

Sixtieth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1389

Introduced by

Representatives Pinkerton, Bellew, Ekstrom, Hunskor, Price

Senators Dever, O'Connell

1 A BILL for an Act to amend and reenact section 23-15-01 of the North Dakota Century Code,
2 relating to the prohibition of certain fireworks; to provide an effective date; and to declare an
3 emergency.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 23-15-01 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **23-15-01. Fireworks defined - Sale of fireworks.**

8 1. The term fireworks means any combustible or explosive composition, or any
9 substance or combination of substances or article prepared for the purpose of
10 producing a visible or an audible effect by combustion, explosion, deflagration, or
11 detonation. The term includes any blank cartridge, toy pistol, toy cannon, toy
12 cane, or toy gun in which an explosive other than a toy paper cap is used; balloon
13 that requires fire underneath to propel the balloon; firecracker, torpedo, skyrocket,
14 Roman candle, daygo bomb, sparkler, or other item of like construction; item
15 containing any explosive or flammable compound; or any tablet or other device
16 containing any explosive substance. This section does not apply to any toy paper
17 cap containing not more than twenty-five hundredths of a grain [16.20 milligrams]
18 of explosive composition per cap.

19 2. Any person operating a retail business and who has a retail license as provided in
20 section 23-15-04 may offer for sale and sell at retail that year, to any individual
21 who is at least twelve years of age, only during the period June twenty-seventh
22 through July fifth, the following items:

23 ~~4.~~ a. A star light, with wood spike cemented in one end, total pyrotechnic
24 composition not to exceed twenty grams each in weight (10 ball). A

- 1 skyrocket, customarily known as a bottle rocket, is not permissible if the
2 outside diameter of the casing is less than three-eighths inch [9.53
3 millimeters] and the length of the casing is less than two and one-fourth
4 inches [57.15 millimeters].
- 5 ~~2-~~ b. A helicopter type flyer, total pyrotechnic composition not to exceed twenty
6 grams each in weight.
- 7 ~~3-~~ c. A cylindrical fountain, total pyrotechnic composition not to exceed
8 seventy-five grams each in weight. The inside tube diameter may not exceed
9 three-fourths inch [19.05 millimeters].
- 10 ~~4-~~ d. A cone fountain, total pyrotechnic composition not to exceed fifty grams each
11 in weight.
- 12 ~~5-~~ e. A wheel, total pyrotechnic composition not to exceed sixty grams in weight,
13 for each driver unit, but there may be any number of drivers on any one
14 wheel. The inside bore of a driver tube may not be over one-half inch [12.7
15 millimeters].
- 16 ~~6-~~ f. An illuminating torch or a colored fire in any form, total pyrotechnic
17 composition not to exceed one hundred grams each in weight.
- 18 ~~7-~~ g. A sparkler or a dipped stick, total pyrotechnic composition not to exceed one
19 hundred grams each in weight. Pyrotechnic composition containing any
20 chlorate may not exceed five grams.
- 21 ~~8-~~ h. A comet or shell, of which the mortar is an integral part, except a comet or
22 shell designed to produce an audible effect, total pyrotechnic composition not
23 to exceed forty grams each in weight.
- 24 ~~9-~~ i. A soft shell firecracker not to exceed one and one-half inches [38.1
25 millimeters] in length and one-fourth inch [6.35 millimeters] in diameter, total
26 pyrotechnic composition not to exceed fifty milligrams each in weight.
- 27 ~~10-~~ j. A whistle without report, total pyrotechnic composition not to exceed forty
28 grams each in weight.

29 **SECTION 2. EFFECTIVE DATE.** This Act becomes effective on May 1, 2007.

30 **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.