

FEDERAL AND STATE AFFAIRS COMMITTEE

February 4, 1969

The meeting was called to order and the Chairman introduced Mr. Bill Mahoney who represents individuals in the Kansas City area who are concerned with the fireworks industry. He stated that this bill would make it a crime to manufacture or shoot fireworks in Kansas as we have done for many years; that he believes the proposed law to be unenforceable and that it would cause great expense; that he believes it is unnecessary and a duplication of the present adequate laws. He states that the law already prohibits transportation into the state of illegal and dangerous fireworks; that the so-called Class B fireworks is prohibited under federal law and is enforced by HEW. Concerning the complaint about dangerous fireworks being sold under the guise of agriculture pest control, he states that there is federal legislation pending which will remove this loophole. He states that he does not believe this proposal would eliminate the fireworks that are presently illegal; that they will continue to be bootlegged; that he thinks kids are always going to want fireworks and are going to find ways to having them.

Mr. Austin testified that he believes the kind of fireworks now causing the injuries are the unlawful ones that are being bootlegged; that he believes the majority of distributors are in favor of controls and that they do not want the dangerous fireworks either. He cited injuries caused by bicycles, toys, flammable liquids and then fireworks, stating that fireworks are a minimal cause of injury. He also states that fireworks cause only a small number of fires each year; that Fire Underwriters list fireworks at the bottom of all causes of fires. Mr. Everett inquired about insurance coverage by the distributors in case of injury, and Mr. Mahoney expressed the opinion that this could not be done. Mr. McGill inquired about the requirement of a bond and Mr. Mahoney stated that he believes a \$500.00 bond would not satisfy an injury. Mr. Lindahl inquired about regulations concerning who can run a stand; and Mr. Mahoney stated that he believed 31-207 of the statutes would give the Fire Marshall the right to make such regulations. Mr. Turner stated that he believed any law enforcement officer could enforce the regulations made by the Marshall. Mr. Everett inquired if the Fire Marshall would have the right to license throughout the state and Mr. Mahoney stated he didn't know, but that he can make regulations.

The meeting was adjourned.

24. 1000

LET'S BE PROUD THIS DAY!

excerpts from an article by Paul Gallico

46
1049
2-4-69

★ ★ ★

**Years Back, On July 4, We Got Patriotic As All Gitout—
And We Weren't Ashamed To Show It, Either.**

Yes, indeed, tomorrow would be the Fourth of July, and do you remember how we used to celebrate it when we were young?

That was before World War I, I am talking about, when believe it or not, I was a boy. And I don't know how you are feeling about it, but it seems to me that then we were a lot more anxious to celebrate Independence Day than we are in these times.

We, all of us, seemed to be dinged and all-fired grateful that we had independence. There weren't a lot of aliens conspiring to take it away from us, no more than there was a crowd of so-called Americans trying to help them do it. Come Fourth of July, and you got patriotic as all gitout and you weren't ashamed to show it, either. You made a lot of noise, exploded crackers, marched in parades, listened to speeches, waved a flag, expanded with pride as you thought about your country and how wonderful it was, and at night set off fireworks.

Those were the days when you were allowed to have firecrackers and fireworks. You see, we had independence then, lots of it. You were supposed to be smart enough to look after yourself. Of course, a lot of nitwits blew off their eyebrows, some of their fingers and set fire to themselves, so that eventually there had to be a law to protect them.

There were Chinese crackers on a string that went off in rapid series, hopping all over the pavement, and you could make squibs or "fissers" by breaking a cracker in half so that when the powder burned it would hiss and dash all over the place.

The noise would begin almost at dawn, as the kids got out their fireworks and began to salute the day when the infant nation spoke up for freedom. All the cats and dogs in the neighborhood would make for their favorite hiding places and stay there until past midnight when it would be all over. It was a miserable day for the animals, but a wonderful one for kids of all ages.

Foolish, chauvinistic, sentimental, adolescent, perhaps, but you know, all through that day when there were bangings and poppings, reports and explosions and rapid fire, you would think from time to time of those early Americans who on that day committed themselves to fight a war for principles in which they believed.

If you lived in the country, you wouldn't go to a fireworks display after dark. You'd have your own. For that was where Dad came into his big moment.

Out from the shed where they had been stashed came rockets tied to long sticks, pinwheels, red and green fire, roman candles, golden fountains, and maybe a set piece to finish it. In the darkness, Dad would move about setting them off, a dim but imposing shadow identified only by the glow of his slow match.

