

Pennsylvania State Police Testimony
House Bill 1687
House Agriculture and Rural Affairs Committee
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Good morning, Chairmen Causer and Pashinski and members of the House Agriculture and Rural Affairs Committee. I'm Corporal Jerry Harper, Supervisor of the Fire Marshal Unit within the Bureau of Criminal Investigation. On behalf of the Pennsylvania State Police (PSP), I would like to thank you for engaging in discussions about a proposed revision to Pennsylvania's fireworks law.

In October 2017, the General Assembly through Act 43 repealed the Fireworks Law of 1939 and replaced it with legislation which would be enforceable under Title 72 in the Tax Reform Code of 1971. Act 43 provides for the ability of Pennsylvanians to purchase and use consumer grade fireworks such as firecrackers, roman candles, or bottle rockets. Other items, such as "M80s" or "quarter sticks" are still illegal and the purchase or use of display fireworks, which are classified as including salutes that contain more than two grains or 130 milligrams of explosive materials, and professional-grade aerial shells containing more than 60 grams of pyrotechnic compositions, are still only to be used by professionals with a permit from the municipality where the display will take place. Prior to the passage of Act 43, only ground-based or handheld products such as sparklers or smokeballs were able to be purchased and used by ordinary Pennsylvanians.

While the passage of Act 43 has given Pennsylvanians an expanded opportunity to enjoy fireworks, it should be noted that there are some inherent dangers associated with their use.

A 2019 report by the United States Consumer Product Safety Commission documented 5 non-occupational fireworks related deaths during 2018. Additionally, fireworks were involved in approximately 9,100 injuries which were treated in emergency

rooms across the country last year. Of those injured, 36% were children under the age of 15.

PSP does not have information available on the number of fireworks complaints or arrests since Act 43 was enacted to the present. Our Records Management System (RMS) does not currently have specific Computer-Aided Dispatch (CAD) header in the RMS for fireworks complaints/incidents. Anecdotally speaking, it is likely that our Troopers have charged individuals for violations related to fireworks under the unreasonable noise subsection within Disorderly Conduct in Title 18, but the Administrative Office of Pennsylvania Courts (AOPC) does not capture information from the remarks field of the Non-Traffic Citation in their databases and as of this date, we do not have the overall numbers of violations charged of the Title 72 section available. It should be noted that police officers in Pennsylvania are largely unaccustomed to charging individuals with violations related to the Tax Reform Act of 1971 or from Title 72. Most criminal violations charged by police officers, including the PSP, are from violations related to Title 18, Crimes and Offenses.

House Bill 1687 has many of the same provisions as those contained within Act 43. For purposes of my testimony, however, I'll discuss the provisions of the bill which would impact our agency the most and that is around enforcement of consumer fireworks use.

House Bill 1687 would remove Fireworks from the Tax Reform Code of 1971 and place it in Chapter 9 of Title 3, or the Agriculture Code. It would continue to prohibit individuals from using commercial fireworks on public or private property without the permission of the property owner. They would not be permitted to be utilized within,

directed at or directed from a vehicle, directed at another person or while a person is under the influence of alcohol, controlled substance, or other drug. Additionally, House Bill 1687 would prohibit the use of commercial fireworks within 150 feet of a building or vehicle. Where this proposed piece of legislation differs from existing statute is that it would provide for time restrictions on the use of commercial fireworks. Their use would be prohibited between the hours of 10:00 p.m. and 10:00 a.m. except on July 2-4 and New Year's Eve. In those cases, they may be used until 1:00 a.m. the following day. Furthermore, when July 4 falls on a Tuesday, Wednesday, or Thursday, commercial fireworks may be used until 1:00 a.m. on the immediately preceding and following Friday and Saturday. Many local municipalities have enacted ordinances to restrict commercial fireworks during certain time periods, but PSP does not enforce local ordinances. By placing these restrictions into legislation, PSP would be able to charge for this specific violation without having to revert to citing for the unreasonable noise subsection in Disorderly Conduct.

House Bill 1687 would balance providing for the opportunity for people to celebrate with fireworks without exposing their neighbors to loud noises at all hours of the night. The Pennsylvania State Police is supportive of this piece of legislation.

Again, thank you for the opportunity to permit PSP to discuss the proposed changes to our existing fireworks legislation. I am happy to answer any questions you may have.