

TITLE 10.

FIREWORKS AND SPARKLERS.

*Subtitle 1. Definitions; General Provisions.***§ 10-101. Definitions.**

(a) *In general.* — In this title the following words have the meanings indicated.

(b) *1.3 G fireworks.* — (1) “1.3 G fireworks” means special fireworks designed primarily to produce visible or audible effects by combustion or explosion.

(2) “1.3 G fireworks” includes:

(i) toy torpedoes, railway torpedoes, firecrackers and salutes that do not qualify as 1.4 G fireworks, exhibition display pieces, illuminating projectiles, incendiary projectiles, and incendiary grenades;

(ii) smoke projectiles or bombs containing expelling charges but without bursting charges;

(iii) flash powders in inner units not exceeding 2 ounces each, flash sheets in interior packages, and flash powder or spreader cartridges containing an amount not exceeding 72 grains of flash powder each; and

(iv) flash cartridges consisting of a paper cartridge shell, small arms primer, and flash composition, not exceeding 180 grains, all assembled in one piece.

(c) *1.4 G fireworks*. — (1) “1.4 G fireworks” means common fireworks designed primarily to produce visible effects by combustion.

(2) “1.4 G fireworks” includes:

(i) small devices containing less than 2 grains of pyrotechnic composition designed to produce an audible effect;

(ii) Roman candles, not exceeding 10 balls, that have a total pyrotechnic composition not exceeding 20 grams and inside tube diameter not exceeding $\frac{3}{8}$ inch;

(iii) sky rockets with sticks, that have a total pyrotechnic composition not exceeding 20 grams and an inside tube diameter not exceeding $\frac{1}{2}$ inch;

(iv) helicopter-type rockets that have a total pyrotechnic composition not exceeding 20 grams and an inside tube diameter not exceeding $\frac{1}{2}$ inch;

(v) wheels that have a total pyrotechnic composition not exceeding 60 grams for each driver unit or 240 grams for each wheel and an inside tube diameter of driver units not exceeding $\frac{1}{2}$ inch;

(vi) illuminating torches and colored fire in any form that have a total pyrotechnic composition not exceeding 100 grams each;

(vii) dipped sticks that have a pyrotechnic composition containing any perchlorate not exceeding 5 grams;

(viii) mines or shells in which the mortar is an integral part, that have a total pyrotechnic composition not exceeding 40 grams;

(ix) firecrackers or salutes with casings that have a total pyrotechnic composition not exceeding 2 grains each and external dimensions not exceeding 1 $\frac{1}{2}$ inches in length or $\frac{1}{4}$ inch in diameter; and

(x) novelties that consist of two or more 1.4 G fireworks.

(d) *Explosive composition*. — “Explosive composition” means a mixture or substance that, when ignited, may cause such a generation of highly heated gases that the resulting gaseous pressures are capable of producing destructive effects on contiguous objects.

(e) *Finishing and assembling building*. — “Finishing and assembling building” means a structure in which fireworks are assembled and packed but are not mixed or pressed.

(f) *Fireworks*. — (1) “Fireworks” means combustible, implosive or explosive compositions, substances, combinations of substances, or articles that are prepared to produce a visible or audible effect by combustion, explosion, implosion, deflagration, or detonation.

(2) “Fireworks” includes 1.3 G fireworks, 1.4 G fireworks, firecrackers, squibs, rockets, Roman candles, fire balloons, and signal lights.

(3) “Fireworks” does not include:

(i) toy pistols, toy canes, toy guns, or other devices that use paper caps that contain 0.25 grains or less of explosive composition if the devices are constructed so that a hand cannot touch the cap when the cap is in place for use;

(ii) toy pistol paper caps that contain less than 0.20 grains of explosive composition;

- (iii) sparklers that do not contain chlorates or perchlorates;
- (iv) ground-based sparkling devices that are nonaerial and nonexplosive, and are labeled in accordance with the requirements of the U.S. Consumer Product Safety Commission;
- (v) paper wrapped snappers that contain less than 0.03 grains of explosive composition; or
- (vi) ash-producing pellets known as “snakes” that do not contain mercury and are not regulated by the U.S. Department of Transportation.

(g) *Fireworks plant*. — (1) “Fireworks plant” means land and any building on the land used in connection with the manufacture, packaging, repackaging, or processing of fireworks.

(2) “Fireworks plant” includes a storage building used in connection with plant operation.