Since this was the adult-boy's turn, you were not permitted to share in it, since it was "too dangerous," but you were allowed to set off a roman candle, and THAT was a thrill for you. The cardboard tube poured forth a shower of burning sparks as you whirled it, and every so often it went "Foh!" and dispatched a white, red, or green glowing ball skyward.

Our Fourth of July, boys and girls, used to be something like that.

ONCE OVER

by H. I. Phillips

★ ★ ★

THE FIRELESS FOURTH

IN MANY STATES of the country the sale of fireworks or any use of them on the Fourth of July is illegal, and we are sorry for the kids of today. We admit there used to be accidents, and some pretty serious ones. But we still think the kids of today aren't getting a square shake in denying them even the more harmless noise-makers. It's pretty tough to look Junior in the face and say, "No, you can't have any of those small firecrackers. The very idea!"

The kids will manage to get hold of some fireworks this year, of course. There will be plenty of noise. The fireworks bootlegger is busy.

We wonder whether the effect on a kid's morals and on the respect for his elders isn't worse than that of a burned finger or a few powder marks.

Well, anyhow, we wouldn't like to be a kid today on the Glorious Fourth. It used to be a hifalutin, glittery all-out emotional exercise. There was something about it that set the Fourth of July apart from all other holidays. It warmed up the patriotic instincts, stirred the imagination and gave every kid the chance to play at being at

Bunker Hill, Concord Bridge and the surrender of Cornwallis.

For 8 or 10 hours a boy was a Minute Man, a Green Mountaineer, and a ragged Continental.

He could be a combination Israel Putnam, Paul Revere, George Washington and Captain Prescott without half trying. Today, our civilization makes it easier for him to bootleg a couple of cannon crackers and feel the glow of a combination Gyp the Blood, "Bugsy" Siegel and "Scarface" McGlunk.

We are protecting Little Willie zealously against powder burns in a world which places almost no limits on his complete moral disfigurement. As Elmer Twitchell says, "I would rather have my kid take his chances with a few firecrackers, pinwheels and sparklers than with the crime movies, radio thrillers, cheap funnies and other agencies which inflict injuries which cannot be helped by application of ointments."

"The kids were far safer in the America of fireworks once a year than in the America of non-stop instruction of crime 365 days a year," added Mr. Twitchell.

STATE FIRE MARSHAL DEPARTMENT

Article 6.-- REGULATIONS GOVERNING THE SALE AND HANDLING
OF FIREWORKS IN THE STATE OF KANSAS

22-6-13 to 22-6-24, authorized by Sec. 31-207, G.S. 1949, effective April 21, 1950. Revoked.

22-6-25.--DEFINITIONS:- The term fireworks shall mean and include any combustible or explosive composition, or any substance or combination of substance, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, the type of balloons which require fire underneath to propel the same, fire-crackers, torpedoes, skyrockets, Roman Candles, Daygo Bombs, sparklers or other fireworks of like construction and any fireworks containing any explosive or flammable compound, or any tablets, or other device containing any explosive substance. Nothing in this regulation shall be construed as applying to toy paper caps containing not more than twenty-five hundredths of a grain of explosive composition per cap, and to the manufacture, storage, sale or use of signals necessary for the safe operation of railroads or other classes of public or private transportation, nor applying to the military or navy forces of the United States or of this state, or to peace officers, nor as prohibiting the sale or use of blank cartridges for ceremonial or theatrical or athletic events, nor as prohibiting the firing of skyrockets or missiles when produced by science class of any school and when under the supervision of the science instructor and when the place and time of firing the skyrocket or missile has been approved by the fire chief. Authorized by Sec. 31-207, G. S. 1949. Effective date, April 10, 1953. Amended November 29, 1957.

22-6-26.--STORAGE, SALE, HANDLING. - Fireworks to be sold at wholesale shall be stored in a room set aside for the storage of fireworks only. Over the entrance to this room shall be posted a sign reading, "FIREWORKS--NO SMOKING--KEEP OPEN FLAMES AWAY." Authorized by Sec. 31-207, G.S. 1949. Effective date, April 10, 1953.

