR LIVE ENTERTAINMENT; AND

(IV) CONSUMER FIREWORKS WHICH ARE AERIAL IN PERFORMANCE AND ARE COMMONLY REFERRED TO AS SKY ROCKETS, BOTTLE ROCKETS, MISSILE TYPE ROCKETS, HELICOPTERS, AERIAL SPINNERS, ROMAN CANDLES, MINES, SHELL DEVICES, AERIAL SHELL KITS, RELOADABLES AND AUDIBLE GROUND DEVICES WHICH ARE COMMONLY REFERRED TO AS FIRECRACKERS AND CHASERS.

(B) THE term "dangerous fireworks" means any fireworks capable of causing serious physical injury and which are: firecrackers containing more than fifty milligrams of any explosive substance, torpedoes, skyrockets and rockets including all devices which employ any combustible or explosive substance and which rise in the air during discharge, Roman candles, AND bombs[, sparklers more than ten inches in length or one-fourth of one inch in diameter, or chasers including all devices which dart or travel about the surface of the ground during discharge].

(C) "Fireworks" and "dangerous fireworks" shall not be deemed to include [(1)] THE FOLLOWING THROUGHOUT THIS STATE, NOR SHALL THE PURCHASE AND USE OF ANY ITEMS LISTED BELOW BE SUBJECT TO PART 61 TO TITLE 12 NYCRR, GENERAL BUSINESS LAW SECTION FOUR HUNDRED EIGHTY THROUGH FOUR HUNDRED EIGHTY-THREE:

(I) flares of the type used by railroads or any warning lights commonly known as red flares, or marine distress signals of a type approved by the United States coast guard, or

[(2)] (II) toy pistols, toy canes, toy guns or other devices in which paper caps containing twenty-five hundredths grains or less of explosive compound are used, providing they are so constructed that the hand cannot come in contact with the cap when in place for use, and toy pistol paper caps which contain less than twenty-hundredths grains of explosive mixture, the sale and use of which shall be permitted at all times, or

[(3)] (III) bank security devices which contain not more than fifty grams of any compound or substance or any combination thereof, together with an igniter not exceeding 0.2 gram, capable of producing a lachrymating and/or visible or audible effect, where such device is stored or used only by banks, national banking associations, trust companies, savings banks, savings and loan associations, industrial banks, or credit unions, or by any manufacturer, wholesaler, dealer, jobber or common carrier for such devices and where the total storage on any one premises does not exceed one hundred devices, OR

(IV) SPARKLING DEVICES WHICH ARE GROUND-BASED OR HAND-HELD DEVICES THAT PRODUCE A SHOWER OF WHITE, GOLD, OR COLORED SPARKS AS THEIR PRIMARY PYROTECHNIC EFFECT. ADDITIONAL EFFECTS MAY INCLUDE A COLORED FLAME, AN AUDIBLE CRACKLING EFFECT, AN AUDIBLE WHISTLE EFFECT, AND SMOKE. THESE DEVICES DO NOT RISE INTO THE AIR, DO NOT FIRE INSERTS OR PROJECTILES INTO THE AIR, AND DO NOT EXPLODE OR PRODUCE A REPORT (AN AUDIBLE CRACKLING-TYPE EFFECT IS NOT CONSIDERED TO BE A REPORT). GROUND-BASED OR HAND-HELD DEVICES THAT PRODUCE A CLOUD OF SMOKE AS THEIR SOLE PYROTECHNIC EFFECT ARE ALSO INCLUDED IN THIS CATEGORY. TYPES OF DEVICES IN THIS CATEGORY INCLUDE:

(A) CYLINDRICAL FOUNTAIN: CYLINDRICAL TUBE CONTAINING NOT MORE THAN 75 G OF PYROTECHNIC COMPOSITION THAT MAY BE CONTAINED IN A DIFFERENT SHAPED EXTERIOR SUCH AS A SQUARE, RECTANGLE, CYLINDER OR OTHER SHAPE BUT THE INTERIOR TUBES ARE CYLINDRICAL IN SHAPE. UPON IGNITION, A SHOWER OF COLORED SPARKS, AND SOMETIMES A WHISTLING EFFECT OR SMOKE, IS PRODUCED. THIS DEVICE MAY BE PROVIDED WITH A SPIKE FOR INSERTION INTO THE GROUND (SPIKE FOUNTAIN), A WOOD OR PLASTIC BASE FOR PLACING ON THE GROUND (BASE FOUNTAIN), OR A WOOD OR CARDBOARD HANDLE TO BE HAND HELD (HANDLE FOUNTAIN). WHEN MORE THAN ONE TUBE IS MOUNTED ON A COMMON BASE, TOTAL PYROTECHNIC COMPOSITION MAY NOT EXCEED 200 G, AND WHEN TUBES ARE SECURELY ATTACHED TO A BASE AND THE TUBES ARE SEPARATED FROM EACH OTHER ON THE BASE BY A DISTANCE OF AT LEAST HALF AN INCH (12.7 MILLIMETERS), A MAXIMUM TOTAL WEIGHT OF 500 G OF PYROTECHNIC COMPOSITION SHALL BE ALLOWED.

(B) CONE FOUNTAIN: CARDBOARD OR HEAVY PAPER CONE CONTAINING NOT MORE THAN 50 G OF PYROTECHNIC COMPOSITION. THE EFFECT IS THE SAME AS THAT OF A CYLINDRICAL FOUNTAIN. WHEN MORE THAN ONE CONE IS MOUNTED ON A COMMON BASE, TOTAL PYROTECHNIC COMPOSITION MAY NOT EXCEED 200 G, AS IS OUTLINED IN SUBPARAGRAPH (J) OF THIS PARAGRAPH.

(C) ILLUMINATING TORCH: CYLINDRICAL TUBE CONTAINING NOT MORE THAN 100 G OF PYROTECHNIC COMPOSITION THAT PRODUCES A COLORED FLAME UPON IGNITION AND MAY HAVE A SPIKE, BASE, OR HAND HELD FOUNTAIN. WHEN MORE THAN ONE TUBE IS MOUNTED ON A COMMON BASE, TOTAL PYROTECHNIC COMPOSITION MAY NOT EXCEED 200 G, AS IS OUTLINED IN SUBPARAGRAPH (J) OF THIS PARAGRAPH.

