

Bill as
Introduced

HB 291 - AS INTRODUCED

2011 SESSION

11-0627
05/03

HOUSE BILL **291**

AN ACT relative to permissible fireworks.

SPONSORS: Rep. L. Christiansen, Hills 27; Rep. Jennifer Coffey, Merr 6; Rep. G. Hopper,
 Hills 7

COMMITTEE: Commerce and Consumer Affairs

ANALYSIS

This bill defines permissible fireworks as consumer fireworks, which are defined by federal regulation and were formerly known as class C common fireworks.

Explanation: Matter added to current law appears in *bold italics*.
 Matter removed from current law appears [~~in brackets and struckthrough.~~]
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eleven

AN ACT relative to permissible fireworks.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Intent. This act, which shall be known as the "Independence Day Freedom act" gives people in
2 New Hampshire the freedom to celebrate with the consumer fireworks (formerly class "C") of their
3 choice. There is no need for a state fireworks bureaucracy to pick and choose which fireworks a
4 person may buy and use. The federal government has already determined what are safe consumer
5 fireworks. Allowable fireworks under federal law do not include large reloadable mortar shells,
6 cherry bombs, aerial bombs, M-80 salutes, and larger firecrackers containing more than 2 grains of
7 powder. This act removes an unnecessary bureaucracy, increases freedom, and yet maintains the
8 federal standard of safety.

9 2 Permissible Fireworks; Definition of Permissible Fireworks. RSA 160-C:1, V is repealed and
10 reenacted to read as follows:

11 V. "Permissible fireworks" means consumer fireworks.

12 3 Repeal. The following are repealed:

13 I. RSA 160-C:13, relative to the permissible fireworks review committee.

14 II. RSA 160-C:15, relative to the permissible fireworks list.

15 III. RSA 160-C:16, relative to emergency removal from retail sale of permissible fireworks.

16 IV. RSA 160-C:17, II and III, relative to functions of the permissible fireworks committee.

17 4 Effective Date. This act shall take effect 60 days after its passage.

HB 291 - AS AMENDED BY THE HOUSE

15Mar2011... 0675h

2011 SESSION

11-0627
05/03

HOUSE BILL **291**

AN ACT relative to permissible fireworks.

SPONSORS: Rep. L. Christiansen, Hills 27; Rep. Jennifer Coffey, Merr 6; Rep. G. Hopper,
 Hills 7

COMMITTEE: Commerce and Consumer Affairs

AMENDED ANALYSIS

This bill defines permissible fireworks as consumer fireworks, with certain limited exceptions. The bill also revises the membership and duties of the permissible fireworks review committee.

.....

Explanation: Matter added to current law appears in *bold italics*.
 Matter removed from current law appears [~~in brackets and struck through.~~]
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 291 – AS AMENDED BY THE HOUSE

15Mar2011... 0675h

11-0627
05/03

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eleven

AN ACT relative to permissible fireworks.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 References Updated. Amend the following RSA provisions by replacing 27 C.F.R. section 55.11
2 with 27 C.F.R. section 555.11: RSA 158:9-c, III-a; 189:9-f, III; 160-B:1, I, IX, and X; 160-C:1, II, III,
3 and IV.

4 2 Definition of Permissible Fireworks. RSA 160-C:1, V is repealed and reenacted to read as
5 follows:

6 V. "Permissible fireworks" means consumer fireworks, except for those items that are
7 prohibited pursuant to RSA 160-B:16, 160-B:16-b, and 160-B:16-c.

8 3 Distribution of Pamphlet. Amend RSA 160-C:12 to read as follows:

9 160-C:12 Distribution of Pamphlet Required. Any person engaged in selling permissible
10 fireworks shall [~~provide~~] ***make available*** to the purchaser a pamphlet, approved by the
11 commissioner, detailing the appropriate and safe use of the permissible fireworks being sold.

12 4 Permissible Fireworks Advisory Committee. RSA 160-C:13 is repealed and reenacted to read
13 as follows:

14 160-C:13 Permissible Fireworks Advisory Committee.

