

Senate Commerce Committee

Angela Leach 271-3077

SB 23, legalizing firecrackers.

Hearing Date: January 17, 2017

Time Opened: 1:45 p.m.

Time Closed: 2:15 p.m.

Members of the Committee Present: Senators Innis, French, Sanborn, Soucy and Lasky

Members of the Committee Absent: None

Bill Analysis: This bill legalizes the sale of firecrackers

Sponsors:

Sen. Avard

Sen. Reagan

Sen. Sanborn

Sen. French

Rep. Weyler

Rep. Burt

Rep. Hynes

Rep. O'Day

Rep. Hoell

Who supports the bill:

Sponsors, Steven Carbine, NHFA; Michael Dapkus, NHFA; Darryl Perry, Liberty Lobby, LLC; Deborah Colby Olesen, Champneys Fireworks; Christina Katsikas, Hooksett Fireworks; Mary McCluskey, Phantom Fireworks; Beth Analeble, Phantom Fireworks; Paul Worsawicz, Phantom Fireworks

Who opposes the bill:

Bill Degnan, State Fire Marshall

Summary of testimony presented:

Senator Sanborn stated because he owns a business and is a taxpayer he may or may not have a conflict but will be participating in the discussion and vote.

Senator Avard- (Prime) – This bill was brought before the legislature last year and it was vetoed. Allows for retail firework stores to sell firecrackers. These are not sticks of dynamite.

Representative JR Hoell- I as a citizens could go to Maine and purchase firecrackers and then bring them home and set them off in New Hampshire. Our statute is not clear, this bill seeks to remedy this. Allows our current vendors to sell these. Very small, 50 milligrams, not something that is going to hurt someone.

Senator Lasky- Will this prohibit chlorites in firecrackers?

Representative Hoell- Separate section of the statute. The section you are talking about is earlier in the statute which still stays.

Senator Lasky- How does one know, that won't be used?

Representative Hoell- Leave it up to the experts in the industry. Probably will be a labeling requirement.

Senator Lasky- will this open the door for prohibited ingredients to be used.

Representative JR Hoell- No, because it is prohibited in other sections of the statute. There is an earlier section that references chemical compounds.

Micheal Dapkus (Owner of State Line Fireworks) retired police officer/paramedic for 26 years. Was the research and developing expert that tested all the fireworks. Firecrackers that will be legalized, an inch and half Chinese firecracker and each of 50 milligrams of flash powder in them. 1900 to 1964 everything was legal. They were inappropriately used, and many children and adults were severely injured. Prior to the birth of the Consumer Product Safety Commission, the US Government took action and banned them. M80 not selling them, they were used by military as a training device, the company that was making them capitalized on them and began selling them to the public including ash cans, cherry bombs and torpedoes. All of these are banned, if you caught with them it is an act of terrorism, federal government very strict with them. Around the 4th of July, 7 out of 10 customers come in and look for firecrackers. Perchlorates, is an oxidizer used for colors and sparklers they don't use those they use other chemicals. Firecrackers they do. Most statutes that govern sparklers don't allow chlorites or perchlorates. Every single firework we have in our store have perchlorates of some sort. Doesn't make it any more dangerous. These firecrackers are made out of a potassium perchlorate which is safer. Most of these had 2 grams or 3 grams of flash powder.

Senator Sanborn- Were you here for the debate last year, the legislation included firecrackers and smoke bombs, the majority of the senate stripped out smoke bombs. Is that correct?

Michael Dapkus- Yes that is what happened.

Bill Degnan (State Fire Marshall) Opposed to fire workers being in the hands of the untrained adult. Consumer product safety data is for the period right around the 4th of July, not huge numbers, a couple of instances last year, one was a male who blew the tip of his finger and thumb off because of firecrackers, I can't say how much powder was in them because of the investigation, I can't tell you if it was legal or an illegal. The ones that we are discussing today, they are fairly small, and the injuries are minor burns. If they become legal, I will anticipate we will see some of those injuries. The ones that have been here have been illegally brought into the state.

Steven Carbine- Owner of Atomic Fireworks- Representing the NH Fireworks Association- 50 milligrams firecracker, to give you an idea of the firecrackers, a pound of black powder is about the size of a pint of rum, that would make 9071 of those firecrackers that's how small it is. In the fireworks industry, the firecracker no matter what they look like will have 50 milligrams, they can put it in the larger tube, still 50 milligrams, anything above that is considered illegal. Black market not sold by any fireworks store, if it was snuck in the county you would be fined largely. All our items are tested by the American fireworks industry in China and then shipped here. We lose a lot of customers going into Maine. Firework stores are a destination store and we lose our customers to Maine, customers make a special trip of it. NH is benefiting from these customers. Almost 40 states that allow firecrackers, In Maine it has been legal since 2012, and there isn't any movement to make them illegal.

Senator French- Could we sell them anywhere?

Steven Carbine- Only allowed in permissible fireworks store, inspected by the town and the state fire marshal licenses them. The towns that don't allow fireworks they wouldn't be allowed to be sold there.

Senator Innis- Do the fireworks stores presently sell ones that are more potent than these?

Steven Carbine- Yes but they go up in the air. Something you light and walk away. We can sell artillery shells and the biggest ones have 60 grams, 1200 more composition than that.

Senator Innis- How long does it take for the fuse to burn?

Steven Carbine- The federal standard is 3 to 9 seconds.

Senator French Does that change with the age of the fuse?

Steven Carbine- No.

Senator Sanborn- What products are presently being sold in surrounding states, but not in our state such as bottle rockets, etc.

Steven Carbine- HB 100 is addresses the smoke bombs that will come to the Senate later. Rockets are just sold in Pennsylvania, South Carolina has been selling them forever.

Senator Sanborn- What about roman candles?

Steven Carbine- Those are sold in Maine and NH.

Senator Sanborn - NH is selling everything our competitive states around us are selling except firecrackers?

Steven Carbine- Smoke bombs and Pennsylvania sells rockets.

Paul Worsawicz -Representing Phantom Fireworks- Asked by customers in Maine why they are not selling them in NH, trying to change that situation and haven't seen any misuse of firecrackers in Maine.

Future Action: Pending

AJL

Date Hearing Report completed: January 18, 2017