

HOUSE BILL No. 4509

March 11, 1991, Introduced by Rep. Bennett and referred to the Committee on Judiciary.

A bill to amend sections 243a and 243e of Act No. 328 of the Public Acts of 1931, entitled "The Michigan penal code," section 243a as amended by Act No. 422 of the Public Acts of 1980, being sections 750.243a and 750.243e of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 243a and 243e of Act No. 328 of the
2 Public Acts of 1931, section 243a as amended by Act No. 422 of
3 the Public Acts of 1980, being sections 750.243a and 750.243e of
4 the Michigan Compiled Laws, are amended to read as follows:

5 Sec. 243a. (1) As used in this chapter:

6 (a) "Fireworks" means a device made from explosive or
7 flammable compositions used primarily for the purpose of
8 producing a visible display or audible effect, or both, by

1 combustion, deflagration, or detonation. Fireworks includes
2 class B fireworks and class C fireworks.

3 (b) "Class B fireworks" means toy torpedoes, railway torpe-
4 does, firecrackers or salutes that do not qualify as class C
5 fireworks, exhibition display pieces, aeroplane flares, illumi-
6 nating projectiles, incendiary projectiles, incendiary grenades,
7 smoke projectiles or bombs containing expelling charges but with-
8 out bursting charges, flash powders in inner units not exceeding
9 2 ounces each, flash sheets in interior packages, flash powder or
10 spreader cartridges containing not more than 72 grains of flash
11 powder each, and other similar devices.

12 (c) "Class C fireworks" means toy smoke devices, toy caps
13 containing not more than .25 grains of explosive mixture, toy
14 propellant devices, cigarette loads, trick matches, trick noise
15 makers, smoke candles, smoke pots, smoke grenades, smoke signals,
16 hand signal devices, Very signal cartridges, sparklers, explosive
17 auto alarms, and other similar devices.

18 (2) Except as provided in subsection (3) and sections 243b,
19 243c, and 243d, a person, ~~firm,~~ partnership, ~~or~~ corporation,
20 OR OTHER LEGAL ENTITY shall not offer for sale, expose for sale,
21 sell at retail, keep with intent to sell at retail, possess,
22 give, furnish, transport, use, explode, or cause to explode any
23 of the following:

24 (a) A blank cartridge, blank cartridge pistol, toy cannon,
25 toy cane, or toy gun in which explosives are used.

1 (b) An unmanned balloon ~~which~~ THAT requires fire
2 underneath to propel it and is not moored to the ground while
3 aloft.

4 (c) Firecrackers, torpedoes, skyrockets, roman candles,
5 daygo bombs, bottle rockets, whistling chasers, rockets on
6 sticks, or other fireworks of like construction.

7 (d) Fireworks containing an explosive or inflammable com-
8 pound or a tablet or other device commonly used and sold as fire-
9 works containing nitrates, fulminates, chlorates, oxalates, sul-
10 phides of lead, barium, antimony, arsenic, mercury, nitroglycer-
11 ine, phosphorus, or a compound containing these or other modern
12 explosives.

13 (3) A permit is not required for the following:

14 (a) Flat paper caps containing not more than .25 of a grain
15 of explosive content per cap, in packages labeled to indicate the
16 maximum explosive content per cap.

17 (b) Toy pistols, toy cannons, toy canes, toy trick noise
18 makers, and toy guns of a type approved by the director of the
19 department of state police in which paper caps as described in
20 subdivision (a) are used and ~~which~~ THAT are so constructed that
21 the hand cannot come in contact with the cap when in place for
22 the explosion and ~~which~~ THAT are not designed to break apart or
23 be separated so as to form a missile by the explosion.

24 (c) Sparklers containing not more than .0125 pounds of burn-
25 ing portion per sparkler.

26 (d) Flitter sparklers in paper tubes not exceeding 1/8 inch
27 in diameter, cone fountains, and cylinder fountains.

1 (e) Toy snakes not containing mercury, if packed in
2 cardboard boxes with not more than 12 pieces per box for retail
3 sale and if the manufacturer's name and the quantity contained in
4 each box are printed on the box; and toy smoke devices.

5 (f) Possession, transportation, sale, or use of signal
6 flares of a type approved by the director of the department of
7 state police, blank cartridges or blank cartridge pistols specif-
8 ically for a show or theater, for the training or exhibiting of
9 dogs, for signal purposes in athletic sports, for use by military
10 organizations, and all items described in subsection (2) used by
11 railroads for emergency signal purposes.

12 (g) The sale of fireworks, ~~provided~~ IF they are to be
13 shipped directly out of state pursuant to regulations of the
14 United States department of transportation covering the transpor-
15 tation of explosives and other dangerous articles by motor, rail,
16 ~~and~~ OR water, AND IF THE SELLER ASCERTAINS FROM THE BUYER THE
17 OUT OF STATE DESTINATION TO WHICH THE MERCHANDISE IS TO BE
18 SHIPPED AND ARRANGES FOR DIRECT SHIPMENT FROM THE SELLER'S PLACE
19 OF BUSINESS TO THAT DESTINATION BY COMMON CARRIER OR BY A MEANS
20 OF TRANSPORTATION UNDER THE SELLER'S CONTROL. A PERSON, PARTNER-
21 SHIP, CORPORATION, OR OTHER LEGAL ENTITY THAT SELLS FIREWORKS IN
22 VIOLATION OF THIS SUBDIVISION IS GUILTY OF A MISDEMEANOR, PUNISH-
23 ABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS, OR BY A FINE OF
24 NOT MORE THAN \$1,000.00, OR BOTH.

25 Sec. 243e. ~~Any~~ EXCEPT AS OTHERWISE PROVIDED IN SECTION
26 243A, A person, ~~firm, copartnership or~~ PARTNERSHIP,
27 corporation, ~~who~~ OR OTHER LEGAL ENTITY THAT violates ~~any of~~

1 ~~the provisions~~ A PROVISION of sections 243a to 243d, or ~~who~~
2 THAT violates the terms of any permit issued ~~thereunder~~ UNDER
3 THOSE SECTIONS, is guilty of a misdemeanor.