(D) WHEEL: PYROTECHNIC DEVICE INTENDED TO BE ATTACHED TO A POST OR TREE BY MEANS OF A NAIL OR STRING WHICH MAY HAVE ONE OR MORE DRIVERS, EACH OF WHICH MAY CONTAIN NOT MORE THAN 60 G OF PYROTECHNIC COMPOSITION. NO WHEEL MAY CONTAIN MORE THAN 200 G OF TOTAL PYROTECHNIC COMPOSITION. UPON IGNITION, THE WHEEL REVOLVES, PRODUCING A SHOWER OF COLOR AND SPARKS AND, SOMETIMES, A WHISTLING EFFECT.

(E) GROUND SPINNER: SMALL DEVICE CONTAINING NOT MORE THAN 20 G OF PYROTECHNIC COMPOSITION, VENTING OUT AN ORIFICE USUALLY ON THE SIDE OF THE TUBE AND IS SIMILAR IN OPERATION TO A WHEEL BUT INTENDED TO BE PLACED FLAT ON THE GROUND AND IGNITED. A SHOWER OF SPARKS AND COLOR IS PRODUCED BY THE RAPIDLY SPINNING DEVICE.

(F) FLITTER SPARKLER: NARROW PAPER TUBE ATTACHED TO A STICK OR WIRE AND FILLED WITH NOT MORE THAN 5 G OF PYROTECHNIC COMPOSITION THAT PRODUCES COLOR AND SPARKS UPON IGNITION. THE PAPER AT ONE END OF THE TUBE IS IGNITED TO MAKE THE DEVICE FUNCTION.

(G) TOY SMOKE DEVICE: SMALL PLASTIC OR PAPER ITEM CONTAINING NOT MORE THAN 100 G OF PYROTECHNIC COMPOSITION THAT, UPON IGNITION, PRODUCES WHITE OR COLORED SMOKE AS THE PRIMARY EFFECT. TOY SMOKE DEVICES, WHEN COMPLYING WITH THE PROVISIONS OF THIS SECTION, ARE CLASSED AS FIREWORKS, 1.4G UNLESS CLASSED AS 1.4S OR NOT REGULATED AS AN EXPLOSIVE ON THE BASIS OF EXAMINATION AND TESTING AS SPECIFIED IN TITLE 49 CFR, S 173.56.

(H) WIRE SPARKLER/DIPPED STICK: THESE DEVICES CONSIST OF A METAL WIRE OR WOOD DOWEL THAT HAS BEEN COATED WITH PYROTECHNIC COMPOSITION. UPON

1 IGNITION OF THE TIP OF THE DEVICE, A SHOWER OF SPARKS IS PRODUCED.  
2 SPARKLERS MAY CONTAIN UP TO 100 G OF PYROTECHNIC COMPOSITION PER ITEM.

3 (J) MULTIPLE TUBE DEVICES CONTAINING MORE THAN ONE CARDBOARD TUBE: THE  
4 IGNITION OF ONE EXTERNAL FUSE CAUSES ALL OF THE TUBES TO FUNCTION IN  
5 SEQUENCE. THE TUBES ARE EITHER INDIVIDUALLY ATTACHED TO A WOOD OR PLAS-  
6 TIC BASE, OR ARE DENSE-PACKED AND ARE HELD TOGETHER BY GLUE, WIRE,  
7 STRING, OR OTHER MEANS THAT SECURELY HOLDS THE TUBES TOGETHER DURING  
8 OPERATION. THE WEIGHT OF CHEMICAL COMPOSITION PER TUBE IS LIMITED TO THE  
9 WEIGHT LIMIT FOR THE SPECIFIC TYPE OF DEVICE IN THE TUBE. THE CONNECTING  
10 FUSES ON MULTIPLE TUBE DEVICES MUST BE FUSED IN SEQUENCE SO THAT THE  
11 TUBES FIRE SEQUENTIALLY RATHER THAN ALL AT ONCE. WHEN THE TUBES ARE  
12 SECURELY ATTACHED TO A WOOD OR PLASTIC BASE, AND THE TUBES ARE SEPARATED  
13 FROM EACH OTHER ON THE BASE BY A DISTANCE OF AT LEAST HALF AN INCH (12.7  
14 MILLIMETERS), A MAXIMUM TOTAL WEIGHT OF 500 G OF PYROTECHNIC COMPOSITION  
15 SHALL BE PERMITTED FOR APPROVAL AS 1.4G.

16 (V) NOVELTIES WHICH DO NOT REQUIRE APPROVAL FROM USDOT AND ARE NOT  
17 REGULATED AS EXPLOSIVES, PROVIDED THAT THEY ARE MANUFACTURED AND PACK-  
18 AGED AS DESCRIBED BELOW:

19 (A) PARTY POPPER: SMALL DEVICES WITH PAPER OR PLASTIC EXTERIORS THAT  
20 ARE ACTUATED BY MEANS OF FRICTION (A STRING OR TRIGGER IS TYPICALLY  
21 PULLED TO ACTUATE THE DEVICE). THEY FREQUENTLY RESEMBLE CHAMPAGNE  
22 BOTTLES OR TOY PISTOLS IN SHAPE. UPON ACTIVATION, THE DEVICE EXPELS  
23 FLAME-RESISTANT PAPER STREAMERS, CONFETTI, OR OTHER NOVELTIES AND  
24 PRODUCES A SMALL REPORT. DEVICES MAY CONTAIN NOT MORE THAN 16 MG (0.25  
25 GRAINS) OF EXPLOSIVE COMPOSITION, WHICH IS LIMITED TO POTASSIUM CHLORATE  
26 AND RED PHOSPHORUS. THESE DEVICES MUST BE PACKAGED IN AN INNER PACKAGING  
27 WHICH CONTAINS A MAXIMUM OF SEVENTY-TWO DEVICES.

28 (B) SNAPPER: SMALL, PAPER-WRAPPED DEVICES CONTAINING NOT MORE THAN ONE  
29 MILLIGRAM OF SILVER FULMINATE COATED ON SMALL BITS OF SAND OR GRAVEL.  
30 WHEN DROPPED, THE DEVICE EXPLODES, PRODUCING A SMALL REPORT. SNAPPERS  
31 MUST BE IN INNER PACKAGES NOT TO EXCEED FIFTY DEVICES EACH, AND THE  
32 INNER PACKAGES MUST CONTAIN SAWDUST OR A SIMILAR, IMPACT-ABSORBING MATE-  
33 RIAL.

