

HOUSE BILL 1856

By Marsh

AN ACT to amend Tennessee Code Annotated, Title 68,  
relative to fireworks.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 68-104-101, is amended by adding the following as new subdivisions:

( ) "Novelties" means party poppers, snappers, deregulated toy smoke devices, snakes, sparklers, and glow worms, as long as the aforementioned items are not regulated as explosives by the United States department of transportation;

( ) "Sparkling devices":

(A) Means any ground-based or hand-held devices that:

(i) Emit showers of sparks and sometimes a whistling or crackling effect when burning;

(ii) Do not detonate or explode;

(iii) Cannot propel themselves through the air; and

(iv) Contain:

(a) No more than seventy-five (75) grams of pyrotechnic compound per tube;

(b) No more than a total of two hundred (200) grams of pyrotechnic compound if multiple tubes are used; or

(c) No more than five hundred (500) grams of pyrotechnic compound if multiple tubes are used and separated from each other on a base by a distance of at least one-half (1/2) inch, including, without limitation, cylindrical fountains, cone fountains,

illuminating torches, wheels, ground spinners, flutter sparklers, toy smoke devices, and wire sparklers containing no more than one hundred (100) grams of pyrotechnic composition per item; and

(B) Does not mean novelties;

SECTION 2. Tennessee Code Annotated, Title 68, Chapter 104, Part 1, is amended by adding the following as a new section:

68-104-107.

(a) A person who intends to sell sparkling devices and does not hold a permit described in § 68-104-102, must first register each location where the sparkling devices will be offered for sale with the state fire marshal. The state fire marshal shall not permit a person less than eighteen (18) years of age to register locations.

(b) The cost of registration under this section must not exceed twenty-five dollars (\$25.00).

(c) All registrations are for the calendar year or any fraction of the year and expire on December 31. However, the state fire marshal shall allow a grace period of two (2) business days following December 31 to each holder of a permit to renew.

SECTION 3. Tennessee Code Annotated, Section 68-104-110, is amended by designating the existing language as subsection (a) and adding the following as subsection (b):

(b) Notwithstanding subsection (a) or this chapter, retailers and seasonal retailers may sell novelties and sparkling devices in every city, town, municipality, and county, including a county with a metropolitan government, in this state.

SECTION 4. Tennessee Code Annotated, Section 68-104-111, is amended by deleting the section and substituting the following:

(a)

(1) It is unlawful for a retailer or seasonal retailer to place, store, locate, or display fireworks or sparkling devices in any window where the sun may shine through glass onto the fireworks or sparkling devices, or to permit the presence

of lighted cigars, cigarettes, or pipes within ten feet (10') of where the fireworks or sparkling devices are offered for sale.

(2) At all places where fireworks or sparkling devices are stored or sold, a retailer or seasonal retailer shall post signs with the words "Fireworks — No smoking" in letters no less than four inches (4") high.

(3) It is unlawful for a retailer or seasonal retailer to sell at retail fireworks or sparkling devices at a location where:

(A) Paints, oils, or varnishes are for sale or use, unless the paints, oils, or varnishes are kept in their original consumer containers; and

(B) Resin, turpentine, gasoline, or other flammable substances are stored or sold, if the storage creates an undue hazard to any person or property.

(b) All firework devices or sparkling devices that are readily accessible to handling by consumers or purchasers must have their fuses protected in such a manner as to protect against accidental ignition of an item by spark, cigarette ash, or other ignition source. Safety-type thread-wrapped and coated fuses are exempt from this subsection (b).

SECTION 5. Tennessee Code Annotated, Section 68-104-112(a)(1), is amended by deleting the subdivision and substituting the following:

(1) To purchase any Class C common fireworks or sparkling devices, a person must be at least sixteen (16) years of age. Any person sixteen (16) or seventeen (17) years of age who wishes to purchase Class C common fireworks must provide proof of age to the retailer or seasonal retailer by presenting a state-issued photo identification or be accompanied by an adult. It is unlawful for a retailer or seasonal retailer to offer for

retail sale or to sell any Class C common fireworks or sparkling devices to a person less than sixteen (16) years of age or to an intoxicated or irresponsible person.

SECTION 6. Tennessee Code Annotated, Section 68-104-112(a)(3), is amended by deleting the subdivision and substituting the following:

(3) It is unlawful for a person to ignite or discharge a permissible article of fireworks or sparkling devices within a motor vehicle, or to throw a permissible article of fireworks or sparkling devices from a motor vehicle. It is unlawful for a person to place or throw an ignited article of fireworks or sparkling devices into or at a motor vehicle, or at or near a person or group of people.

SECTION 7. Tennessee Code Annotated, Section 68-104-116, is amended by deleting the section and substituting the following:

(a) Except as provided in subsections (b) and (c), this chapter does not affect the validity of a private act or city ordinance that further prohibits or restricts the sale or use of fireworks.

(b) In counties with a population of not less than fifty-eight thousand seventy-five (58,075), nor more than fifty-eight thousand one hundred seventy-five (58,175), according to the 1980 federal census or any subsequent federal census, § 68-104-105 controls.

(c) No city, town, municipality, county, or metropolitan government, by private act, city ordinance, resolution, or other local enactment, shall prohibit, restrict, or impose any fee or charge on, or related to, the sale or use of novelties or sparkling devices authorized for sale or use by this part.

SECTION 8. This act shall take effect January 1, 2021, the public welfare requiring it.