(h) *Mixing building*. — “Mixing building” means a building primarily used to mix and blend pyrotechnic composition other than wet sparkler mixes.

(i) *Press building*. — “Press building” means a building used primarily for pressing or loading pyrotechnic composition into tubes or containers.

(j) *Pyrotechnic composition*. — “Pyrotechnic composition” means a chemical mixture that on burning and without explosion produces visible or brilliant displays, bright lights, or whistles.

(k) *Storage building*. — “Storage building” means a structure in which finished fireworks or fireworks in any state of processing are stored, but in which processing or manufacturing is not performed. (An. Code 1957, art. 38A, § 15(a)-(j); 2003, ch. 5, § 2.)

Fireworks displays. — Lawful fireworks displays were not an abnormally dangerous activity because the statutory scheme regulating the use of fireworks significantly reduced the risk of harm associated with the discharge thereof, there was not a high likelihood of harm, the location was appropriate due to strict regulations, and the value to the community outweighed the danger. *Toms v. Calvary Assembly of God, Inc.*, 446 Md. 543, 132 A.3d 866 (2016).

As the lawful discharge of fireworks by a church, fireworks company, and others was not an abnormally dangerous activity, based upon the six-factor test, permit requirements, and general regulations of fireworks by the applicable statutory scheme, there was no strict liability for an adjacent farmer’s damages due to the farmer’s cows’ stampede from the noise. *Toms v. Calvary Assembly of God, Inc.*, 446 Md. 543, 132 A.3d 866 (2016).

§ 10-102. Scope of title.

(a) *In general*. — This title does not apply to:

(1) the sale, possession, or use of fireworks to or by the federal government or a state or a political subdivision of a state;

(2) the sale, possession, or use of a combustible or explosive preparation to or by an industrial or commercial business for use as a signal or otherwise in the normal course of business;

(3) the possession or use of a fusee, railroad torpedo, rocket, Very signal cartridge, or other signal device that is essential to and is kept and used to promote safety in the operation of a motor vehicle, boat, railroad, or aircraft;

(4) the use of a flare, signal pistol, or other equipment if used as a signal in an athletic contest or for a similar purpose; or

(5) subject to the terms and conditions of a permit issued by the State Fire Marshal under subsection (b) of this section, the sale, possession, or use of an explosive device or preparation with a slow-burning fuse rope to or by a farmer for controlling destructive animals.

(b) *Permits for controlling destructive animals.* — The State Fire Marshal or a State game warden as a representative of the State Fire Marshal may grant a nontransferable permit to a farmer to use an explosive device or preparation described under subsection (a)(5) of this section for controlling destructive animals. (An. Code 1957, art. 38A, § 24; 2003, ch. 5, § 2.)

§ 10-103. Authority to grant permits to discharge fireworks.

(a) *In general.* — Subject to subsections (b) and (c) of this section, the State Fire Marshal may issue a permit to authorize the discharge of fireworks in a place where the discharge of fireworks is legal.

(b) *Findings required by State Fire Marshal.* — The State Fire Marshal shall issue a permit to discharge fireworks only if the State Fire Marshal determines that the proposed discharge of fireworks will:

- (1) not endanger health or safety or damage property; and
- (2) be supervised by an experienced and qualified person who has previously secured written authority from the State Fire Marshal to discharge fireworks.

(c) *Scope of permit.* — A permit to discharge fireworks:

(1) does not authorize the holder of the permit to possess or discharge fireworks in violation of an ordinance or regulation of the political subdivision where the fireworks are to be discharged; and

(2) does not relieve an applicant for a permit from any requirement to obtain any additional license or authority from the governing body of the political subdivision where the fireworks are to be discharged. (An. Code 1957, art. 38A, § 18(a)(1); 2003, ch. 5, § 2.)

No strict liability. — As the lawful discharge of fireworks by a church, fireworks company, and others was not an abnormally dangerous activity, based upon the six-factor test, permit requirements, and general regulations of fireworks by the applicable statutory scheme,

there was no strict liability for an adjacent farmer's damages due to the farmer's cows' stampede from the noise. *Toms v. Calvary Assembly of God, Inc.*, 446 Md. 543, 132 A.3d 866 (2016).

§ 10-104. Permit to discharge fireworks.

(a) *Required.* — A person must have a permit to discharge fireworks as provided by this subtitle before the person:

- (1) discharges fireworks; or
- (2) possesses fireworks with the intent to discharge fireworks or to allow the discharge of fireworks.

