

S T A T E O F N E W Y O R K

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S E N A T E - A S S E M B L Y

June 18, 2009

IN SENATE -- Introduced by Sen. STACHOWSKI -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Codes in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- Introduced by M. of A. MORELLE, LUPARDO, ZEBROWSKI -- read once and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Codes in accordance with Assembly Rule 3, sec. 2 -- 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. Subdivision 1 of section 270.00 of the penal law, as
2 amended by chapter 180 of the laws of 1997, is amended to read as
3 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

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

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1 nitrates, chlorates, oxalates, sulphides of lead, barium, antimony,
2 arsenic, mercury, nitroglycerine, phosphorus or any compound containing
3 any of the same or other explosives, or any substance or combination of
4 substances, or article prepared for the purpose of producing a visible
5 or an audible effect by combustion, explosion, deflagration or detona-
6 tion, or other device containing any explosive substance and the]
7 INCLUDES:

8 (I) DISPLAY FIREWORKS, WHICH MEANS FIREWORKS DEVICES IN A FINISHED
9 STATE, EXCLUSIVE OF MERE ORNAMENTATION, PRIMARILY INTENDED FOR COMMER-
10 CIAL DISPLAYS WHICH ARE DESIGNED TO PRODUCE VISIBLE AND/OR AUDIBLE
11 EFFECTS BY COMBUSTION, DEFLAGRATION OR DETONATION, INCLUDING, BUT NOT
12 LIMITED TO, SALUTES CONTAINING MORE THAN 130 MG (2 GRAINS) OF EXPLOSIVE
13 COMPOSITION, AERIAL SHELLS CONTAINING MORE THAN 40G OF CHEMICAL COMPOSI-
14 TION EXCLUSIVE OF LIFT CHARGE, AND OTHER EXHIBITION DISPLAY ITEMS THAT
15 EXCEED THE LIMITS CONTAINED IN THE AMERICAN PYROTECHNIC ASSOCIATION
16 (APA) STANDARD 87-1, 2001 EDITION;

17 (II) ARTICLES PYROTECHNIC, WHICH MEANS PYROTECHNIC DEVICES FOR PROFES-
18 SIONAL USE SIMILAR TO CONSUMER FIREWORKS IN CHEMICAL COMPOSITION AND
19 CONSTRUCTION BUT NOT INTENDED FOR CONSUMER USE AND WHICH ARTICLES MEET
20 THE WEIGHT LIMITS FOR CONSUMER FIREWORKS BUT NOT LABELED AS SUCH AND
21 CLASSIFIED BY THE UNITED STATES DEPARTMENT OF TRANSPORTATION IN 49 CFR
22 172.101 AS UN0431;

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

29 (IV) CONSUMER FIREWORKS WHICH ARE AERIAL IN PERFORMANCE AS DEFINED IN
30 APA STANDARD 87-1, 2001 EDITION, 3.1.2 (3.1.2.1 THROUGH 3.1.2.6) AND
31 AUDIBLE GROUND DEVICES AS DEFINED IN APA STANDARD 87-1, 2001 EDITION,
32 3.1.3 (3.1.3.1 THROUGH 3.1.3.2).

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

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

46 (I) flares of the type used by railroads or any warning lights common-
47 ly known as red flares, or marine distress signals of a type approved by
48 the United States coast guard, or

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

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

10 (IV) SPARKING DEVICES WHICH ARE GROUND-BASED OR HAND-HELD AND ARE
11 REMOVED FROM THE DEFINITION OF EXPLOSIVES AND PYROTECHNICS THROUGHOUT
12 THE STATE IN THIS ARTICLE AND SECTION 405.00 OF THIS CHAPTER AND THAT
13 ARE DEFINED IN APA STANDARD 87-1, 2001 EDITION, 3.1.1 (3.1.1.1 THROUGH
14 3.1.1.8) AND ALSO AS ALLOWED UNDER 3.5, OR

15 (V) NOVELTIES WHICH ARE REMOVED FROM THE DEFINITION OF EXPLOSIVES AND
16 PYROTECHNICS THROUGHOUT THE STATE IN THIS ARTICLE AND SECTION 405.00 OF
17 THIS CHAPTER AND THAT ARE DEFINED IN APA STANDARD 87-1, 2001 EDITION,
18 3.2 (3.2.1 THROUGH 3.2.5), OR

19 (VI) TOY CAPS WHICH ARE REMOVED FROM THE DEFINITION OF EXPLOSIVES AND
20 PYROTECHNICS THROUGHOUT THE STATE IN THIS ARTICLE AND SECTION 405.00 AND
21 THAT ARE DEFINED IN APA STANDARD 87-1, 2001 EDITION, 3.3, OR

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

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

31 ARTICLE 271

32 OFFENSES RELATING TO POSSESSION OR SALE OF
33 FIREWORKS AND AMMUNITION

34 SECTION 271.00 DEFINITIONS AND PENALTIES.

35 271.05 CRIMINAL POSSESSION OR SALE OF FIREWORKS OR DANGEROUS
36 FIREWORKS IN THE SECOND DEGREE.