34 (C) TOY SMOKE DEVICES: SMALL DEVICES CONSISTING OF CORK-LIKE SPHERES,  
35 OR CARDBOARD OR PLASTIC TUBES, CONTAINING NOT MORE THAN 5 G OF PYROTECH-  
36 NIC COMPOSITION THAT PRODUCES A SMALL CLOUD OF SMOKE AFTER ACTIVATION.  
37 THE DEVICES ARE TYPICALLY IGNITED BY MEANS OF SAFETY FUSE. THE OUTER  
38 CONFIGURATION IS USUALLY A SPHERE (SMOKE BALL), CYLINDRICAL TUBE, OR  
39 PAPER CONE. THE CHEMICAL COMPOSITION FOR WHITE SMOKE CONSISTS OF POTAS-  
40 SIUM NITRATE AND SULFUR, WHILE COLORED SMOKES ARE PRODUCED BY MIXTURES  
41 CONSISTING OF POTASSIUM CHLORATE, SULFUR OR SUGAR, AND A SUBLIMABLE  
42 ORGANIC DYE. MIXTURES CONTAINING POTASSIUM CHLORATE MUST ALSO CONTAIN A  
43 NEUTRALIZER/COOLANT SUCH AS SODIUM BICARBONATE. TO BE ELIGIBLE FOR  
44 UNREGULATED STATUS, THESE DEVICES MUST PRODUCE SMOKE AS THEIR SOLE PYRO-  
45 TECHNIC EFFECT FOLLOWING IGNITION, AND MUST BE PACKAGED IN INNER UNITS  
46 CONTAINING A MAXIMUM OF SEVENTY-TWO DEVICES.

47 (D) SNAKES, GLOW WORM: PRESSED PELLETS OF PYROTECHNIC COMPOSITION THAT  
48 CONTAIN 2 G OR LESS OF COMPOSITION PER ARTICLE. UPON BURNING, THEY  
49 PRODUCE A SNAKE-LIKE ASH THAT EXPANDS IN LENGTH AS THE PELLET BURNS.  
50 CHEMICAL COMPOSITIONS VARY, BUT TYPICALLY CONTAIN AMMONIUM PERCHLORATE,  
51 NITRATE PITCH, ASPHALTUM, AND SIMILAR CARBONACEOUS MATERIALS. THESE  
52 DEVICES ARE LIMITED TO A MAXIMUM OF TWENTY-FIVE PELLETS PER INNER PACK-  
53 AGE IN ORDER TO BE TRANSPORTED AS NOT REGULATED DEVICES.

54 (E) WIRE SPARKERS/DIPPED STICKS: THESE DEVICES CONSIST OF A METAL WIRE  
55 OR WOOD DOWEL THAT HAS BEEN COATED WITH PYROTECHNIC COMPOSITION. UPON  
56 IGNITION OF THE TIP OF THE DEVICE, A SHOWER OF SPARKS IS PRODUCED.

SPARKLERS MAY CONTAIN UP TO 100 G OF COMPOSITION PER ITEM. SPARKLERS TYPICALLY USE BARIUM NITRATE AS THE OXIDIZER, WITH ALUMINUM AND DEXTRINE AS FUELS. IRON FILINGS PRODUCE THE SPARK EFFECT. COLOR-PRODUCING SPARKLERS USE POTASSIUM PERCHLORATE AS AN OXIDIZER. ANY SPARKLER CONTAINING A CHLORATE OR PERCHLORATE OXIDIZER IS LIMITED TO A MAXIMUM OF 5 G OF COMPOSITION PER ARTICLE. SPARKLERS MUST BE PACKAGED IN INNER PACKAGING THAT CONTAIN EIGHT DEVICES OR LESS TO BE TRANSPORTED AS NOT REGULATED DEVICES.

(VI) TOY PLASTIC OR PAPER CAPS FOR TOY PISTOLS IN SHEETS, STRIPS, ROLLS, OR INDIVIDUAL CAPS, CONTAINING NOT MORE THAN AN AVERAGE OF 0.25 GRAINS (16 MG) OF EXPLOSIVE COMPOSITION PER CAP. TOY CAPS ARE DESCRIBED AS TOY CAPS NA0037 AND CLASSED AS 1.4S. TOY CAPS SHALL ONLY BE APPROVED FOR TRANSPORTATION USING THE PROCEDURE SPECIFIED IN TITLE 49 CFR, S 173.56(B), OR

(VII) SIMILAR DEVICES WHICH ARE REMOVED FROM THE DEFINITION OF EXPLOSIVES AND PYROTECHNICS THROUGHOUT THE STATE IN THIS ARTICLE AND SECTION 405.00 OF THIS CHAPTER AND WHICH ARE NOT SPECIFICALLY DESCRIBED IN THIS PARAGRAPH, BUT RECOGNIZED BY THE AMERICAN PYROTECHNICS ASSOCIATION AS BEING ALMOST IDENTICAL IN AN INCENDIARY OR EXPLOSIVE NATURE SO AS TO SUBSTANTIALLY REPLICATE ANYTHING DEFINED AS A SPARKLING DEVICE, NOVELTY OR TOY CAP.

2. Offense. (a) Except as herein otherwise provided, or except where a permit is obtained pursuant to section 405.00 OF THIS CHAPTER; (i) any person who shall offer or expose for sale, sell or furnish, any fireworks or dangerous fireworks is guilty of a class B misdemeanor;

(ii) any person who shall offer or expose for sale, sell or furnish any fireworks or dangerous fireworks valued at five hundred dollars or more shall be guilty of a class A misdemeanor;

[(b) (i) Except as herein otherwise stated, or except where a permit is obtained pursuant to section 405.00,] (III) any person who shall possess, use, explode or cause to explode any fireworks or dangerous fireworks is guilty of a violation[.];

[(ii) A] (IV) ANY person who shall offer or expose for sale, sell or furnish, any dangerous fireworks to any person who is under the age of eighteen is guilty of a class A misdemeanor.

[(iii)] (B) A person who has previously been convicted of a violation of subparagraph [(ii)] (IV) of [this] paragraph (A) OF THIS SUBDIVISION within the preceding five years and who shall offer or expose for sale, sell or furnish, any dangerous fireworks to any person who is under the age of eighteen, shall be guilty of a class E felony.