(b) *Application.* — An applicant for a permit to discharge fireworks shall:

- (1) apply to the State Fire Marshal for the permit at least 10 days before the date of discharge;
- (2) pay to the State Fire Marshal a permit fee of \$50; and

(3) post a bond with the State Fire Marshal in accordance with § 10-105 of this subtitle.

(c) *Late fee.* — If the State Fire Marshal does not receive the application for a permit required under subsection (b) of this section at least 10 days before the date of the discharge, the State Fire Marshal shall charge the applicant a late fee of \$50 in addition to all required fees.

(d) *Exemption from fee.* — The permit fee required under subsection (b)(2) of this section and the late fee required under subsection (c) of this section do not apply to a volunteer fire department or volunteer ambulance and rescue company.

(e) *Permit nontransferable.* — A permit to discharge fireworks is nontransferable. (An. Code 1957, art. 38A, §§ 16(a), 18(a); 2003, ch. 5, § 2.)

University of Baltimore Law Forum. — For a 2016 development, "*Toms v. Calvary Assembly of God, Inc.: Noise Resulting From Legally Permissible Fireworks Does Not Constitute an Abnormally Dangerous Activity, and*

the Application of Strict Liability Is Inappropriate," see 47 U. Balt. L. F. 79 (2016).

Stated in *Toms v. Calvary Assembly of God, Inc.*, 446 Md. 543, 132 A.3d 866 (2016).

§ 10-105. Bond or insurance.

(a) *In general.* — (1) Before issuing a permit to discharge fireworks, the State Fire Marshal shall require an applicant to furnish a surety bond with corporate surety approved by the State Fire Marshal or an approved liability and property insurance policy.

(2) The State Fire Marshal shall prescribe the amount of the bond or policy.

(3) The bond or policy:

(i) shall be conditioned on the payment of all damages to persons or property caused by the discharge of fireworks described in the permit;

(ii) shall be payable to the State; and

(iii) may be enforced by a person who suffers damage caused by the discharge of fireworks described in the permit by suit filed in the name of the State for the benefit of the person.

(b) *Claims.* — If claims under a bond or policy required under this subtitle are for an amount greater than the penal sum of the bond or amount of the policy, the claims shall be payable pro rata to the amount of the penal sum of the bond or amount of the policy. (An. Code 1957, art. 38A, § 18(a)(1); 2003, ch. 5, § 2; ch. 21, § 7.)

§ 10-106. Workers' compensation; accident insurance.

An applicant for a permit shall provide:

(1) workers' compensation coverage as required by the Maryland Workers' Compensation Act; and

(2) for operators not covered by workers' compensation, approved accident insurance coverage in amounts that the State Fire Marshal prescribes. (An. Code 1957, art. 38A, § 18(a)(1); 2003, ch. 5, § 2.)

§ 10-107. Inspections and investigations for permits.

The State Fire Marshal may deputize the chief or another member of a local fire department or another qualified official to inspect, investigate, and receive applications for permits. (An. Code 1957, art. 38A, § 18(a)(1); 2003, ch. 5, § 2.)

Stated in *Toms v. Calvary Assembly of God, Inc.*, 446 Md. 543, 132 A.3d 866 (2016).

§ 10-108. Advertising discharge of fireworks.

A person may not advertise in written or printed form that a fireworks display or discharge will take place in Baltimore City unless the advertisement states:

- (1) that the promoter is covered by a policy of liability insurance; and
 - (2) the name of the insurer and the policy number of the insurance policy.
- (An. Code 1957, art. 38A, § 18(b); 2003, ch. 5, § 2.)

§ 10-109. Regulations.

The State Fire Prevention Commission shall adopt regulations to carry out this subtitle. (An. Code 1957, art. 38A, § 18(a)(1); 2003, ch. 5, § 2.)

§ 10-110. Prohibited acts.

(a) *Discharge or possession of fireworks without permit.* — Unless the person holds a permit issued under this subtitle, a person may not:

- (1) discharge fireworks; or
- (2) possess fireworks:
 - (i) with intent to discharge or allow the discharge of the fireworks in violation of this subtitle; or
 - (ii) for the purpose of disposing or selling the fireworks to a person for use or discharge without a permit, if a permit is required by this subtitle.

(b) *Sale of fireworks without permit.* — (1) Except as otherwise provided in this subtitle, a person may not sell fireworks to another person without a permit issued under this subtitle.