15 I. There is hereby established a permissible fireworks advisory committee. The composition
16 of this committee shall be as follows: one senator, appointed by the senate president; one
17 representative, appointed by the speaker of the house of representatives; the state fire marshal, or
18 designee; the director of the division of state police, or designee; and 3 public members, 2 of whom
19 shall be engaged in the retail sale of consumer fireworks in New Hampshire and one of whom shall
20 be a regular purchaser of consumer fireworks, appointed by the governor. No vote of the committee
21 shall take place unless 3 members of the committee are present. The term of office of each member
22 appointed by the governor shall be 2 years and until a successor is appointed and qualified. The
23 other members of the committee shall serve terms coterminous with their terms in office. Vacancies
24 shall be filled in the same manner for the unexpired terms. Members shall serve without
25 compensation, except that the legislative members shall receive mileage at the legislative rate. The
26 committee shall elect a chairperson annually.

27 II. The committee shall meet at least once per calendar year, prior to October 1, and within
28 30 days of any emergency removal from retail sale of permissible fireworks pursuant to RSA 160-
29 C:16. The purpose of the meeting following the emergency removal of permissible fireworks shall be
30 to review the basis for the commissioner's decision and to make a recommendation to the

1 commissioner as to whether the items are properly classified pursuant to 27 C.F.R. section 555.11.

2 III. The committee shall review the rules and standards of the Consumer Product Safety
3 Commission regarding consumer fireworks so as to provide information and advice to the
4 commissioner on the application and enforcement of the state's fireworks laws.

5 IV. On or before December 1, 2011, and each December 1 thereafter the committee shall
6 make a report of the committee's activities and any recommendations for legislation to the
7 commissioner, the speaker of the house of representatives, the senate president, the house clerk, the
8 senate clerk, and the state library.

9 5 Emergency Removal from Retail Sale. RSA 160-C:16, I is repealed and reenacted to read as
10 follows:

11 I.(a) The commissioner may, upon the recommendation of the state fire marshal or the
12 director of state police, at any time and with notice to the permissible fireworks advisory committee,
13 suspend from retail sale or otherwise order the removal from retail sale of any permissible firework
14 item that poses an imminent threat to life and property.

15 (b) The commissioner shall, within 15 days of action taken pursuant to this paragraph,
16 file a report and request a finding from the federal Consumer Product Safety Commission, a
17 determination on the legal status of the permissible consumer firework item being suspended or
18 removed by the commissioner from retail sale.

19 (c) The commissioner's suspension or removal of any such firework items shall continue
20 in force and effect until such time as a determination can be made and shall not supersede any
21 finding by the Consumer Product Safety Commission pursuant to the commissioner's report and
22 request.

23 6 Repeal. The following are repealed:

24 I. RSA 160-B:16-a, prohibiting the retail sale of reloadable aerial shells.

25 II. RSA 160-C:10, II and III, relative to list of permissible fireworks offered for sale.

26 III. RSA 160-C:15, relative to the permissible fireworks list.

27 IV. RSA 160-C:17, II, and III, relative to the fireworks inspector's duties.

28 7 Effective Date. This act shall take effect upon its passage.

CHAPTER 160
HB 291 - FINAL VERSION

15Mar2011... 0675h
25May2011... 1986EBA

2011 SESSION

11-0627
05/03

HOUSE BILL **291**

AN ACT relative to permissible fireworks.

SPONSORS: Rep. L. Christiansen, Hills 27; Rep. Jennifer Coffey, Merr 6; Rep. G. Hopper,
 Hills 7

COMMITTEE: Commerce and Consumer Affairs

AMENDED ANALYSIS

This bill defines permissible fireworks as consumer fireworks, with certain limited exceptions. The bill also revises the membership and duties of the permissible fireworks review committee.

Explanation: Matter added to current law appears in *bold italics*.
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CHAPTER 160
HB 291 – FINAL VERSION

15Mar2011... 0675h
25May2011... 1986EBA

11-0627
05/03

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eleven

AN ACT relative to permissible fireworks.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 160:1 References Updated. Amend the following RSA provisions by replacing 27 C.F.R. section
2 55.11 with 27 C.F.R. section 555.11: RSA 158:9-c, III-a; 158:9-f, III; 160-B:1, I, IX, and X; 160-C:1, II,
3 III, and IV.

4 160:2 Definition of Permissible Fireworks. RSA 160-C:1, V is repealed and reenacted to read as
5 follows:

6 V. "Permissible fireworks" means consumer fireworks, except for those items that are
7 prohibited pursuant to RSA 160-B:16, 160-B:16-b, and 160-B:16-c.