(c) Possession of fireworks or dangerous fireworks valued at ONE HUNDRED fifty dollars or more shall be a presumption that such fireworks were intended to be offered or exposed for sale.

3. [The provisions of this section shall not apply to articles of the kind and nature herein mentioned, while in possession of railroads and transportation agencies for the purpose of transportation to points without the state, the shipment of which is not prohibited by the interstate commerce commission regulations as formulated and published from time to time, unless the same be held voluntarily by such railroads or transportation companies as warehousemen for delivery to points within the state; provided, that none of the provisions of this section shall apply to signaling devices used by railroad companies or motor vehicles referred to in subdivision seventeen of section three hundred seventy-five of the vehicle and traffic law, or to high explosives for blasting or similar purposes; provided that none of the provisions of this section shall apply to fireworks or dangerous fireworks and the use

1 thereof by the army and navy departments of the state and federal  
2 government; nor shall anything in this act contained be construed to  
3 prohibit any manufacturer, wholesaler, dealer or jobber from manufactur-  
4 ing, possessing or selling at wholesale such fireworks or dangerous  
5 fireworks to municipalities, religious or civic organizations, fair  
6 associations, amusement parks, or other organizations or groups of indi-  
7 viduals authorized to possess and use fireworks or dangerous fireworks  
8 under this act, or the sale or use of blank cartridges for a show or  
9 theatre, or for signal purposes in athletic sports, or for dog trials or  
10 dog training, or the use, or the storage, transportation or sale for use  
11 of fireworks or dangerous fireworks in the preparation for or in  
12 connection with television broadcasts; nor shall anything in this act  
13 contained be construed to prohibit the manufacture of fireworks or  
14 dangerous fireworks, nor the sale of any kind of fireworks or dangerous  
15 fireworks, provided the same are to be shipped directly out of the  
16 state.] EXCEPTIONS. (A) THE PROVISIONS OF THIS SECTION SHALL NOT APPLY  
17 TO:

18 (I) FIREWORKS, DANGEROUS FIREWORKS, SPARKLING DEVICES AND NOVELTIES  
19 WHILE IN POSSESSION OF RAILROADS, COMMON OR CONTRACT CARRIERS, RETAIL-  
20 ERS, WHOLESALERS, DISTRIBUTORS, JOBBERS AND TRANSPORTATION COMPANIES OR  
21 TRANSPORTATION AGENCIES FOR THE PURPOSE OF TRANSPORTATION TO POINTS  
22 WITHOUT THE STATE, THE SHIPMENT OF WHICH IS NOT PROHIBITED BY INTERSTATE  
23 COMMERCE COMMISSION REGULATIONS AS FORMULATED AND PUBLISHED FROM TIME TO  
24 TIME, UNLESS THEY BE HELD VOLUNTARILY BY SUCH RAILROADS, COMMON OR  
25 CONTRACT CARRIERS, RETAILERS, WHOLESALERS, DISTRIBUTORS, JOBBERS AND  
26 TRANSPORTATION AGENCIES OR TRANSPORTING COMPANIES AS WAREHOUSEMEN FOR  
27 DELIVERY TO POINTS WITHIN THE STATE;

28 (II) SIGNALING DEVICES USED BY RAILROAD COMPANIES OR MOTOR VEHICLES  
29 REFERRED TO IN SUBDIVISION SEVENTEEN OF SECTION THREE HUNDRED  
30 SEVENTY-FIVE OF THE VEHICLE AND TRAFFIC LAW;

31 (III) HIGH EXPLOSIVES FOR BLASTING OR SIMILAR PURPOSES;

32 (IV) FIREWORKS, FOR THE USE THEREOF BY THE UNITED STATES MILITARY, AND  
33 DEPARTMENTS OF THE STATE AND FEDERAL GOVERNMENT;

34 (V) THE USE, TRANSPORTATION AND STORAGE OF FIREWORKS, SPARKLING  
35 DEVICES, ARTICLES PYROTECHNIC, NOVELTIES, SIMILAR DEVICES, PYROTECHNICS  
36 AND SPECIAL EFFECTS MATERIALS IN CONNECTION WITH THE PRODUCTION OF  
37 MOTION PICTURES, TELEVISION PROGRAMS, COMMERCIALS, AND ALL ENTERTAINMENT  
38 MEDIA RECORDED IN ANY CURRENT OR TO BE DESIGNED FORMAT WHEN SUCH USE,  
39 TRANSPORTATION AND STORAGE HAS BEEN APPROPRIATELY PERMITTED BY THE LOCAL  
40 GOVERNMENTAL SUBDIVISION HAVING JURISDICTION; OR

41 (VI) THE USE, TRANSPORTATION AND STORAGE OF EXPLOSIVES IN THE  
42 PRODUCTION OF MOTION PICTURES, TELEVISION PROGRAMS, COMMERCIALS AND  
43 SIMILAR ENTERTAINMENT MEDIA PRODUCTION PROVIDED THE USE, TRANSPORTATION  
44 AND STORAGE OF EXPLOSIVES ARE UNDER THE CONTROL OF ONE OR MORE INDIVID-  
45 UALS AUTHORIZED BY FEDERAL LAW OR REGULATION TO HANDLE SUCH MATERIAL AND  
46 THAT SUCH EXPLOSIVE MATERIAL IS USED, TRANSPORTED AND STORED AND OTHER-  
47 WISE HANDLED IN ACCORDANCE WITH FEDERAL LAW OR REGULATION.