(2) (i) A person licensed by the State Fire Marshal under Subtitle 2 of this title may sell or deliver fireworks to a bona fide distributor, jobber, or wholesaler with a principal place of business in a state where the sale or possession of fireworks is allowed.

(ii) The State Fire Marshal may require a person who is an out-of-state distributor, jobber, or wholesaler to submit a certificate issued by the person's state of operation that demonstrates authority to buy and receive fireworks. (An. Code 1957, art. 38A, § 16(a)(1), (b); 2003, ch. 5, § 2.)

§ 10-111. Penalties.

(a) *Possessing or discharging fireworks in violation of subtitle.* — A person who possesses or discharges fireworks in violation of this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$250 for each offense.

(b) *Selling fireworks in violation of subtitle.* — A person who sells fireworks in violation of this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 for each offense.

(c) *Seizure and forfeiture of fireworks.* — (1) At the expense of the owner, the State Fire Marshal shall seize and remove all fireworks possessed or sold in violation of this subtitle.

(2) Fireworks described in paragraph (1) of this subsection shall be forfeited and destroyed. (An. Code 1957, art. 38A, § 17; 2003, ch. 5, § 2.)

Quoted in *Toms v. Calvary Assembly of God, Inc.*, 446 Md. 543, 132 A.3d 866 (2016).

§ 10-112. Sale of sparklers and sparkling devices to person under age of 16 years.

(a) *Prohibited.* — A person may not sell sparklers or sparkling devices to a person under the age of 16 years.

(b) *Penalty.* — A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000. (An. Code 1957, art. 38A, § 16A; 2003, ch. 5, § 2.)

§ 10-113. Registration of distributors or wholesalers of sparklers or sparkling devices.

(a) *Scope of section.* — This section applies to a distributor or wholesaler of sparklers or sparkling devices who:

(1) intends to conduct business in the State; or

(2) sells, ships, or assigns for sale in the State the products of the distributor or wholesaler.

(b) *Registration required.* — A distributor or wholesaler shall register annually with the State Fire Marshal on forms the State Fire Marshal provides.

(c) *Annual fee for registration.* — The annual fee for registration under this section is \$750.

(d) *Penalty.* — A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both. (An. Code 1957, art. 38A, § 19A; 2003, ch. 5, § 2.)

Subtitle 2. Fireworks Plants.

§ 10-201. License to operate fireworks plant.

(a) *In general; scope of license.* — (1) Only the State Fire Marshal may issue a license to operate a fireworks plant.

(2) A person shall be licensed by the State Fire Marshal before the person may operate a fireworks plant in the State.

(3) A license to operate a fireworks plant issued under this subtitle authorizes the licensee to:

(i) manufacture, process, and store 1.4 G fireworks, sparklers, sparkling devices, rockets, and Roman candles as authorized under this subtitle; and

(ii) store 1.4 G fireworks and 1.3 G fireworks at an approved location in a storage building approved by the State Fire Marshal or a local authority having jurisdiction over local fire prevention codes.

(b) *Compliance with subtitle required.* — Each fireworks plant in the State, regardless of when constructed, must conform to the requirements of this subtitle before a license to operate a fireworks plant is issued or renewed.

(c) *Determination of compliance before licensure.* — Before the State Fire Marshal issues or renews a license to operate a fireworks plant:

(1) the State Fire Marshal, or a designee of the State Fire Marshal, shall:

(i) inspect the fireworks plant for compliance with this subtitle and regulations adopted under this subtitle; and

(ii) find the fireworks plant to be in full compliance with this subtitle and the regulations adopted under this subtitle;

(2) each unit of the State or political subdivision of the State that is responsible for determining compliance with other applicable statutes, ordinances, and regulations shall:

(i) determine whether the fireworks plant is in compliance with the other applicable statutes, ordinances, and regulations; and

(ii) report the results of the determination to the State Fire Marshal; and

(3) the State Fire Marshal must receive a report from each unit of the State or political subdivision of the State that is responsible for determining compliance with applicable statutes, ordinances, and regulations, that states that the fireworks plant is in full compliance.

(d) *Prior conviction.* — The State Fire Marshal may deny a license to operate a fireworks plant to an applicant who has been convicted of a felony under federal law or any state law.

(e) *Term of license.* — The term of a license may not exceed 1 year.

(f) *Licensing fee.* — An applicant shall pay to the State Fire Marshal a license fee of \$750.