8 160:3 Distribution of Pamphlet. Amend RSA 160-C:12 to read as follows:

9 160-C:12 Distribution of Pamphlet Required. Any person engaged in selling permissible
10 fireworks shall [~~provide~~] ***make available*** to the purchaser a pamphlet, approved by the
11 commissioner, detailing the appropriate and safe use of the permissible fireworks being sold.

12 160:4 Permissible Fireworks Advisory Committee. RSA 160-C:13 is repealed and reenacted to
13 read as follows:

14 160-C:13 Permissible Fireworks Advisory Committee.

15 I. There is hereby established a permissible fireworks advisory committee. The composition
16 of this committee shall be as follows: one senator, appointed by the senate president; one
17 representative, appointed by the speaker of the house of representatives; the state fire marshal, or
18 designee; the director of the division of state police, or designee; and 3 public members, 2 of whom
19 shall be engaged in the retail sale of consumer fireworks in New Hampshire and one of whom shall
20 be a regular purchaser of consumer fireworks, appointed by the governor. No vote of the committee
21 shall take place unless 3 members of the committee are present. The term of office of each member
22 appointed by the governor shall be 2 years and until a successor is appointed and qualified. The
23 other members of the committee shall serve terms coterminous with their terms in office. Vacancies
24 shall be filled in the same manner for the unexpired terms. Members shall serve without
25 compensation, except that the legislative members shall receive mileage at the legislative rate. The
26 committee shall elect a chairperson annually.

27 II. The committee shall meet at least once per calendar year, prior to October 1, and within
28 30 days of any emergency removal from retail sale of permissible fireworks pursuant to RSA 160-

CHAPTER 160
HB 291 - FINAL VERSION
- Page 2 -

1 C:16. The purpose of the meeting following the emergency removal of permissible fireworks shall be
2 to review the basis for the commissioner's decision and to make a recommendation to the
3 commissioner as to whether the items are properly classified pursuant to 27 C.F.R. section 555.11.

4 III. The committee shall review the rules and standards of the Consumer Product Safety
5 Commission regarding consumer fireworks so as to provide information and advice to the
6 commissioner on the application and enforcement of the state's fireworks laws.

7 IV. On or before December 1, 2011, and each December 1 thereafter the committee shall
8 make a report of the committee's activities and any recommendations for legislation to the
9 commissioner, the speaker of the house of representatives, the senate president, the house clerk, the
10 senate clerk, and the state library.

11 160:5 Emergency Removal from Retail Sale. RSA 160-C:16, I is repealed and reenacted to read
12 as follows:

13 I.(a) The commissioner may, upon the recommendation of the state fire marshal or the
14 director of state police, at any time and with notice to the permissible fireworks advisory committee,
15 suspend from retail sale or otherwise order the removal from retail sale of any permissible firework
16 item that poses an imminent threat to life and property.

17 (b) The commissioner shall, within 15 days of action taken pursuant to this paragraph,
18 file a report and request a finding from the federal Consumer Product Safety Commission, a
19 determination on the legal status of the permissible consumer firework item being suspended or
20 removed by the commissioner from retail sale.

21 (c) The commissioner's suspension or removal of any such firework items shall continue
22 in force and effect until such time as a determination can be made and shall not supersede any
23 finding by the Consumer Product Safety Commission pursuant to the commissioner's report and
24 request.

25 160:6 Repeal. The following are repealed:

26 I. RSA 160-B:16-a, prohibiting the retail sale of reloadable aerial shells.

27 II. RSA 160-C:10, II and III, relative to list of permissible fireworks offered for sale.

28 III. RSA 160-C:15, relative to the permissible fireworks list.

29 IV. RSA 160-C:17, II and III, relative to the fireworks inspector's duties.

30 160:7 Effective Date. This act shall take effect upon its passage.

31 Approved: Enacted in accordance with Article 44, Part II, of N.H. Constitution, without signature of
32 the governor, June 14, 2011.

