

# SB3039



## 102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB3039

Introduced 1/5/2022, by Sen. Thomas Cullerton

### SYNOPSIS AS INTRODUCED:

425 ILCS 35/1

from Ch. 127 1/2, par. 127

Amends the Pyrotechnics Use Act. Provides that "consumer fireworks", "display fireworks", and "flame effect" do not include 1.3G fireworks.

LRB102 22781 CPF 31930 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 Pyrotechnic Use Act is amended by changing  
5 Section 1 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 "1.3G fireworks" means those fireworks used for  
10 professional outdoor displays and classified as fireworks  
11 UN0333, UN0334, or UN0335 by the United States Department of  
12 Transportation under 49 C.F.R. 172.101.

13 "Consumer distributor" means any person who distributes,  
14 offers for sale, sells, or exchanges for consideration  
15 consumer fireworks in Illinois to another distributor or  
16 directly to any retailer or person for resale.

17 "Consumer fireworks" means those fireworks that must  
18 comply with the construction, chemical composition, and  
19 labeling regulations of the U.S. Consumer Products Safety  
20 Commission, as set forth in 16 C.F.R. Parts 1500 and 1507, and  
21 classified as fireworks UN0336 or UN0337 by the United States  
22 Department of Transportation under 49 C.F.R. 172.101.

23 "Consumer fireworks" shall not include 1.3G fireworks; snake

1 or glow worm pellets; smoke devices; trick noisemakers known  
2 as "party poppers", "booby traps", "snappers", "trick  
3 matches", "cigarette loads", and "auto burglar alarms";  
4 sparklers; toy pistols, toy canes, toy guns, or other devices  
5 in which paper or plastic caps containing twenty-five  
6 hundredths grains or less of explosive compound are used,  
7 provided they are so constructed that the hand cannot come in  
8 contact with the cap when in place for the explosion; and toy  
9 pistol paper or plastic caps that contain less than twenty  
10 hundredths grains of explosive mixture; the sale and use of  
11 which shall be permitted at all times.

12 "Consumer fireworks display" or "consumer display" means  
13 the detonation, ignition, or deflagration of consumer  
14 fireworks to produce a visual or audible effect.

15 "Consumer operator" means an adult individual who is  
16 responsible for the safety, setup, and discharge of the  
17 consumer fireworks display and who has completed the training  
18 required in Section 2.2 of this Act.

19 "Consumer retailer" means any person who offers for sale,  
20 sells, or exchanges for consideration consumer fireworks in  
21 Illinois directly to any person with a consumer display  
22 permit.

23 "Display fireworks" means ~~1.3G~~ or special effects  
24 fireworks or as further defined in the Pyrotechnic Distributor  
25 and Operator Licensing Act. "Display fireworks" does not  
26 include 1.3G fireworks.

1 "Flame effect" means the detonation, ignition, or  
2 deflagration of flammable gases, liquids, or special materials  
3 to produce a thermal, physical, visual, or audible effect  
4 before the public, invitees, or licensees, regardless of  
5 whether admission is charged, in accordance with National Fire  
6 Protection Association 160 guidelines, and as may be further  
7 defined in the Pyrotechnic Distributor and Operator Licensing  
8 Act. "Flame effect" does not include 1.3G fireworks.

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

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

20 "Production company" means any person in the film, digital  
21 and video media, television, commercial, music, or theatrical  
22 stage industry who provides pyrotechnic services or  
23 pyrotechnic display services as part of a film, digital and  
24 video media, television, commercial, music, or theatrical  
25 production in the State of Illinois and is licensed by the  
26 Office pursuant to the Pyrotechnic Distributor and Operator

1 Licensing Act.

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

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

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

17 "Special effects fireworks" means pyrotechnic devices used  
18 for special effects by professionals in the performing arts in  
19 conjunction with theatrical, musical, or other productions  
20 that are similar to consumer fireworks in chemical  
21 compositions and construction, but are not intended for  
22 consumer use and are not labeled as such or identified as  
23 "intended for indoor use". "Special effects fireworks" are  
24 classified as fireworks UN0431 or UN0432 by the United States  
25 Department of Transportation under 49 C.F.R. 172.101.

26 (Source: P.A. 99-642, eff. 7-28-16.)