

By: Representative Moak

To: Judiciary B

## HOUSE BILL NO. 137

1 AN ACT TO AMEND SECTION 45-13-1, MISSISSIPPI CODE OF 1972, TO  
2 PROHIBIT THE POSSESSION OR SALE OF CERTAIN TYPES OF SKY ROCKETS;  
3 TO AUTHORIZE SUCH SKY ROCKETS TO BE MANUFACTURED, POSSESSED OR  
4 STORED WITHIN THIS STATE BY MANUFACTURERS, DISTRIBUTORS AND  
5 WHOLESALEERS ONLY FOR SALE OR DISTRIBUTION OUTSIDE THE STATE OF  
6 MISSISSIPPI; TO AMEND SECTION 45-13-3, MISSISSIPPI CODE OF 1972,  
7 IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

9 SECTION 1. Section 45-13-1, Mississippi Code of 1972, is  
10 amended as follows:

11 45-13-1. (1) Except as herein provided, the manufacture,  
12 sale, possession or use of fireworks in this state is prohibited;  
13 provided, however, that except as otherwise provided in subsection  
14 (2) of this section, the manufacture, sale, possession and use of  
15 fireworks which are now or may hereafter be classified as "common  
16 fireworks" by the United States Department of Transportation, and  
17 are required to be labeled \* \* \* with the Class C common fireworks  
18 label, and which were designed to produce an audible effect shall  
19 contain an explosive composition not exceeding two (2) grains in  
20 weight, such fireworks being referred to as safe and sane items,  
21 and including such items as cone fountains, small Chinese  
22 crackers, small nonexplosive Roman candles and rockets, and  
23 similar nondangerous items, shall be permitted within this state,  
24 but only upon the conditions as hereinafter set forth in this  
25 article. \* \* \*

26 (2) The manufacture, sale, possession or use of aerial  
27 devices described by the United States Department of  
28 Transportation as sky rockets which have: (a) a motor tube of

29 less than one-half (1/2) inch outside diameter and less than three  
30 (3) inches overall length, (b) a flight stabilizing stick of less  
31 than one-eighth (1/8) inch in minimum cross-sectional dimension  
32 (side diameter), and (c) an overall length of less than fifteen  
33 (15) inches, shall not be permitted in this state; provided,  
34 however, that such sky rockets may be manufactured, possessed or  
35 stored within this state by manufacturers, distributors and  
36 wholesalers only for sale or distribution outside the State of  
37 Mississippi.

38 (3) Paper caps for use in toy guns and similar items and  
39 nonexplosive sparklers are not included within the term  
40 "fireworks" as \* \* \* used in this section.

41 SECTION 2. Section 45-13-3, Mississippi Code of 1972, is  
42 amended as follows:

43 45-13-3. Except as \* \* \* provided in this article, no  
44 retailer, dealer or any other person shall sell, offer for sale,  
45 store, display, or have in their possession, or use or explode  
46 anywhere in this state (a) any fireworks that have not been  
47 approved and labeled as Class C common fireworks by the United  
48 States Department of Transportation, or (b) any sky rocket  
49 prohibited by Section 45-13-1(2), regardless of the manner in  
50 which it is labeled. No jobber, wholesaler, manufacturer or any  
51 other person shall sell to retail dealers or any other person in  
52 this state for the purpose of resale or use in this state any  
53 fireworks which do not have the United States Department of  
54 Transportation Class C label printed on the fireworks or on the  
55 smallest package in which the same are sold. The United States  
56 Department of Transportation Class C label must be visible on the  
57 fireworks or smallest container in which the same are sold and the  
58 label shall be on the fireworks or on the package or both which  
59 are received by the general public from the dealer, and such label  
60 shall be of such size and so positioned as to be readily seen and  
61 recognized by law enforcement officers and the public. Wherever  
62 practical, such fireworks and container shall have imprinted  
63 thereon directions for the handling thereof.

64 SECTION 3. This act shall take effect and be in force from  
65 and after July 1, 1999.