33 Effective Date: June 14, 2011

Committee Minutes

**SENATE CALENDAR NOTICE
COMMERCE**

Senator Russell Prescott Chairman
 Senator Raymond White V Chairman
 Senator Tom De Blois
 Senator Matthew Houde
 Senator Andy Sanborn

For Use by Senate Clerk's Office ONLY	
<input type="checkbox"/>	Bill Status
<input type="checkbox"/>	Docket
<input type="checkbox"/>	Calendar
Proof: <input type="checkbox"/>	Calendar <input type="checkbox"/> Bill Status

Date: April 28, 2011

HEARINGS

Tuesday

5/3/2011

COMMERCE

LOB 102

9:00 AM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

9:00 AM	HB291	relative to permissible fireworks.
9:15 AM	HB317	relative to fire warning devices and carbon monoxide detection devices in dwellings.
9:30 AM	HB248	establishing a commission to study business regulations in New Hampshire.
9:45 AM	HB605	authorizing the business finance authority to establish a New Hampshire innovation business job growth program.

Sponsors:

HB291 Rep. Lars Christiansen	Rep. Jennifer Coffey	Rep. Gary Hopper	
HB317 Rep. John Gimas	Sen. David Boutin	Sen. Sharon Carson	Rep. William Infantine
HB248 Rep. Paul Mirski	Rep. John Cebrowski	Rep. Carl Seidel	
HB605 Rep. Marilinda Garcia Rep. Kevin Avard	Rep. Thomas Beattie Sen. Raymond White	Rep. Jeffrey Oligny Sen. Nancy Stiles	Rep. Edward Moran Rep. Stephen Stepanek

Commerce Committee Hearing Report

To: Member of the Senate

From: Patrick Murphy, *Legislative Aide*

Re: Hearing Report on House Bill 291 relative to permissible fireworks.

Hearing Date: May 3, 2011

Members of the Committee Present:

Senator Prescott, Senator White, Senator De Blois, Senator Sanborn, Senator Houde

Members of the Committee Absent:

None

Sponsor(s):

Rep. L. Christiansen, Hills 27; Rep. Jennifer Coffey, Merr 6; Rep. G. Hopper, Hills 7

What the bill does:

This bill defines permissible fireworks as consumer fireworks, with certain limited exceptions. The bill also revises the membership and duties of the permissible fireworks review committee.

Supporters of the bill:

Rep. L. Christiansen (Hills 27), Rep. McClarren (Hills 21), Rep. McGuinness (Hills 20), John Grogire (Hilltop Fireworks – Somersworth NH), Michael Dapkus (Stateline Fireworks), Christina Katsikas (NH Fireworks Association), Steve Carbone (Atomic Fireworks), John Raymond (NH Fire Marshals Office), George Roberts (B.J. Allen)

Those in opposition to the bill:

Bonnie Packard (NH Association of Fire Chiefs), Rep. Le Brun (Hills 26)

Speaking to the bill/Neutral:

None

Summary of testimony received:

Rep. L. Christiansen (Hills 27)

- The changes made by HB 291 are supported by the State Fire Marshal. The intent is to address consumer fireworks and make sure that these products being sold in NH are safe.

John Raymond (NH Fire Marshals Office)

- The list of permissible fireworks has gotten out of hand in recent years; there are now almost 3,000 items on the list. We will still have an oversight committee that will be able to investigate if a problem occurs.
- This bill will make it easier for us to regulate fireworks in NH.
- In response to questions from the Committee, the witness responded that he believes the fire chiefs oppose this bill because they generally oppose the use of fireworks in NH because they pose a risk.
- Permissible consumer fireworks contain 500 grams of explosives or less although the amount of explosives allowed will depend on the type of firework. A consumer firework is anything that can be fired by one individual as long as the community they live in allows such activity.

Steve Carbone (Atomic Fireworks)

- Also represents the NH Fireworks Association in support of HB 291. The federal government regulates what contents can go into consumer fireworks.

Funding:

None

Action:

On a motion of ought to pass the vote was 5-0; Senator Prescott will report this bill to the floor.

Speakers

Senate Commerce Committee: Sign-In Sheet

Date: May 3, 2011

Time: 9:00 a.m.

Public Hearing on House Bill 291

House Bill 291

Relative to permissible fireworks.

Name	Representing	Speaking			
		Support	Oppose	Yes	No
✓ George ROBERTS	B.J. ALLEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
✓ Bonnie Packard	NH Association of Fire Chiefs	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sean MCGUINNESS	STATE REP.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
John M Gregory	Hilltop Fire works Somersworth NH	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
MICHAEL DAKES	STATELINE FIREWORKS WILKESDEE NH	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
CHRISTINA KATSIKAS	HOOCKETT FIREWORKS & FIREWORKS ASSOCIATION	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
✓ STEVE CARBONE	Atomic Fireworks	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
✓ John Raymond	NH State Fire Marsh Marshals Office	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Rep. Don LeBrun	Hills 26	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Don McClarren	Hills 21	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Rep. Christiansen	Hills 27	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Steve Carbone	NH Fireworkers Association	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Fantasy Fireworks Inc	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Date: May 3, 2011

THE COMMITTEE ON Commerce

to which was referred House Bill 291

AN ACT relative to permissible fireworks.