22-6-27.-Fireworks shall not be sold or kept for sale in a place of business where paint, oils, varnishes, turpentine or gasoline or other flammable substances are kept in unbroken containers, unless in a separate and distinct section or department of the store. Authorized by Sec. 31-207, G. S. 1949. Effective date, April 10, 1953.

22-6-28.- Two approved fire extinguishers must be provided and kept in close proximity to the stock of fireworks in all buildings where fireworks are sold. Small stands, temporarily erected to be used as a place for storing and selling fireworks only, shall have a fire extinguisher, or in lieu of the fire extinguisher a barrel of water with at least two buckets, or a loaded water hose with nozzle end within five feet of fireworks stand. Authorized by Sec. 31-207, G.S. 1949. Effective date April 10, 1953. Amended February 15, 1960.

22-6-29. -No person, firm or corporation shall offer fireworks for sale to individuals at retail before the 27th day of June and after the 5th day of July. Authorized by Sec. 31-207, G.S. 1949. Effective date, April 10, 1953. Amended April 10, 1961.

22-6-30.--All retailers are forbidden to expose fireworks where the sun shines through glass on the merchandise displayed, except where such fireworks are in the original package, and all fireworks kept for sale on front counters must remain in original packages, except where an attendant is on constant duty at all times at counters where such fireworks are on display; provided, however, that fireworks in open stock may be kept in show cases or counters out of the reach of the public without an attendant being on duty. Signs reading, "FIREWORKS FOR SALE--NO SMOKING ALLOWED" shall be displayed in the section of the store set aside for the sale of fireworks. Authorized by Sec. 31-207, G.S. 1949. Effective date, April 10, 1953.

22-6-31.--APPROVED FIREWORKS.--The sale, use, manufacture, and possession of the following articles of fireworks is hereby approved within the state of Kansas, except that prohibited items may be used for public display purposes as provided for in 22-6-33, and except possession of prohibited items by jobbers, wholesalers and manufacturers for shipment to other states. All other items not herein approved are prohibited.

APPROVED

- (a) Roman Candles, not to exceed 10 balls.
(Amended February 15, 1960.)
- (b) Cylindrical fountains without report (includes handle, spike and base fountain) total pyrotechnic composition not to exceed 75 grams each in weight. The inside tube diameter shall not exceed 3/4 inch.
- (c) Cone fountains and whistling fountains without report, total pyrotechnic composition not to exceed 50 grams each in weight.
- (d) Wheels, total pyrotechnic composition not to exceed 60 grams in weight, for each driver unit, but there may be any number of drivers on any one wheel. The inside bore of driver tubes shall not be over 1/2 inch.
- (e) Railway fusees without spikes, truck flares, hand ship distress signals and illuminating torches, but excluding those containing magnesium. Total pyrotechnic composition of illuminating torches not to exceed 100 grams each in weight.
- (f) Sparklers and dipped sticks, total pyrotechnic composition not to exceed 100 grams each in weight. Pyrotechnic composition containing any chlorate or perchlorate shall not exceed 5 grams.
- (g) Colored Box, Cone Fire and smoke pots, total pyrotechnic composition not to exceed 100 grams each in weight. (Does not include magnesium flares or smoke grenades.)
- (h) Star, comet and floral type shells of which the mortar is an integral part, except those designed to produce an audible effect. Total pyrotechnic composition not to exceed 40 grams each in weight.

- (i) Mines of which the mortar is an integral part, except those designed to produce an audible effect. Total pyrotechnic composition not to exceed 40 grams each in weight.
- (j) Parachute shell without report, mortar mounted on wood base, and parachute not having an attached flare.
- (k) Fireworks pieces that are a combination of the above approved items, (sub-paragraphs (a) to (j)), and which are mounted on one base. Total number of items on one base shall not exceed nine, (9).
- (l) Non-poisonous snake and items of similar composition.
- (m) Firecrackers and salutes with casings, the external dimensions of which do not exceed one and one-half inches in length by one quarter inch in diameter, designed to produce an audible effect, total pyrotechnic composition not to exceed 2 grains in weight. Authorized by Sec. 31-207, G.S. 1949. Effective date, April 10, 1953. (a) amended February 15, 1960.

22-6-32.--Fireworks shall not be stored, kept, sold or discharged within fifty (50) feet of any gasoline pump, gasoline filling station, gasoline bulk station or any building in which gasoline or volatile liquids are sold in quantities in excess of one gallon, except in stores where cleaners, paints, and oils are handled in sealed containers only. Authorized by Sec. 31-207, G.S. 1949. Effective date, April 10, 1953.

