

Sixty-first  
Legislative Assembly  
of North Dakota

## ENGROSSED SENATE BILL NO. 2366

Introduced by

Senators Oehlke, Horne

Representatives Pinkerton, Weiler

1 A BILL for an Act to amend and reenact section 23-15-01 of the North Dakota Century Code,  
2 relating to the sale of fireworks.

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

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

6 **23-15-01. Fireworks defined - Sale of fireworks.**

- 7 1. The term fireworks means any combustible or explosive composition, or any  
8 substance or combination of substances or article prepared for the purpose of  
9 producing a visible or an audible effect by combustion, explosion, deflagration, or  
10 detonation. The term includes any blank cartridge, toy pistol, toy cannon, toy  
11 cane, or toy gun in which an explosive other than a toy paper cap is used; balloon  
12 that requires fire underneath to propel the balloon; firecracker, torpedo, skyrocket,  
13 Roman candle, daygo bomb, sparkler, or other item of like construction; item  
14 containing any explosive or flammable compound; or any tablet or other device  
15 containing any explosive substance. This section does not apply to any toy paper  
16 cap containing not more than twenty-five hundredths of a grain [16.20 milligrams]  
17 of explosive composition per cap.
- 18 2. Any person operating a retail business and who has a retail license as provided in  
19 section 23-15-04 may offer for sale and sell at retail that year, to any individual  
20 who is at least twelve years of age, only during the period June twenty-seventh  
21 through July fifth, the following items:
- 22 4. a. A star light, with wood spike cemented in one end, total pyrotechnic  
23 composition not to exceed twenty grams each in weight (10 ball). However, a  
24 person may not offer to sell or offer to distribute a skyrocket, customarily

- 1                   known as a bottle rocket, if the outside diameter of the casing is less than  
2                   five-eighths inch [15.875 millimeters] and the length of the casing is less than  
3                   three and one-half inches [88.9 millimeters].
- 4           2-   b. A helicopter type flyer, total pyrotechnic composition not to exceed twenty  
5                   grams each in weight.
- 6           3-   c. A cylindrical fountain, total pyrotechnic composition not to exceed  
7                   seventy-five grams each in weight. The inside tube diameter may not exceed  
8                   three-fourths inch [19.05 millimeters].
- 9           4-   d. A cone fountain, total pyrotechnic composition not to exceed fifty grams each  
10                   in weight.
- 11          5-   e. A wheel, total pyrotechnic composition not to exceed sixty grams in weight,  
12                   for each driver unit, but there may be any number of drivers on any one  
13                   wheel. The inside bore of a driver tube may not be over one-half inch [12.7  
14                   millimeters].
- 15          6-   f. An illuminating torch or a colored fire in any form, total pyrotechnic  
16                   composition not to exceed one hundred grams each in weight.
- 17          7-   g. A sparkler or a dipped stick, total pyrotechnic composition not to exceed one  
18                   hundred grams each in weight. Pyrotechnic composition containing any  
19                   chlorate may not exceed five grams.
- 20          8-   h. A comet or shell, of which the mortar is an integral part, except a comet or  
21                   shell designed to produce an audible effect, total pyrotechnic composition not  
22                   to exceed forty grams each in weight.
- 23          9-   i. A soft shell firecracker not to exceed one and one-half inches [38.1  
24                   millimeters] in length and one-fourth inch [6.35 millimeters] in diameter, total  
25                   pyrotechnic composition not to exceed fifty milligrams each in weight.
- 26          10- j. A whistle without report, total pyrotechnic composition not to exceed forty  
27                   grams each in weight.