(g) *License suspension and revocation.* — (1) Except as provided in paragraph (2) or (3) of this subsection, if a licensee commits a violation of this subtitle or a regulation adopted by the State Fire Prevention Commission under this subtitle, the State Fire Marshal may suspend the license of the licensee for not more than 30 days.

(2) The State Fire Marshal shall suspend for 30 days the license of a licensee who, within 5 years of committing a first violation, commits a second violation of this subtitle or a regulation adopted by the State Fire Prevention Commission under this subtitle.

(3) The State Fire Marshal shall revoke the license of a licensee who, within 5 years of committing a first violation, commits a third violation, of this subtitle or a regulation adopted by the State Fire Prevention Commission under this subtitle.

(4) On suspending or revoking a license under this subsection, the State Fire Marshal shall:

(i) file and keep a statement of the nature of the violation that resulted in the suspension or revocation; and

(ii) provide a copy of the statement to the owner and the operator of the fireworks plant.

(5) (i) If the State Fire Marshal suspends, revokes, or refuses to renew a license, the State Fire Marshal or designee of the State Fire Marshal shall:

1. determine whether the continued presence of explosive composition within the fireworks plant constitutes a danger to public safety; and

2. if there is a finding of a danger to public safety, remove and dispose of the explosive composition.

(ii) If the State Fire Marshal determines that the danger to public safety under subparagraph (i) of this paragraph is a clear and present danger, the State Fire Marshal or designee of the State Fire Marshal shall remove and dispose of the explosive composition even if an appeal is pending. (An. Code 1957, art. 38A, §§ 19(a), (e)-(g), 20(e); 2003, ch. 5, § 2.)

§ 10-202. Regulations.

(a) *Adoption and enforcement.* — As necessary or advisable to protect the safety of employees of a fireworks plant and the public and to protect public property, the State Fire Prevention Commission shall:

(1) adopt regulations consistent with this subtitle; and

(2) enforce the regulations through the office of the State Fire Marshal.

(b) *Scope.* — The scope of the regulations adopted under this section may include:

(1) the implementation of this subtitle; and

(2) requirements relating to:

(i) the location, construction, arrangement, and operation of a fireworks plant;

(ii) personnel;

(iii) public liability and workers' compensation insurance; and

(iv) fireworks plant safety. (An. Code 1957, art. 38A, § 19(b); 2003, ch. 5, § 2.)

§ 10-203. Inspections.

(a) *Authority.* — The State Fire Marshal or a designee of the State Fire Marshal shall inspect periodically each fireworks plant owned or operated by a person licensed under this subtitle.

(b) *Area of inspection.* — An inspection under this section shall include all aspects of fireworks plant operation. (An. Code 1957, art. 38A, § 19(c); 2003, ch. 5, § 2.)

§ 10-204. Locations of buildings; fencing.

(a) *Location.* — (1) Subject to paragraphs (2) and (3) of this subsection, a mixing building or storage building of a fireworks plant shall be located at least:

(i) 1,000 feet from a school, church, hospital, place of public assembly, or gasoline or fuel oil storage building or service station; and

(ii) 200 feet from any other inhabited building, a highway, or a railroad.

(2) A building within a fireworks plant that contains hazardous mixes or items may not be located nearer to the fireworks plant property line than is authorized under regulations adopted by the State Fire Prevention Commission.

(3) (i) Except as provided in subparagraph (ii) of this paragraph, a finishing and assembling building shall be located at least:

1. 75 feet from any other finishing and assembling building; and

2. 200 feet from any storage building used primarily to store finished fireworks other than sparklers.

(ii) If a candle building or rocket press building of a fireworks plant is constructed of approved fire-resistant materials, is barricaded, and otherwise meets the requirements of the State Fire Prevention Commission, the building shall be located at least 50 feet from other finishing and assembling buildings.

(4) A licensee may package and repackage 1.4 G fireworks in finished form in a storage building if there is a minimum separation distance of 25 feet between the packaging area and any stored fireworks.

(5) Except as provided under paragraph (3)(ii) of this subsection, a distance prescribed under this section may not be reduced because of the presence of a barricade or earth cover.

(b) *Fencing.* — (1) Except as provided in paragraph (2) of this subsection, a fireworks plant shall be completely surrounded by a substantial fence that:

(i) is at least 6 feet tall;

(ii) contains at least three strands of barbed wire; and

(iii) except as provided in paragraph (3) of this subsection, contains openings equipped with suitable gates that are kept securely locked when not in use.

