

# SENATE BILL No. 382

April 27, 1989, Introduced by Senators KELLY, NICHOLS,  
J. HART, V. SMITH, DEGROW and FESSLER 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 shall  
20 not offer for sale, expose for sale, sell at retail, keep with  
21 intent to sell at retail, possess, give, furnish, transport, use,  
22 explode, or cause to explode any of the following:

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

25 (b) An unmanned balloon which requires fire underneath to  
26 propel it and is not moored to the ground while aloft.

1 (c) Firecrackers, torpedoes, skyrocketes, roman candles,  
2 daygo bombs, bottle rockets, whistling chasers, rockets on  
3 sticks, or other fireworks of like construction.

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

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

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

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

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

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

25 (e) Toy snakes not containing mercury, if packed in card-  
26 board boxes with not more than 12 pieces per box for retail sale

1 and if the manufacturer's name and the quantity contained in each  
2 box are printed on the box; and toy smoke devices.

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

10 (g) The sale of fireworks, provided they are to be shipped  
11 directly out of state pursuant to regulations of the United  
12 States department of transportation covering the transportation  
13 of explosives and other dangerous articles by motor, rail, and  
14 water, IF THE SELLER ASCERTAINS FROM THE BUYER THE OUT-OF-STATE  
15 DESTINATION TO WHICH THE MERCHANDISE IS TO BE SHIPPED AND THE  
16 SELLER ARRANGES FOR DIRECT SHIPMENT BY COMMON CARRIER, OR BY A  
17 MEANS OF TRANSPORTATION THAT IS UNDER THE SELLER'S CONTROL, FROM  
18 THE SELLER'S PLACE OF BUSINESS TO THAT OUT-OF-STATE DESTINATION.  
19 A PERSON, FIRM, PARTNERSHIP, CORPORATION, OR OTHER LEGAL ENTITY  
20 WHO SELLS FIREWORKS IN VIOLATION OF THIS SUBDIVISION SHALL BE  
21 GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 2  
22 YEARS, OR A FINE OF NOT MORE THAN \$200,000.00, OR BOTH.

23 Sec. 243e. ~~Any~~ EXCEPT AS OTHERWISE PROVIDED IN  
24 SECTION 243A(3)(G), A person, firm, ~~copartnership or~~  
25 PARTNERSHIP, corporation, OR OTHER LEGAL ENTITY who violates any  
26 of the provisions of sections 243a to 243d, or who violates the

1 terms of any permit issued thereunder, is guilty of a  
2 misdemeanor.