37 271.10 CRIMINAL POSSESSION OR SALE OF FIREWORKS OR DANGEROUS
38 FIREWORKS IN THE FIRST DEGREE.

39 271.15 UNLAWFUL POSSESSION OF FIREWORKS.

40 271.20 AGGRAVATED SALE OF FIREWORKS TO A MINOR.

41 271.25 CRIMINAL POSSESSION OF FIREWORKS; PRESUMPTION.

42 271.30 LIMITATION OF APPLICATION.

43 271.35 SALE OF SPARKLING DEVICES REGULATED.

44 271.40 SALE OF AMMUNITION NOT PROHIBITED.

45 271.45 UNLAWFUL SALE OF AMMUNITION.

46 S 271.00 DEFINITIONS AND PENALTIES.

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

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

54 3. "LOCAL GOVERNMENTAL SUBDIVISION" MEANS A COUNTY, CITY, TOWN OR
55 VILLAGE.

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

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

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

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

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

S 271.10 CRIMINAL POSSESSION OR SALE OF FIREWORKS OR DANGEROUS FIRE-
WORKS IN THE FIRST DEGREE.

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

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

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

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

S 271.15 UNLAWFUL POSSESSION OF FIREWORKS.

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

UNLAWFUL POSSESSION OF FIREWORKS IS A VIOLATION.

S 271.20 AGGRAVATED SALE OF FIREWORKS TO A MINOR.

A PERSON IS GUILTY OF AGGRAVATED SALE OF FIREWORKS TO A MINOR WHEN HE
OR SHE COMMITS THE CRIME OF CRIMINAL POSSESSION OR SALE OF FIREWORKS OR
DANGEROUS FIREWORKS IN THE FIRST DEGREE AS DEFINED IN SECTION 271.10 OF
THIS ARTICLE OR THE CRIME OF CRIMINAL POSSESSION OR SALE OF FIREWORKS
OR DANGEROUS FIREWORKS IN THE SECOND DEGREE AS DEFINED IN SECTION
271.05 OF THIS ARTICLE AND HAS WITHIN THE PAST FIVE YEARS BEEN PREVI-
OUSLY CONVICTED OF CRIMINAL POSSESSION OR SALE OF FIREWORKS IN THE
FIRST DEGREE OR CRIMINAL POSSESSION OR SALE OF FIREWORKS IN THE SECOND
DEGREE.

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

S 271.25 CRIMINAL POSSESSION OF FIREWORKS; PRESUMPTION.

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

S 271.30 LIMITATION OF APPLICATION.

1. THIS ARTICLE SHALL NOT APPLY TO:

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

1 TIME TO TIME, UNLESS THEY BE HELD VOLUNTARILY BY SUCH RAILROADS, COMMON
2 OR 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 SEVENTY-
7 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 GOVERNMENT; 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 ENTER-
15 TAINMENT MEDIA RECORDED IN ANY CURRENT OR TO BE DESIGNED FORMAT WHEN
16 SUCH USE, TRANSPORTATION AND STORAGE HAS BEEN APPROPRIATELY PERMITTED
17 BY THE LOCAL 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
23 AND THAT SUCH EXPLOSIVE MATERIAL IS USED, TRANSPORTED AND STORED AND
24 OTHERWISE 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,
30 OR OTHER ORGANIZATIONS AUTHORIZED BY THE STATE TO STORE, TRANSPORT,
31 POSSESS 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 SPARKING 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.

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 OF MANUFACTURERS, DISTRIBUTORS, WHOLESALERS, AND
47 RETAILERS OF SPARKLERS. 1. REGISTRATION REQUIREMENTS. ANY MANUFACTURER,
48 DISTRIBUTOR, WHOLESALER, RETAILER, OR SEASONAL RETAILER OF SPARKLING
49 DEVICES, NOVELTIES, TOY CAPS OR SIMILAR DEVICES AS DEFINED IN PARAGRAPH
50 (C) OF SUBDIVISION ONE OF SECTION 270.00 OF THE PENAL LAW WHO WISHES TO
51 DO BUSINESS IN THIS STATE OR TO OTHERWISE SELL, SHIP, OR ASSIGN FOR SALE
52 ITS PRODUCTS IN THIS STATE MUST REGISTER ANNUALLY WITH THE OFFICE OF
53 FIRE PREVENTION AND CONTROL ON FORMS PRESCRIBED BY THE OFFICE. ANY
54 RETAILER WHO SELLS SPARKLING DEVICES, NOVELTIES, TOY CAPS OR SIMILAR
55 DEVICES AT MORE THAN ONE RETAIL LOCATION MAY SUBMIT ONE REGISTRATION
56 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 4. RULES. THE STATE FIRE ADMINISTRATOR SHALL PROMULGATE RULES
20 PRESCRIBING REGISTRATION FORMS REQUIRED BY THIS SECTION.

21 S 6. This act shall take effect immediately.