(2) Except for an office building in which processing or storage is prohibited, each building in a fireworks plant shall be located within the fence required under paragraph (1) of this subsection.

(3) The main gate of the plant may be left open during the regular hours of plant operation if the gate is within the unobstructed view and under the observation of authorized responsible employees or guards.

(4) The licensee shall post conspicuous signs at least every 500 feet along the fence of the fireworks plant that state "WARNING — NO SMOKING — NO TRESPASSING". (An. Code 1957, art. 38A, §§ 15(j), 20(a), (c), (d); 2003, ch. 5, § 2.)

§ 10-205. Construction of plant buildings.

(a) *In general.* — Each building in a fireworks plant shall be constructed as provided in this section.

(b) *Exterior walls and roofs.* — (1) This subsection applies to a building that is constructed or improved after July 1, 1970, or to which an addition is made after July 1, 1970.

(2) The following buildings in a fireworks plant shall have exterior walls and roofs that are constructed of noncombustible material and shall be constructed to be frangible:

- (i) a finishing and assembling building;
- (ii) a press building; and
- (iii) a mixing building.

(c) *Limitation on stories.* — A building in a fireworks plant may not contain a basement or exceed one story.

(d) *Floors and interior walls.* — (1) The interior wall surfaces and ceilings of a building in a fireworks plant shall:

- (i) be smooth, free from cracks and crevices, and fire resistant; and
- (ii) contain a minimum number of horizontal ledges on which dust may accumulate.

(2) (i) A floor or work surface in a building in a fireworks plant may not have cracks or crevices in which explosives may lodge.

(ii) A wall joint or opening for wiring or plumbing in a building in a fireworks plant shall be sealed to prevent entry of dust.

(3) A mixing building or press building in a fireworks plant shall contain conductive flooring that is properly grounded.

(e) *Heating.* — A building in a fireworks plant shall be heated by:

- (1) steam;
- (2) indirectly radiating hot air;
- (3) hot water; or
- (4) any other means approved by the State Fire Prevention Commission.

(f) *Electrical wiring and lighting.* — (1) All electric wiring in a fireworks plant shall be permanent and installed in approved conduits.

(2) All electrical service shall comply with applicable electrical codes.

(3) Temporary or loose electric wiring or extension lights may not be used except:

(i) during repair operations while using approved temporary extensions; and

(ii) after the area has been cleared of all explosive composition and washed of dust.

(4) Each fireworks plant shall have a master switch that:

(i) is located at the point where electric current enters the fireworks plant; and

(ii) on being opened, immediately cuts off all electric current to the fireworks plant.

(5) Other than in a warehouse, an open knife switch may not be used inside a building of a fireworks plant.

(6) Artificial lighting in a fireworks plant shall be provided by electric, vapor-proof, keyless lamps.

(g) *Exits.* — (1) Except as provided in paragraph (2) of this subsection, each building shall contain:

- (i) at least two exits for each work area; and
- (ii) at least two exits from the building.

(2) Each small building with a designated capacity of one individual may have only one exit.

- (3) Each exit shall be at least 30 inches wide.
- (4) Exits shall be located:
 - (i) so that the path of travel from the work area is unobstructed; and
 - (ii) at opposite ends of the work area.
- (5) An exit door shall:
 - (i) open outward;
 - (ii) remain unlocked during the hours that the work area or building is occupied; and
 - (iii) remain unobstructed. (An. Code 1957, art. 38A, § 21 (intro. lang.), (1), (2), (4)-(6), (8); 2003, ch. 5, § 2.)

§ 10-206. Plant equipment.

(a) *In general.* — Each building in a fireworks plant shall be equipped as provided in this section.

(b) *Heating equipment.* — (1) A stove, an exposed flame, or an electric heater may not be used in a fireworks plant, except in a boiler room, machine shop, office building, pump house, or lavatory in which fireworks, fireworks components, or volatile chemicals are prohibited.

(2) If a unit heater is located inside a building that could, at any time, contain explosive composition:

- (i) the heater shall be equipped with an explosion-proof motor; and
- (ii) the switches controlling the motor of the unit heater shall be located outside the building in which the motor is located.

(c) *Devices capable of producing open spark.* — An electric motor, fan, open switch, or other device capable of producing an open spark shall be located:

- (1) outside any building in a fireworks plant that at any time contains explosive composition; and
- (2) in a manner so that an open spark cannot be introduced into a building in a fireworks plant that, at any time, contains explosive composition.