48 (B) NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO PROHIBIT:

49 (I) ANY MANUFACTURER, WHOLESALER, RETAILER, DEALER OR JOBBER FROM  
50 MANUFACTURING, POSSESSING OR SELLING AT WHOLESALE SUCH SPARKLING  
51 DEVICES, NOVELTIES, OR TOY CAPS OR SIMILAR DEVICES TO MUNICIPALITIES,  
52 RELIGIOUS OR CIVIC ORGANIZATIONS, FAIR ASSOCIATIONS, AMUSEMENT PARKS, OR  
53 OTHER ORGANIZATIONS AUTHORIZED BY THE STATE TO STORE, TRANSPORT, POSSESS  
54 AND USE OR TO INDIVIDUALS TO STORE, TRANSPORT, POSSESS AND USE;

(II) THE SALE OR USE OF BLANK CARTRIDGES FOR A MOTION PICTURE, TELEVISION PROGRAM, COMMERCIAL AND ALL ENTERTAINMENT MEDIA, OR FOR SIGNAL PURPOSES IN ATHLETIC SPORTS, OR FOR DOG TRIALS OR DOG TRAINING;

(III) THE USE, STORAGE, TRANSPORTATION OR SALE OR TRANSFER FOR USE OF FIREWORKS IN THE PREPARATION FOR OR IN CONNECTION WITH MOTION PICTURES, TELEVISION PROGRAMS, COMMERCIALS, AND ALL ENTERTAINMENT MEDIA RECORDED IN ANY CURRENT OR TO BE DEIGNED FORMAT WHEN SUCH USE, TRANSPORTATION AND STORAGE HAS BEEN APPROPRIATELY PERMITTED BY THE LOCAL GOVERNMENTAL SUBDIVISION HAVING JURISDICTION; OR

(IV) THE MANUFACTURE OR SALE OF SPARKLING DEVICES, NOVELTIES, TOY CAPS AND SIMILAR DEVICES PROVIDED THEY ARE TO BE SHIPPED DIRECTLY OUT OF THE STATE AND ANY SUCH ITEMS ARE SOLD IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE.

(C) EXCEPT AS SPECIFICALLY PROHIBITED BY ANY OTHER PROVISION OF THIS ARTICLE, THE SALE, DISTRIBUTION, USE, STORAGE, TRANSPORTATION AND POSSESSION OF SPARKLING DEVICES, NOVELTIES, TOY CAPS AND SIMILAR DEVICES THROUGHOUT THE STATE IS ALLOWED AT ALL TIMES.

(D) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, THE MANUFACTURE, SALE, OR USE OF SPARKLING DEVICES IS PROHIBITED IN CITIES WITH A POPULATION OF ONE MILLION OR MORE.

6. SALE OF SPARKLING DEVICES REGULATED. SPARKLING DEVICES, NOVELTIES, TOY CAPS OR SIMILAR DEVICES WHICH ARE AUTHORIZED FOR SALE UNDER PARAGRAPH (C) OF SUBDIVISION ONE OF THIS SECTION MAY NOT BE SOLD BY A RETAILER OR SEASONAL RETAILER UNLESS THE PRODUCT WAS OBTAINED FROM A MANUFACTURER, DISTRIBUTOR, OR WHOLESALE REGISTERED WITH THE OFFICE OF FIRE PREVENTION AND CONTROL PURSUANT TO SECTION ONE HUNDRED FIFTY-SIX-H OF THE EXECUTIVE LAW. EACH RETAILER AND SEASONAL RETAILER SHALL EXHIBIT A COPY OF HIS OR HER REGISTRATION CERTIFICATE AT EACH SEASONAL RETAIL LOCATION. THE SALE OF SPARKLING DEVICES AND NOVELTIES SHALL BE REGULATED BY THE PROVISIONS OF NFPA 1124, 2006 EDITION ONLY.

S 2. The penal law is amended by adding a new article 271 to read as follows:

#### ARTICLE 271

#### OFFENSES RELATING TO POSSESSION OR SALE OF FIREWORKS AND AMMUNITION

SECTION 271.00 DEFINITIONS AND PENALTIES.

271.05 CRIMINAL POSSESSION OR SALE OF FIREWORKS OR DANGEROUS  
FIREWORKS IN THE SECOND DEGREE.

271.10 CRIMINAL POSSESSION OR SALE OF FIREWORKS OR DANGEROUS  
FIREWORKS IN THE FIRST DEGREE.

271.15 UNLAWFUL POSSESSION OF FIREWORKS.

271.20 AGGRAVATED SALE OF FIREWORKS TO A MINOR.

271.25 CRIMINAL POSSESSION OF FIREWORKS; PRESUMPTION.

271.30 LIMITATION OF APPLICATION.

271.35 SALE OF SPARKLING DEVICES REGULATED.

271.40 SALE OF AMMUNITION NOT PROHIBITED.

271.45 UNLAWFUL SALE OF AMMUNITION.

S 271.00 DEFINITIONS AND PENALTIES.

1. "PYROTECHNIC COMPOSITIONS" MEANS A MIXTURE OF CHEMICALS THAT PRODUCE A VISIBLE OR AUDIBLE EFFECT BY COMBUSTION RATHER THAN RAPID DEFLAGRATION OR DETONATION AND WHICH CANNOT EXPLODE ON IGNITION UNLESS SEVERELY CONFINED.

2. "EXPLOSIVE COMPOSITION" MEANS A CHEMICAL OR MIXTURE OF CHEMICALS THAT PRODUCES AN AUDIBLE EFFECT AND SUBSTANTIAL EXPLOSIVE FORCE BY DEFLAGRATION OR DETONATION WHEN IGNITED.

1 3. "LOCAL GOVERNMENTAL SUBDIVISION" MEANS A COUNTY, CITY, TOWN OR  
2 VILLAGE.

3 S 271.05 CRIMINAL POSSESSION OR SALE OF FIREWORKS OR DANGEROUS FIREWORKS  
4 IN THE SECOND DEGREE.

5 A PERSON IS GUILTY OF CRIMINAL POSSESSION OR SALE OF FIREWORKS OR  
6 DANGEROUS FIREWORKS IN THE SECOND DEGREE WHEN:

7 1. HE OR SHE SHALL OFFER OR EXPOSE FOR SALE, SELL OR FURNISH, ANY  
8 FIREWORKS OR DANGEROUS FIREWORKS EXCEPT WHERE A PERMIT IS OBTAINED  
9 PURSUANT TO SECTION 405.00 OF THIS CHAPTER; OR

10 2. HE OR SHE SHALL OFFER OR EXPOSE FOR SALE, SELL OR FURNISH ANY  
11 SPARKLING DEVICES, NOVELTIES OR SIMILAR DEVICES TO ANY PERSON WHO IS  
12 UNDER THE AGE OF EIGHTEEN.