22-6-33.--Upon written permission of the fire chief or the mayor in cities where no fire department exists, fireworks to be used for exhibition purposes at fairs and celebrations may be sold and fired which otherwise are prohibited from sale to individuals provided the individuals in charge of same are experienced in the handling of fireworks and the public attending such exhibition is kept at a safe distance. Fireworks held in storage for such exhibition must be kept in a closed box until they are removed for firing. Authorized by Sec. 31-207, G.S. 1949. Effective date, April 10, 1953.

22-6-34.--All fireworks offered for sale in the state of Kansas shall be of a type that has been tested and approved for sale and use within the state of Kansas by the State Fire Marshal. All new pieces of fireworks not having been tested by the State Fire Marshal shall be submitted to the State Fire Marshal for test and approval or rejection before offering for sale to retailers or individuals within the state of Kansas. Any fireworks item that is not properly labeled as to the manufacturer and as to the contents of the item will not be approved by the State Fire Marshal. Authorized by Sec. 31-207, G.S. 1949. Effective date, April 10, 1953. Amended January 15, 1958.

26-6-35.-- The above regulations are promulgated and published in compliance with the requirements set out in Sec. 31-207 of the General Statutes of 1949. Persons found guilty of violating any of the provisions of the fireworks regulations are subject to a fine of not less than fifty dollars or by imprisonment in the county jail for not more than ninety days or by both such fine and imprisonment in the discretion of the court. Authorized by Sec. 31-207, G. S. 1949. Effective date, April 10, 1953.

22-6-36. The provisions of these rules and regulations shall not be construed to abrogate or in any way affect the power of cities to regulate fireworks within their corporate limits. Authorized by Sec. 31-207, G. S. 1949. Effective date, April 10, 1953.

Filed with Revisor of Statutes, April 10, 1953.

FRED R. FARR
State Fire Marshal

AMERICAN PYROTECHNICS ASSOCIATION

(A DELAWARE CORPORATION)

L. BROWN, PRESIDENT
A. GIRDLEY, 1ST VICE PRESIDENT
JOSEPH ROZZI, 2ND VICE PRESIDENT
ROBERT V. MOON, SECRETARY-TREASURER

SE OF THE SECRETARY
FELLOWSHIP COURT
ON, MD. 21204
ONE 828-4224

DIRECTORS
PAUL BROWN
L. A. CALLEN
A. P. FABRIZI
H. H. GIRDLEY
WILBUR LIZZA
L. W. LOYD
PATRICK MORIARTY
LYLE RICH
JOSEPH ROZZI
CHAS. SHIVERY
WM. STONEBRAKER
ROY TROUT, JR.

The following resolution was adopted by the American Pyrotechnics Association at their Annual Meeting held at New Orleans, La. on January 22, 1969.

The American Pyrotechnics Association agrees that Cherry Bombs, M-80 Salutes, Silver Salutes and other similar items should be classified as banned hazardous substances, and accordingly endorsed the amended regulations to the Child Protection Act as published in the Federal Register, January 8, 1969 to the extent that it bans the aforementioned items.

It is our understanding that it was not the legislative intent of the Child Protection Act to ban Common Fireworks. We fear that the proposed regulation could be interpreted so as to have this effect.

The use of the phrase "Pyrotechnic Composition" could have the effect of extending the ban beyond the original intent of the Child Protection Act. We, therefore urge that the phrase "Pyrotechnic Composition" be amended to exclude the propelling or expelling charge that consists of a mixture of sulfur, charcoal and saltpeter and is therefore not considered as designed to produce an audible effect.

We further urge that in the interest of clarity and to enable the American Pyrotechnics Association to cooperate more intelligently in the enforcement of the Child Protection Act, the Food and Drug Administration accept "Common Fireworks" as defined by the Bureau of Explosives of the Interstate Commerce Commission in the latest Tariff #19 as amended.

OPPONENTS
H. B 1049

Do you wish

NAME

ADDRESS

TO SPEAK

Paul MAHONEY

302 Brotherhood Bldg Kels.

Yes.

Paul Miller

1118 Prospect Salina Kans

Mike Kosko Jr.

218 N. James St.

John P. Miller

1118 Prospect Salina, Kansas

Paul G. Austin

1008 Betting Bldg Wichita

Yes