HOUSE BILL NO. 148

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

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

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

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

(2) The manufacture, sale, possession or use of aerial devices described by the United States Department of Transportation as sky rockets which have: (a) a motor tube of less than one-half (1/2) inch outside diameter and less than three
(3) inches overall length, (b) a flight stabilizing stick of less than one-eighth (1/8) inch in minimum cross-sectional dimension (side diameter), and (c) an overall length of less than fifteen (15) inches, shall not be permitted in this state; provided, however, that such sky rockets may be manufactured, possessed or stored within this state by manufacturers, distributors and wholesalers only for sale or distribution outside the State of Mississippi.

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

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

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

SECTION 3. This act shall take effect and be in force from and after July 1, 2002.