

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.