13 CRIMINAL POSSESSION OR SALE OF FIREWORKS OR DANGEROUS FIREWORKS IN  
14 THE SECOND DEGREE IS A CLASS B MISDEMEANOR.

15 S 271.10 CRIMINAL POSSESSION OR SALE OF FIREWORKS OR DANGEROUS FIREWORKS  
16 IN THE FIRST DEGREE.

17 A PERSON IS GUILTY OF CRIMINAL POSSESSION OR SALE OF FIREWORKS OR  
18 DANGEROUS FIREWORKS IN THE FIRST DEGREE WHEN:

19 1. HE OR SHE SHALL OFFER OR EXPOSE FOR SALE, SELL OR FURNISH, ANY  
20 FIREWORKS OR DANGEROUS FIREWORKS VALUED AT FIVE HUNDRED DOLLARS OR MORE  
21 EXCEPT WHERE A PERMIT IS OBTAINED PURSUANT TO SECTION 405.00 OF THIS  
22 CHAPTER; OR

23 2. HE OR SHE SHALL OFFER OR EXPOSE FOR SALE, SELL OR FURNISH, ANY  
24 CONSUMER SPARKLING DEVICES, NOVELTIES OR SIMILAR DEVICES TO ANY PERSON  
25 WHO IS UNDER THE AGE OF EIGHTEEN.

26 CRIMINAL POSSESSION OR SALE OF FIREWORKS OR DANGEROUS FIREWORKS IN THE  
27 FIRST DEGREE IS A CLASS A MISDEMEANOR.

28 S 271.15 UNLAWFUL POSSESSION OF FIREWORKS.

29 A PERSON IS GUILTY OF UNLAWFUL POSSESSION OF FIREWORKS WHEN, EXCEPT AS  
30 OTHERWISE STATED IN THIS ARTICLE, OR EXCEPT WHERE A PERMIT IS OBTAINED  
31 PURSUANT TO SECTION 405.00 OF THIS CHAPTER HE OR SHE SHALL POSSESS, USE,  
32 EXPLODE OR CAUSE TO EXPLODE ANY FIREWORKS OR DANGEROUS FIREWORKS.

33 UNLAWFUL POSSESSION OF FIREWORKS IS A VIOLATION.

34 S 271.20 AGGRAVATED SALE OF FIREWORKS TO A MINOR.

35 A PERSON IS GUILTY OF AGGRAVATED SALE OF FIREWORKS TO A MINOR WHEN HE  
36 OR SHE COMMITS THE CRIME OF CRIMINAL POSSESSION OR SALE OF FIREWORKS OR  
37 DANGEROUS FIREWORKS IN THE FIRST DEGREE AS DEFINED IN SECTION 271.10 OF  
38 THIS ARTICLE OR THE CRIME OF CRIMINAL POSSESSION OR SALE OF FIREWORKS OR  
39 DANGEROUS FIREWORKS IN THE SECOND DEGREE AS DEFINED IN SECTION 271.05 OF  
40 THIS ARTICLE AND HAS WITHIN THE PAST FIVE YEARS BEEN PREVIOUSLY  
41 CONVICTED OF CRIMINAL POSSESSION OR SALE OF FIREWORKS IN THE FIRST  
42 DEGREE OR CRIMINAL POSSESSION OR SALE OF FIREWORKS IN THE SECOND DEGREE.

43 AGGRAVATED SALE OF FIREWORKS TO A MINOR IS A CLASS E FELONY.

44 S 271.25 CRIMINAL POSSESSION OF FIREWORKS; PRESUMPTION.

45 EXCEPT WHERE A PERMIT IS OBTAINED PURSUANT TO SECTION 405.00 OF THIS  
46 CHAPTER, POSSESSION OF FIREWORKS OR DISPLAY FIREWORKS VALUED AT ONE  
47 HUNDRED FIFTY DOLLARS OR MORE SHALL BE A PRESUMPTION THAT SUCH FIREWORKS  
48 WERE INTENDED TO BE OFFERED OR EXPOSED FOR SALE.

49 S 271.30 LIMITATION OF APPLICATION.

50 1. THIS ARTICLE SHALL NOT APPLY TO:

51 (A) FIREWORKS, DANGEROUS FIREWORKS, SPARKLING DEVICES AND NOVELTIES  
52 WHILE IN POSSESSION OF RAILROADS, COMMON OR CONTRACT CARRIERS, RETAIL-  
53 ERS, WHOLESALERS, DISTRIBUTORS, JOBBERS AND TRANSPORTATION COMPANIES OR  
54 TRANSPORTATION AGENCIES FOR THE PURPOSE OF TRANSPORTATION TO POINTS  
55 WITHOUT THE STATE, THE SHIPMENT OF WHICH IS NOT PROHIBITED BY INTERSTATE  
56 COMMERCE COMMISSION REGULATIONS AS FORMULATED AND PUBLISHED FROM TIME TO



1 TIME, UNLESS THEY BE HELD VOLUNTARILY BY SUCH RAILROADS, COMMON OR  
2 CONTRACT CARRIERS, RETAILERS, WHOLESALERS, DISTRIBUTORS, JOBBERS AND  
3 TRANSPORTATION AGENCIES OR TRANSPORTATION COMPANIES AS WAREHOUSEMEN FOR  
4 DELIVERY TO POINTS WITHIN THE STATE;

5 (B) SIGNALING DEVICES USED BY RAILROAD COMPANIES OR MOTOR VEHICLES  
6 REFERRED TO IN SUBDIVISION SEVENTEEN OF SECTION THREE HUNDRED  
7 SEVENTY-FIVE OF THE VEHICLE AND TRAFFIC LAW;

8 (C) HIGH EXPLOSIVES FOR BLASTING OR SIMILAR PURPOSES;

9 (D) FIREWORKS, FOR THE USE THEREOF BY THE UNITED STATES MILITARY, AND  
10 DEPARTMENTS OF THE STATE AND FEDERAL GOVERNMENTS; OR

11 (E) THE USE, TRANSPORTATION AND STORAGE OF FIREWORKS, SPARKLING  
12 DEVICES, ARTICLES PYROTECHNIC, NOVELTIES, SIMILAR DEVICES, PYROTECHNICS  
13 AND SPECIAL EFFECTS MATERIALS IN CONNECTION WITH THE PRODUCTION OF  
14 MOTION PICTURES, TELEVISION PROGRAMS, COMMERCIALS, AND ALL ENTERTAINMENT  
15 MEDIA RECORDED IN ANY CURRENT OR TO BE DESIGNED FORMAT WHEN SUCH USE,  
16 TRANSPORTATION AND STORAGE HAS BEEN APPROPRIATELY PERMITTED BY THE LOCAL  
17 GOVERNMENTAL SUBDIVISION HAVING JURISDICTION.

