

SB1965



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB1965

Introduced 2/10/2011, by Sen. Edward D. Maloney

SYNOPSIS AS INTRODUCED:

425 ILCS 35/1

from Ch. 127 1/2, par. 127

425 ILCS 35/6 new

Amends the Fireworks Use Act. Provides that, after January 1, 2012, all commercial advertising for consumer fireworks must bear a specified warning. Requires warnings in various media to meet specific requirements. Provides a \$1,000 per-day fine for violations. Authorizes the Attorney General to seek injunctive relief and to impose and collect civil penalties. Defines "advertiser" and "advertising mediums".

LRB097 08467 JDS 48594 b

A BILL FOR

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Fireworks Use Act is amended by changing
5 Section 1 and by adding Section 6 as follows:

6 (425 ILCS 35/1) (from Ch. 127 1/2, par. 127)

7 Sec. 1. Definitions. As used in this Act, the following
8 words shall have the following meanings:

9 "Advertiser" means a fireworks company purchasing an
10 advertisement on an advertising medium.

11 "Advertising mediums" means billboards, radio, television,
12 and print advertising (including advertising by means of direct
13 mail).

14 "1.3G fireworks" means those fireworks used for
15 professional outdoor displays and classified as fireworks
16 UN0333, UN0334, or UN0335 by the United States Department of
17 Transportation under 49 C.F.R. 172.101.

18 "Consumer distributor" means any person who distributes,
19 offers for sale, sells, or exchanges for consideration consumer
20 fireworks in Illinois to another distributor or directly to any
21 retailer or person for resale.

22 "Consumer fireworks" means those fireworks that must
23 comply with the construction, chemical composition, and

1 labeling regulations of the U.S. Consumer Products Safety
2 Commission, as set forth in 16 C.F.R. Parts 1500 and 1507, and
3 classified as fireworks UN0336 or UN0337 by the United States
4 Department of Transportation under 49 C.F.R. 172.101.
5 "Consumer fireworks" shall not include snake or glow worm
6 pellets; smoke devices; trick noisemakers known as "party
7 poppers", "booby traps", "snappers", "trick matches",
8 "cigarette loads", and "auto burglar alarms"; sparklers; toy
9 pistols, toy canes, toy guns, or other devices in which paper
10 or plastic caps containing twenty-five hundredths grains or
11 less of explosive compound are used, provided they are so
12 constructed that the hand cannot come in contact with the cap
13 when in place for the explosion; and toy pistol paper or
14 plastic caps that contain less than twenty hundredths grains of
15 explosive mixture; the sale and use of which shall be permitted
16 at all times.

17 "Consumer fireworks display" or "consumer display" means
18 the detonation, ignition, or deflagration of consumer
19 fireworks to produce a visual or audible effect.

20 "Consumer operator" means an adult individual who is
21 responsible for the safety, setup, and discharge of the
22 consumer fireworks display and who has completed the training
23 required in Section 2.2 of this Act.

24 "Consumer retailer" means any person who offers for sale,
25 sells, or exchanges for consideration consumer fireworks in
26 Illinois directly to any person with a consumer display permit.

1 "Display fireworks" means 1.3G or special effects
2 fireworks or as further defined in the Pyrotechnic Distributor
3 and Operator Licensing Act.

4 "Flame effect" means the detonation, ignition, or
5 deflagration of flammable gases, liquids, or special materials
6 to produce a thermal, physical, visual, or audible effect
7 before the public, invitees, or licensees, regardless of
8 whether admission is charged, in accordance with National Fire
9 Protection Association 160 guidelines, and as may be further
10 defined in the Pyrotechnic Distributor and Operator Licensing
11 Act.

12 "Lead pyrotechnic operator" means an individual who is
13 responsible for the safety, setup, and discharge of the
14 pyrotechnic display or pyrotechnic service and who is licensed
15 pursuant to the Pyrotechnic Distributor and Operator Licensing
16 Act.

17 "Person" means an individual, firm, corporation,
18 association, partnership, company, consortium, joint venture,
19 commercial entity, state, municipality, or political
20 subdivision of a state or any agency, department, or
21 instrumentality of the United States and any officer, agent, or
22 employee of these entities.

23 "Production company" means any person in the film, digital
24 and video media, television, commercial, and theatrical stage
25 industry who provides pyrotechnic services or pyrotechnic
26 display services as part of a film, digital and video media,

1 television, commercial, or theatrical production in the State
2 of Illinois and is licensed by the Office pursuant to the
3 Pyrotechnic Distributor and Operator Licensing Act.

4 "Pyrotechnic display" means the detonation, ignition, or
5 deflagration of display fireworks or flame effects to produce
6 visual or audible effects of a exhibitional nature before the
7 public, invitees, or licensees, regardless of whether
8 admission is charged, and as may be further defined in the
9 Pyrotechnic Distributor and Operator Licensing Act.

10 "Pyrotechnic distributor" means any person who distributes
11 display fireworks for sale in the State of Illinois or provides
12 them as part of a pyrotechnic display service in the State of
13 Illinois or provides only pyrotechnic services and is licensed
14 by the Office pursuant to the Pyrotechnic Distributor and
15 Operator Licensing Act.

16 "Pyrotechnic service" means the detonation, ignition or
17 deflagration of display fireworks, special effects or flame
18 effects to produce a visual or audible effect.

19 "Special effects fireworks" means pyrotechnic devices used
20 for special effects by professionals in the performing arts in
21 conjunction with theatrical, musical, or other productions
22 that are similar to consumer fireworks in chemical compositions
23 and construction, but are not intended for consumer use and are
24 not labeled as such or identified as "intended for indoor use".

25 "Special effects fireworks" are classified as fireworks UN0431
26 or UN0432 by the United States Department of Transportation

1 under 49 C.F.R. 172.101.

2 (Source: P.A. 95-331, eff. 8-21-07; 96-708, eff. 8-25-09.)

3 (425 ILCS 35/6 new)

4 Sec. 6. Advertising of fireworks.

5 (a) After January 1, 2012, all commercial advertising
6 mediums by consumer fireworks retailers shall bear the
7 following statement:

8 WARNING: IL Law Prohibits the Possession of Certain
9 Fireworks Without a Proper Permit. Check with Law
10 Enforcement Prior to Purchase.

11 (b) Such warning on billboards shall appear in the format
12 and type style prescribed under 15 U.S.C. 1333 (b) (3), as
13 amended, or under Section 201 of the federal Family Smoking
14 Prevention and Tobacco Control Act (Public Law 111-31), as
15 amended.

16 (c) Such warning in print shall appear in the format and
17 type style prescribed under Section 201 of the federal Family
18 Smoking Prevention and Tobacco Control Act (Public Law 111-31),
19 as amended.

20 (d) Such warning in broadcast shall be verbal, clear, and
21 concise.

22 (e) Any advertiser whose advertisement does not conform to
23 the provisions of this Section shall be subject to a fine not
24 to exceed \$1,000 per day.

25 (f) The Attorney General may bring an action for the

1 enforcement of this Section and the rules adopted and orders
2 issued under this Section, in the name of the People of the
3 State of Illinois, and may, in addition to other remedies
4 provided in this Act, bring an action for a temporary
5 restraining order, preliminary injunction, or an injunction to
6 restrain any actual or threatened violation or to impose or
7 collect a civil penalty for any violation.