(d) *Presses or other mechanical devices.* — A press or other mechanical device located in a building in a fireworks plant that, at any time, contains explosive composition shall be properly grounded to prevent the accumulation of static electricity. (An. Code 1957, art. 38A, § 21 (intro. lang.), (5), (7); 2003, ch. 5, § 2.)

§ 10-207. Safety standards for buildings.

(a) *Materials.* — (1) In this subsection, “explosive composition” or “pyrotechnic composition” includes raw materials, materials being processed, and finished products.

(2) By regulation, the State Fire Prevention Commission shall determine the maximum amount of explosive composition or pyrotechnic composition that may be safely kept in any building in a fireworks plant at any time.

(3) A licensee shall:

- (i) post conspicuously on each building in the fireworks plant, the limits on the amount of explosive composition or pyrotechnic composition authorized under this subsection; and

(ii) strictly comply with the limits.

(b) *Sanitation.* — (1) A licensee shall keep each building in a fireworks plant clean, orderly, and free from accumulated dust or rubbish.

(2) If powder or other explosive materials are spilled on the floor of a building in a fireworks plant, the licensee shall ensure that the floor is cleaned immediately and that the powder or materials are removed immediately from the building.

(c) *Waste materials.* — (1) A licensee shall ensure that rags, combustible and explosive scrap, and paper are:

- (i) kept separate from each other; and
- (ii) placed in approved marked containers.

(2) A licensee shall ensure that waste and rejected hazardous materials are:

- (i) removed daily from each building;
- (ii) removed at regular intervals from the fireworks plant; and
- (iii) destroyed by submersion in water or by burning.

(3) A licensee shall ensure that nonhazardous waste is:

- (i) removed at regular intervals from the fireworks plant; and
- (ii) disposed of in a landfill system or by other suitable means.

(d) *Fire extinguishers.* — A licensee shall ensure that adequate and appropriate fire extinguishers that meet the State Fire Prevention Code are:

- (1) kept in each building in a fireworks plant; and
- (2) readily accessible at all times.

(e) *Visitors.* — (1) Unless an individual has signed into a log and has stated in writing the purpose of the individual's visit to the fireworks plant, a licensee may not allow entry into a fireworks plant by an individual other than:

- (i) an authorized employee; or
- (ii) a representative of a unit of the federal government, a state government, or a political subdivision, having jurisdiction over the fireworks plant.

(2) A licensee shall:

(i) maintain the log of visitors to the fireworks plant for at least 2 years; and

(ii) make the log available for inspection by the State Fire Marshal or a representative of the State Fire Marshal.

(3) All visitors shall wear conductive footwear.

(f) *Security guards.* — (1) There shall be at least one competent security guard present on duty whenever any explosive composition is located within a fireworks plant.

(2) The security guard:

- (i) may not sleep on duty; and
- (ii) shall patrol the entire fireworks plant regularly when the fireworks plant is not in operation. (An. Code 1957, art. 38A, §§ 20(b), 21(2), 22(a)-(d), 23(a); 2003, ch. 5, § 2.)

§ 10-208. Testing of fireworks.

(a) *In general.* — A licensee may test fireworks or their components only in an area that is:

- (1) set aside for that purpose; and
- (2) located at a safe distance from any fireworks plant building or other structure, considering the nature of the materials being tested.

(b) *Experimental testing.* — A licensee may experiment with fireworks, pyrotechnics, or their components only as authorized by the State Fire Marshal. (An. Code 1957, art. 38A, § 22(e), (f); 2003, ch. 5, § 2.)

§ 10-209. Safety requirements for personnel.

(a) *Plant safety officer; employee safety instruction.* — (1) The licensee shall designate an employee in each fireworks plant as safety officer.

(2) When an employee of a fireworks plant begins employment in the fireworks plant and at least annually thereafter, the safety officer shall instruct the employee formally about:

- (i) the provisions of this subtitle;
- (ii) regulations adopted by the State Fire Prevention Commission;
- (iii) proper methods and procedures in fireworks plants;
- (iv) safety requirements and procedures for handling explosives and fireworks; and

(v) other subjects that the State Fire Prevention Commission requires.

(3) After receiving each course of instruction, the employee shall sign a statement that the employee:

- (i) has received instruction in the subjects required under paragraph (2) of this subsection; and
- (ii) understands the requirements for safe practices.