18 (F) THE USE, TRANSPORTATION AND STORAGE OF EXPLOSIVES IN THE  
19 PRODUCTION OF MOTION PICTURES, TELEVISION PROGRAMS, COMMERCIALS AND  
20 SIMILAR ENTERTAINMENT MEDIA PRODUCTION PROVIDED THE USE, TRANSPORTATION  
21 AND STORAGE OF EXPLOSIVES ARE UNDER THE CONTROL OF ONE OR MORE INDIVID-  
22 UALS AUTHORIZED BY FEDERAL LAW OR REGULATION TO HANDLE SUCH MATERIAL AND  
23 THAT SUCH EXPLOSIVE MATERIAL IS USED, TRANSPORTED AND STORED AND OTHER-  
24 WISE HANDLED IN ACCORDANCE WITH FEDERAL LAW OR REGULATION.

25 2. NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO PROHIBIT:

26 (A) ANY MANUFACTURER, WHOLESALER, RETAILER, DEALER OR JOBBER FROM  
27 MANUFACTURING, POSSESSING OR SELLING AT WHOLESALE SUCH SPARKLING  
28 DEVICES, NOVELTIES, OR TOY CAPS OR SIMILAR DEVICES TO MUNICIPALITIES,  
29 RELIGIOUS OR CIVIC ORGANIZATIONS, FAIR ASSOCIATIONS, AMUSEMENT PARKS, OR  
30 OTHER ORGANIZATIONS AUTHORIZED BY THE STATE TO STORE, TRANSPORT, POSSESS  
31 AND USE OR TO INDIVIDUALS TO STORE, TRANSPORT, POSSESS AND USE;

32 (B) THE SALE OR USE OF BLANK CARTRIDGES FOR A MOTION PICTURE, TELE-  
33 VISION PROGRAM, COMMERCIAL AND ALL ENTERTAINMENT MEDIA, OR FOR SIGNAL  
34 PURPOSES IN ATHLETIC SPORTS, OR FOR DOG TRIALS OR DOG TRAINING;

35 (C) THE USE, STORAGE, TRANSPORTATION OR SALE OR TRANSFER FOR USE OF  
36 FIREWORKS IN THE PREPARATION FOR OR IN CONNECTION WITH MOTION PICTURES,  
37 TELEVISION PROGRAMS, COMMERCIALS, AND ALL ENTERTAINMENT MEDIA RECORDED  
38 IN ANY CURRENT OR TO BE DESIGNED FORMAT WHEN SUCH USE, TRANSPORTATION  
39 AND STORAGE HAS BEEN APPROPRIATELY PERMITTED BY THE LOCAL GOVERNMENTAL  
40 SUBDIVISION HAVING JURISDICTION; OR

41 (D) THE MANUFACTURE OR SALE OF SPARKLING DEVICES, NOVELTIES, TOY CAPS  
42 AND SIMILAR DEVICES PROVIDED THEY ARE TO BE SHIPPED DIRECTLY OUT OF THE  
43 STATE AND ANY SUCH ITEMS ARE SOLD IN ACCORDANCE WITH THE PROVISIONS OF  
44 THIS ARTICLE.

45 EXCEPT AS SPECIFICALLY PROHIBITED BY ANY OTHER PROVISION OF THIS ARTI-  
46 CLE, THE SALE, DISTRIBUTION, USE, STORAGE, TRANSPORTATION AND POSSESSION  
47 OF SPARKLING DEVICES, NOVELTIES, TOY CAPS AND SIMILAR DEVICES THROUGHOUT  
48 THE STATE IS ALLOWED.

49 3. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, THE MANUFAC-  
50 TURE, SALE, OR USE OF SPARKLING DEVICES IS PROHIBITED IN CITIES WITH A  
51 POPULATION OF ONE MILLION OR MORE.

52 S 271.35 SALE OF SPARKLING DEVICES REGULATED.

53 SPARKLING DEVICES, NOVELTIES, TOY CAPS OR SIMILAR DEVICES WHICH ARE  
54 AUTHORIZED FOR SALE UNDER PARAGRAPH (C) OF SUBDIVISION ONE OF SECTION  
55 270.00 OF THIS CHAPTER MAY NOT BE SOLD BY A RETAILER OR SEASONAL RETAIL-  
56 ER UNLESS THE PRODUCT WAS OBTAINED FROM A MANUFACTURER, DISTRIBUTOR, OR

1 WHOLESALER REGISTERED WITH THE OFFICE OF FIRE PREVENTION AND CONTROL  
2 PURSUANT TO SECTION ONE HUNDRED FIFTY-SIX-H OF THE EXECUTIVE LAW. EACH  
3 RETAILER AND SEASONAL RETAILER SHALL KEEP, AT EVERY LOCATION WHERE SPAR-  
4 KLING DEVICES ARE SOLD, A COPY OF AN INVOICE OR OTHER EVIDENCE OF  
5 PURCHASE FROM THE MANUFACTURER, DISTRIBUTOR, OR WHOLESALER, WHICH STATES  
6 THE REGISTRATION CERTIFICATE NUMBER FOR THE PARTICULAR MANUFACTURER,  
7 DISTRIBUTOR, OR WHOLESALER AND THE SPECIFIC ITEMS COVERED BY THE  
8 INVOICE. EACH SEASONAL RETAILER SHALL, IN ADDITION, EXHIBIT A COPY OF  
9 HIS OR HER REGISTRATION CERTIFICATE AT EACH SEASONAL RETAIL LOCATION.  
10 S 271.40 SALE OF AMMUNITION NOT PROHIBITED.

11 NOTHING CONTAINED IN THIS ARTICLE SHALL BE CONSTRUED TO PREVENT, OR  
12 INTERFERE IN ANY WAY WITH, THE SALE OF AMMUNITION FOR REVOLVERS OR  
13 PISTOLS OF ANY KIND, OR FOR RIFLES, SHOTGUNS, OR OTHER ARMS, BELONGING  
14 OR WHICH MAY BELONG TO ANY PERSONS WHETHER AS SPORTING OR HUNTING WEAP-  
15 ONS OR FOR THE PURPOSE OF PROTECTION TO THEM IN THEIR HOMES, OR, AS THEY  
16 MAY GO ABROAD; AND MANUFACTURERS ARE AUTHORIZED TO CONTINUE TO MANUFAC-  
17 TURE, AND WHOLESALERS AND DEALERS TO CONTINUE TO DEAL IN AND FREELY TO  
18 SELL AMMUNITION TO ALL SUCH PERSONS FOR SUCH PURPOSES.

