

SENATE No. 01201

The Commonwealth of Massachusetts

PRESENTED BY:

Cynthia S. Creem

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act to require tagging of explosive materials.

PETITION OF:

NAME:

Cynthia S. Creem

DISTRICT/ADDRESS:

First Middlesex and Norfolk

SENATE No. 01201

By Ms. Creem, petition (accompanied by bill, Senate, No. 1201) of Creem for legislation to require tagging of explosive materials [Joint Committee on Public Safety and Homeland Security].

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
□ SENATE
□ , NO. 935 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act to require tagging of explosive materials.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 148 of the General Laws, as appearing in the 2008 Official
2 Edition, is hereby amended by inserting after section 9A the following section:-

3 Section 9B. (a) The board shall make rules and regulations requiring that all explosive
4 materials manufactured or offered for sale in this commonwealth be tagged for purposes of
5 detection and identification.

6 (b) As used herein the term "explosive materials" shall mean: gunpowders; powders
7 used for blasting; dynamite and all other forms of high explosives; blasting material; fuses (other
8 than electric circuit breakers); detonators and other detonating agents; black and smokeless

9 powders; any explosive bomb, grenade, missile, or similar device; and any chemical compounds,
10 mechanical mixture, or device that contains any oxidizing and combustible units, or other
11 ingredients, in such proportions, quantities, or packing that ignition by fire, by friction, by
12 concussion, by percussion, or by detonation of the compound, mixture, or device or any part
13 thereof may cause an explosion.

14 (c) In choosing methods of tagging explosive materials the board shall select the
15 method or methods which achieve the following goals and, in the event of any mutual
16 inconsistency with respect to a particular method or explosive material, shall assign priority to
17 the goals in the order listed: pose the smallest risk to human life; substantially assist law
18 enforcement officers in their investigative efforts; least impair the quality of the explosive
19 material for its intended use; have the least possible impact on the environment; and impose the
20 lowest cost on manufacturers and users of the explosive materials.

21 (d) Any requirement of federal law with respect to the tagging of explosive materials
22 shall supersede any requirement contained in the rules and regulations adopted by the board
23 hereunder.

24 (e) Upon and after the effective date of the rules and regulations adopted pursuant to
25 sub-section (a) of this section, no person shall manufacture or offer for sale in this
26 commonwealth explosive materials which have not been tagged as required by such rules and
27 regulations. Whoever violates this section shall be punished by a fine of not more than ten
28 thousand dollars, or by imprisonment for not more than two and one-half years, or both, and any
29 such untagged explosive materials found in his possession or under his control on such violation
30 shall be forfeited to the commonwealth.

31 SECTION 2. The board of fire prevention regulations shall adopt the rules and
32 regulations required by section 9B of chapter 148 of the General Laws, as inserted by section 1
33 of this act, no later than one year after the enactment of this act. The board shall conduct public
34 hearings before adopting said rules and regulations in compliance with chapter 30A of the
35 General Laws, as appearing in the 2008 Official Edition. Said rules and regulations shall also be
36 governed by the requirements of section 10 of chapter 148 of said General Laws, as so
37 appearing. The board shall consult with federal, state and local officials with expertise in the area
38 of chemicals used to manufacture explosive materials and with any other individuals or groups as
39 the board may choose to consult. The board may apply a tagging requirement to any explosive
40 material or similar material subject to such a requirement under regulations of the United States
41 Secretary of the Treasury.