

10300

I N A S S E M B L Y

March 17, 2010

Introduced by M. of A. LAVINE -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to the definition of fireworks

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" and "dangerous fireworks". The term  
5 "fireworks," as used in this section, is defined and declared to be and  
6 to include any blank cartridge, blank cartridge pistol, or toy cannon in  
7 which explosives are used, firecrackers, sparklers or other combustible  
8 or explosive of like construction, or any preparation containing any  
9 explosive or inflammable compound or any tablets or other device common-  
10 ly used and sold as fireworks containing nitrates, chlorates, oxalates,  
11 sulphides of lead, barium, antimony, arsenic, mercury, nitroglycerine,  
12 phosphorus or any compound containing any of the same or other  
13 explosives, or any substance or combination of substances, or article  
14 prepared for the purpose of producing a visible or an audible effect by  
15 combustion, explosion, deflagration or detonation, or other device  
16 containing any explosive substance and the term "dangerous fireworks"  
17 means any fireworks capable of causing serious physical injury and which  
18 are: firecrackers containing more than fifty milligrams of any explosive  
19 substance, torpedoes, skyrockets and rockets including all devices which  
20 employ any combustible or explosive substance and which rise in the air  
21 during discharge, Roman candles, bombs, sparklers more than ten inches  
22 in length or one-fourth of one inch in diameter, or chasers including  
23 all devices which dart or travel about the surface of the ground during  
24 discharge. "Fireworks" and "dangerous fireworks" shall not be deemed to  
25 include (1) flares of the type used by railroads or any warning lights  
26 commonly known as red flares, or marine distress signals of a type  
27 approved by the United States coast guard or (2) toy pistols, toy canes,  
28 toy guns or other devices in which paper caps containing twenty-five

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

LBD16464-01-0

1 hundredths grains or less of explosive compound are used, providing they  
2 are so constructed that the hand cannot come in contact with the cap  
3 when in place for use, and toy pistol paper caps which contain less than  
4 twenty-hundredths grains of explosive mixture, the sale and use of which  
5 shall be permitted at all times, [or] (3) bank security devices which  
6 contain not more than fifty grams of any compound or substance or any  
7 combination thereof, together with an igniter not exceeding 0.2 gram,  
8 capable of producing a lachrymating and/or visible or audible effect,  
9 where such device is stored or used only by banks, national banking  
10 associations, trust companies, savings banks, savings and loan associ-  
11 ations, industrial banks, or credit unions, or by any manufacturer,  
12 wholesaler, dealer, jobber or common carrier for such devices and where  
13 the total storage on any one premises does not exceed one hundred  
14 devices, (4) SPARKLERS THAT ARE USED IN CONNECTION WITH RELIGIOUS CERE-  
15 MONY OR EVENT THAT IS CONDUCTED PURSUANT TO KABBALISTIC LAW AND IS  
16 SUPERVISED BY A RABBI OR RELIGIOUS COORDINATOR THAT IS AT LEAST TWENTY-  
17 ONE YEARS OF AGE.

18 S 2. This act shall take effect immediately.