Having considered the same, the committee recommends that the Bill:

OUGHT TO PASS

BY A VOTE OF: 5-0

AMENDMENT # s

Senator Russell Prescott
For the Committee

Patrick Murphy 271-3067

New Hampshire General Court - Bill Status System .

Docket of HB291

Docket Abbreviations

Bill Title: relative to permissible fireworks.*Official Docket of HB291:*

Date	Body	Description
1/20/2011	H	Introduced 1/6/2011 and Referred to Commerce and Consumer Affairs; HJ 11 , PG. 180
1/26/2011	H	Public Hearing: 2/8/2011 10:00 AM LOB 302
2/15/2011	H	Subcommittee Work Session: 2/24/2011 12:00 PM LOB 302
2/16/2011	H	==CANCELLED== Executive Session: 2/25/2011 10:00 AM LOB 302
2/24/2011	H	Subcommittee Work Session: 2/28/2011 11:00 AM LOB 302
2/24/2011	H	Executive Session: 3/1/2011 3:00 PM LOB 302
3/9/2011	H	Committee Report: Ought to Pass with Amendment #0675h for Mar 15 (Vote 17-0; CC); HC 22 , PG.524
3/9/2011	H	Proposed Committee Amendment #2011-0675h; HC 23 , PG.598-599
3/15/2011	H	Amendment #0675h Adopted, VV; HJ 26 , PG.698-699
3/15/2011	H	Ought to Pass with Amendment #0675h: MA VV; HJ 26 , PG.698-699
4/20/2011	S	Introduced and Referred to Commerce; SJ 14 , Pg.272
4/28/2011	S	Hearing: 5/3/11, Room 102, LOB, 9:00 a.m.; SC22
5/4/2011	S	Committee Report: Ought to Pass, 5/11/11; SC23
5/11/2011	S	Ought to Pass, MA, VV; OT3rdg; SJ 16 , Pg.319
5/11/2011	S	Passed by Third Reading Resolution
5/25/2011	S	Enrolled Bill Amendment #1986e Adopted; SJ 19 , Pg.394
5/25/2011	H	Enrolled Bill Amendment #2011-1986e Adopted; HJ 46 , PG.1609
6/1/2011	S	Enrolled; SJ 20 , Pg.546
6/1/2011	H	Enrolled; HJ 48 , PG.1670
6/14/2011	H	Law Without Signature 06/14/2011; Effective 06/14/2011; Chapter 0160; NH Constitution, Art.44, Pt.II

NH House

NH Senate

Other Referrals

May 17, 2011
2011-1986-EBA
06/09

Enrolled Bill Amendment to HB 291

The Committee on Enrolled Bills to which was referred HB 291

AN ACT relative to permissible fireworks.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 291

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 291

Amend section 1 of the bill by replacing line 2 with the following:

with 27 C.F.R. section 555.11: RSA 158:9-c, III-a; 158:9-f, III; 160-B:1, I, IX, and X; 160-C:1, II, III,

COMMITTEE REPORT FILE INVENTORY

HB 291 ORIGINAL REFERRAL

RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

DOCKET (Submit only the latest docket found in Bill Status)

COMMITTEE REPORT

CALENDAR NOTICE

HEARING REPORT

PREPARED TESTIMONY AND OTHER SUBMISSIONS HANDED IN AT THE PUBLIC HEARING

SIGN-UP SHEET(S)

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

___ - AMENDMENT # _____ - AMENDMENT # _____
___ - AMENDMENT # _____ - AMENDMENT # _____

ALL AVAILABLE VERSIONS OF THE BILL:

AS INTRODUCED AS AMENDED BY THE HOUSE
 FINAL VERSION _____ AS AMENDED BY THE SENATE

OTHER (Anything else deemed important but not listed above, such as amended fiscal notes): *1986 Enrolled Bill Amendment*

DATE DELIVERED TO SENATE CLERK

8-5-11

BY:

Patrick Murphy
COMMITTEE AIDE