19 S 271.45 UNLAWFUL SALE OF AMMUNITION.

20 NOTWITHSTANDING THE PROVISIONS OF SECTION 271.40 OF THIS ARTICLE, IT  
21 SHALL BE UNLAWFUL FOR ANY DEALER IN FIREARMS TO SELL ANY AMMUNITION  
22 DESIGNED EXCLUSIVELY FOR USE IN A PISTOL OR REVOLVER TO ANY PERSON NOT  
23 AUTHORIZED TO POSSESS A PISTOL OR REVOLVER.

24 UNLAWFUL SALE OF AMMUNITION IS A CLASS B MISDEMEANOR.

25 S 3. Subdivision 4 of section 270.05 of the penal law, as added by  
26 chapter 286 of the laws of 1978, is amended to read as follows:

27 4. Bank security devices not prohibited. Notwithstanding the  
28 provisions of subdivision one of this section, it shall not be unlawful  
29 for any bank, national banking association, trust company, savings bank,  
30 savings and loan association, industrial bank, or credit union to store,  
31 possess, transport, use or cause to discharge any bank security device  
32 as described in [subdivision one of] section 270.00 of this [chapter]  
33 ARTICLE; nor shall it be unlawful for any manufacturer, wholesaler,  
34 dealer, jobber or common carrier to manufacture, store, possess, trans-  
35 port, or sell such a device to banks, national banking associations,  
36 trust companies, savings banks, savings and loan associations, indus-  
37 trial banks or credit unions.

38 S 4. Subdivision 19 of section 156 of the executive law, as renumbered  
39 by chapter 615 of the laws of 2006, is renumbered subdivision 20 and a  
40 new subdivision 19 is added to read as follows:

41 19. LICENSE THE MANUFACTURERS, DISTRIBUTORS, WHOLESALERS, RETAILERS  
42 AND SEASONAL RETAILERS OF SPARKLING DEVICES WHO WISH TO DO BUSINESS WITH  
43 THE STATE.

44 S 5. The executive law is amended by adding a new section 156-h to  
45 read as follows:

46 S 156-H. REGISTRATION AND FEES FOR MANUFACTURERS, DISTRIBUTORS, WHOLE-  
47 SALERS, AND RETAILERS OF SPARKLING DEVICES. 1. REGISTRATION REQUIRE-  
48 MENTS. ANY MANUFACTURER, DISTRIBUTOR, WHOLESALER, RETAILER, OR SEASONAL  
49 RETAILER OF SPARKLING DEVICES AS DEFINED IN PARAGRAPH (C) OF SUBDIVISION  
50 ONE OF SECTION 270.00 OF THE PENAL LAW WHO WISHES TO DO BUSINESS IN THIS  
51 STATE OR TO OTHERWISE SELL, SHIP, OR ASSIGN FOR SALE ITS PRODUCTS IN  
52 THIS STATE MUST REGISTER ANNUALLY WITH THE OFFICE OF FIRE PREVENTION AND  
53 CONTROL ON FORMS PRESCRIBED BY THE OFFICE. ANY RETAILER WHO SELLS SPAR-  
54 KLING DEVICES AT MORE THAN ONE RETAIL LOCATION MAY SUBMIT ONE REGISTRA-  
55 TION FORM FOR ALL SUCH LOCATIONS BUT MUST PROVIDE THE ADDRESS OF EACH

1 LOCATION WITH THE REGISTRATION FORM; HOWEVER, ANY RETAILER MAY SUBMIT  
2 MULTIPLE REGISTRATION FORMS.

3 2. REGISTRATION FORM. THE REGISTRATION FORM FILED WITH THE OFFICE MUST  
4 BE NOTARIZED AND MUST INCLUDE THE FOLLOWING INFORMATION: BUSINESS NAME;  
5 ADDRESS; TELEPHONE NUMBER; OFFICERS, IF THE BUSINESS IS A CORPORATION;  
6 AND AN INDIVIDUAL DESIGNATED AS A CONTACT PERSON.

7 3. FEES. (A) EACH MANUFACTURER, DISTRIBUTOR, OR WHOLESALE MUST PAY AN  
8 ANNUAL REGISTRATION FEE TO BE SET BY THE OFFICE NOT TO EXCEED ONE THOU-  
9 SAND DOLLARS. EACH SEASONAL RETAILER MUST PAY AN ANNUAL REGISTRATION FEE  
10 TO BE SET BY THE OFFICE NOT TO EXCEED TWO HUNDRED DOLLARS. EACH RETAILER  
11 SHALL PAY AN ANNUAL REGISTRATION FEE TO BE SET BY THE OFFICE NOT TO  
12 EXCEED FIFTEEN DOLLARS FOR EACH RETAIL LOCATION REGISTERED. EACH CERTI-  
13 FICATE-HOLDER WISHING TO HAVE A DUPLICATE CERTIFICATE ISSUED FOR ONE  
14 WHICH IS LOST OR TO REFLECT A CHANGE OF ADDRESS SHALL REQUEST SUCH  
15 DUPLICATE IN WRITING AND SHALL PAY A FEE OF FIVE DOLLARS.

16 (B) REVENUE FROM REGISTRATION FEE PAYMENTS SHALL BE USED FOR THE  
17 PURPOSES OF IMPLEMENTING THE REGISTRATION AND TESTING PROVISIONS OF THIS  
18 CHAPTER.

19 (C) NO CITY, MUNICIPALITY OR OTHER LOCAL JURISDICTION SHALL CHARGE ANY  
20 FEE OR REQUIRE ANY PERMIT WHATSOEVER FOR THE SALE AND USE OF SPARKLING  
21 DEVICES.

22 4. RULES. THE STATE FIRE ADMINISTRATOR SHALL PROMULGATE RULES  
23 PRESCRIBING REGISTRATION FORMS REQUIRED BY THIS SECTION.

24 S 6. This act shall take effect immediately.