
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2670 Session of
2020

INTRODUCED BY FREEMAN, HELM, SCHWEYER, HOHENSTEIN, MERSKI,
MCNEILL, KNOWLES, HANBIDGE, HILL-EVANS, GREEN, HOWARD,
VITALI, T. DAVIS, SANCHEZ, HARKINS, PASHINSKI, ROZZI, DALEY,
KINSEY, DRISCOLL, READSHAW, STURLA, MULLERY AND DEASY,
JULY 8, 2020

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,
JULY 8, 2020

AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania
2 Consolidated Statutes, in general provisions, providing for
3 health and safety and for the offense of consumer fireworks
4 misuse.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. The heading of Subchapter B of Chapter 13 of
8 Title 53 of the Pennsylvania Consolidated Statutes is amended to
9 read:

10 SUBCHAPTER B

11 [(Reserved)] HEALTH AND SAFETY

12 Sec.

13 1321. (Reserved).

14 1322. (Reserved).

15 1323. (Reserved).

16 1324. Rules and regulations of consumer fireworks.

17 Section 2. Title 53 is amended by adding sections to read:

1 § 1321. (Reserved).

2 § 1322. (Reserved).

3 § 1323. (Reserved).

4 § 1324. Rules and regulations of consumer fireworks.

5 (a) Authorization.--Except for the limitations under
6 subsection (b), a borough, city, township or town may enact an
7 ordinance providing for conditions, prohibitions and limitations
8 on the use of consumer fireworks that are not in conflict with
9 Article XXIV of the act of March 4, 1971 (P.L.6, No.2), known as
10 the Tax Reform Code of 1971. Notwithstanding a valid license
11 issued by the department on the effective date of this section,
12 a borough, city, township or town may enact an ordinance
13 providing for conditions, prohibitions and limitations on the
14 sale of consumer fireworks that are not in conflict with Article
15 XXIV of the Tax Reform Code of 1971.

16 (b) Ordinances.--The ordinance permitted under subsection
17 (a) shall comply with the provisions of use and sale of consumer
18 fireworks under Article XXIV of the Tax Reform Code of 1971 and
19 provide for the following:

20 (1) A person may only use consumer fireworks between the
21 hours of 10:00 a.m. and 9:00 p.m. on Sunday through Thursday
22 and 10:00 a.m. and 10:00 p.m. on Friday and Saturday, except:

23 (i) When July 4 is a Friday or Saturday, consumer
24 fireworks may be used until midnight and an additional
25 hour into the following day before consumer fireworks can
26 resume in accordance with the time frames set forth under
27 this paragraph;

28 (ii) When July 4 is a Sunday through Thursday,
29 consumer fireworks may be used until midnight;

30 (iii) On Memorial Day and Labor Day, consumer

1 fireworks may be used until midnight; and

2 (iv) On December 31, consumer fireworks may be used
3 until midnight and an additional hour into the following
4 day before consumer fireworks can resume in accordance
5 with the time frames set forth under this paragraph.

6 (2) A facility licensed by the department under section
7 2408 of the Tax Reform Code of 1971 shall conspicuously post
8 or provide written notice with each purchase of consumer
9 fireworks that provides the conditions and prohibitions for
10 use of consumer fireworks under section 2404 of the Tax
11 Reform Code of 1971, notification of the provisions under
12 paragraph (1) providing for hours and times of usage and that
13 additional conditions, prohibitions and limitations may be
14 implemented by a borough, city, township or town.

15 (c) Penalties.--A person using consumer fireworks in
16 violation of the provisions of this subchapter commits:

17 (1) For the first offense, a summary offense and, upon
18 conviction, shall, in addition to any other penalty
19 authorized by law, be punishable by a fine of not less than
20 \$100 nor more than \$500.

21 (2) A subsequent offense under this subsection committed
22 within one year of a prior conviction under this paragraph
23 shall constitute a misdemeanor of the third degree and, upon
24 conviction, shall, in addition to any other penalty
25 authorized by law, be punishable by a fine of not less than
26 \$500 and not more than \$1000.

27 (d) Definitions.--As used in this section, the following
28 words and phrases shall have the meanings given to them in this
29 subsection:

30 "Consumer fireworks." As defined in section 2401 of the act

1 of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of
2 1971.

3 "Department." The Department of Agriculture of the
4 Commonwealth.

5 Section 3. This act shall take effect in 60 days.