(4) The statement required under paragraph (3) of this subsection shall be:

- (i) filed in the personnel records of the fireworks plant; and
- (ii) made available for inspection by the State Fire Marshal.

(b) *Maximum number of employees and others.* — A licensee shall post conspicuously in each building signs stating the maximum number of workers and visitors who may be present in the building at any one time.

(c) *Clothing and equipment.* — (1) A licensee shall:

(i) provide cotton working uniforms and conductive shoes to each individual working in a mixing building and press building in a fireworks plant;

(ii) provide facilities for:

- 1. individuals to change into and out of uniforms; and
- 2. the safekeeping of clothing;

(iii) wash uniforms frequently to prevent the accumulation of explosive composition on the uniforms; and

(iv) provide for employees washing and showering facilities designated by the Secretary of Health.

(2) (i) Each individual working in a mixing building and press building in a fireworks plant shall wear the cotton uniforms and conductive shoes that the licensee provides.

(ii) Each individual working in a production building in a fireworks plant shall wear the type of eye protection designated by the Secretary of Health.

(iii) Each individual working in a mixing area in a fireworks plant shall wear the type of respirator designated by the Secretary of Health.

(3) An individual may not wear the uniform outside the fireworks plant.

(d) *Use of tobacco products.* — (1) Except as provided in paragraph (2) of this subsection, a person may not smoke or carry a lighted pipe, cigarette, cigar, match, lighter, or open flame inside the fence of a fireworks plant.

(2) A licensee may allow smoking in:

- (i) an office building; or
- (ii) another building if:

1. the building is used exclusively as a lunchroom or for rest rooms; and

2. the presence of fireworks or any explosive composition in the building is prohibited.

(3) The licensee shall mark locations in which smoking is authorized.

(4) Smoking locations shall contain:

- (i) suitable receptacles for cigarette and cigar butts and pipe heels; and
- (ii) at least one serviceable fire extinguisher of a type that is acceptable to the State Fire Marshal.

(5) A person whose clothing is so contaminated with explosives or other dangerous materials as to possibly endanger the safety of other fireworks plant personnel may not be allowed in a smoking location.

(e) *Inflammatory materials and tools.* — (1) A person may not bring into a finishing and assembling building, press building, mixing building, or storage building:

- (i) a match, cigarette lighter, or other flame-producing device; or
- (ii) a key, knife, coin, or other personal article made of metal.

(2) A person shall only use properly maintained and nonferrous safety hand tools in any area of a fireworks plant in which there is a danger that materials may be ignited by sparks.

(f) *Use of liquor and narcotics.* — A person may not:

(1) enter or attempt to enter a fireworks plant while:

- (i) possessing liquor or narcotics; or
- (ii) under the influence of liquor or narcotics; or

(2) consume intoxicants or narcotics while in a fireworks plant. (An. Code 1957, art. 38A, §§ 21(2), (3), 23(b)-(g); 2003, ch. 5, § 2; 2017, ch. 214, § 7.)

Editor's note. — Pursuant to § 7, ch. 214, Acts 2017, "Secretary of Health" was substituted for "Secretary of Health and Mental Hygiene" in (c)(1)(iv), (c)(2)(ii), and (c)(2)(iii).

§ 10-210. Prohibited acts; penalties.

(a) *Unlicensed manufacturing or processing.* — (1) A person may not manufacture or process fireworks in the State except in a fireworks plant of a licensee.

(2) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both.

(b) *Unauthorized manufacture or storage of fireworks.* — (1) Unless otherwise authorized by law, a person under this subtitle may not manufacture:

- (i) 1.3 G fireworks other than rockets and Roman candles;
- (ii) fireworks commonly known as “flash and sound”;
- (iii) products utilizing potassium chlorate; or
- (iv) explosives.

(2) Except as otherwise authorized under this subtitle or Title 11, Subtitle 1 of this article, a person may not store 1.3 G fireworks other than rockets or Roman candles.

(3) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both.

(c) *Unlicensed operation of a fireworks plant.* — (1) A person who has been denied a license to operate a fireworks plant in the State or whose license to operate a fireworks plant in the State has been suspended or revoked may not operate that fireworks plant in the State.

(2) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$2,000 or both. (An. Code 1957, art. 38A, § 19(d), (e), (h); 2003, ch. 5, § 2.)

TITLE 11.