

*I Mina'trentai Siette Na Liheslaturan Guåhan*  
**BILL STATUS**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
9-37 (COR)	Dwayne T. D San Nicolas Joe S. San Agustin Roy Anthony Benavente Quinata Tina Rose Muña Barnes William D. Parkinson Therese M. Terlaje Jesse A. Lujan Thomas J. Fisher	AN ACT TO AMEND §58109 AND §58110 OF CHAPTER 58 AND ADDING A NEW CHAPTER 58B, TO TITLE 10, DIVISION 3, GUAM CODE ANNOTATED RELATIVE TO THE LEGALIZATION AND REGULATION OF THE USE OF CONSUMER-GRADE FIREWORKS.	1/18/23 12:01 p.m.						

**IMINA 'TRENTAISIIETTE NA LIHESLATURAN GUÅHAN  
2023 (FIRST) Regular Session**

**Bill No. 9-37 (COR)**

Introduced by:

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**AN ACT TO AMEND §58109 AND §58110 OF  
CHAPTER 58 AND ADDING A NEW CHAPTER  
58B, TO TITLE 10, DIVISION 3, GUAM CODE  
ANNOTATED RELATIVE TO THE  
LEGALIZATION AND REGULATION OF THE  
USE OF CONSUMER-GRADE FIREWORKS.**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM.**

2 **Section 1.** §58109 of Chapter 58, Title 10, Division 3, Guam Code Annotated is  
3 hereby amended to read:

4 **§ 58109. Fireworks.** ~~No~~ The use of consumer-grade or “Safe and Sane” fireworks  
5 ~~shall be permitted in Guam. unless consigned to the Territorial or Federal government, in~~  
6 ~~which case they shall not be discharged except under the direct supervision of the~~  
7 ~~authorities of one of said Governments.~~

8 **Section 2.** §58110 of Chapter 58, Title 10, Division 3, Guam Code Annotated is  
9 hereby amended to read:



1 bonding during holidays and believe them to enhance these bonding experiences. Many  
2 families also wish to share these experiences starting with today’s generation.

3 In addition to enhancing familial experiences during holidays, consumer-grade  
4 fireworks will also create avenues for the residents of the island to open businesses that  
5 will sell these fireworks, aiding and promoting economic development in Guahan.  
6 Legalizing consumer-grade fireworks will create business opportunities for entrepreneurs  
7 to capitalize on the need to import and sell these fireworks, contributing to the Island’s  
8 economy.

9 *I Liheslaturan Guåhan* also finds the prohibition of consumer-grade fireworks is  
10 grounded in the concern for public safety and security, but unfortunately, it has led to the  
11 illegal and dangerous practice of using actual firearms as a substitute for fireworks. There  
12 have been cases where teenagers would steal their parents’ firearms and shoot them in  
13 the air as a substitute for fireworks. The act of shooting a firearm into the air is not only  
14 illegal, but incredibly dangerous due to the fact that bullets shot into the air will come  
15 back down with considerably more force and could potentially hit innocent bystanders.  
16 If teenagers and the people of Guahan had access to consumer-grade fireworks, they  
17 would not have to resort to the illegal and dangerous practice of shooting firearms into  
18 the air.

19 A collaboration between several different authorities and proper enforcement of  
20 the Rules and Regulations of the industry's supply chain at every level with severe yet  
21 reasonable penalties is vital to achieve the successful regulation of the industry. With  
22 proper enforcement mechanisms in place, the effective regulations of the “Safe and Sane”  
23 fireworks industry through precautionary advice, measures, and awareness of the general  
24 public is critical for the importation, sell, purchase and use of “Safe and Sane” fireworks.  
25 The common ground for many Jurisdictions is the concern for Public Safety which has  
26 imposed stringent measures deriving from prior events or particular circumstances within  
27 the territory, state or country; e.g., fireworks use has been abused or misused.

1 I Liheslaturan Guåhan intends to legalize consumer-grade or “safe and sane”  
2 fireworks while enacting stringent regulations and penalties to prevent misuse and abuse  
3 of these fireworks.

4 **§58302. Definitions.**

5 (a) **Aerial Devices** *mean any fireworks containing one hundred thirty (130)*  
6 milligrams or less of explosive materials that produces an audible or  
7 visible effect and is designed to rise then detonate and explode in the air.  
8 Its use is prohibited by any person who does not have a permit for display  
9 fireworks issued by the Guam Fire Department. Aerial devices classified  
10 as fireworks under UN0336 and UN0337 by the United States  
11 Department of Transportation as set forth in Title 49 Code of Federal  
12 Regulation include fireworks items commonly known as sky rockets,  
13 missile-type rockets, bottle rockets, helicopters, roman candles, dago  
14 bombs, torpedoes, flying pigs, and jumping jacks. These fireworks move  
15 about the ground further than a radius of a twelve feet circle as measured  
16 from the point where the item was placed and ignited.

17 (b) **Consumer-grade Fireworks** *mean fireworks which are intended for retail sale*  
18 and use by the general public and are considered as Division 1.4G explosives  
19 by the U.S Department of Transportation. Ignition of these fireworks produce  
20 visible and audible effects for entertainment. It is designed to spin rapidly or to  
21 be stationary on or near the ground and can include one or more effects such as  
22 emitting smoke, shower of colored sparks, whistling, crackling, and fizzing  
23 effects, and flutter and balls of single or multicolored sparks. Consumer  
24 Fireworks are manufactured in single paper cylinders not exceeding one and  
25 one-half inches in length, excluding the fuse, are one quarter of an inch in  
26 diameter, and contain a charge of not more than fifty milligrams of pyrotechnic  
27 composition. Consumer-grade fireworks consist of snakes, sparklers, fountains

1 and cylindrical or cone fountains that emit effects up to a height not greater than  
2 twelve (12) feet above the ground, illuminating torches, whistles, toy smoke  
3 devices, wheels, and ground spinners that, when ignited, remain in a circle with  
4 a radius of not more than twelve feet as measured from the point where the item  
5 was placed, ignited or set off, and novelty and combination fireworks that are  
6 designed to produce the same or similar effects detailed above. Consumer-grade  
7 fireworks do not include firework devices and kits or components that are  
8 banned by the U.S Consumer Product Safety Commission in 16 CFR § 1500.17.

9 (c) Articles Pyrotechnic means pyrotechnic devices designed with similar  
10 chemical composition and construction as fireworks for professional use and  
11 are not intended for consumer use. Articles pyrotechnics meet the weight limits  
12 for consumer fireworks; however, they are not labeled as such and are classified  
13 as UN0431 or UN0432 under 49 CFR § 172.101 by the United States  
14 Department of Transportation.

15 (d) Class 1.3G Explosives mean large fireworks designed primarily to produce  
16 audible or visible effects by combustion, deflagration, or detonation and are  
17 formerly known as Class B, Special Fireworks, or Display Fireworks according  
18 to the U.S Consumer Product Safety Commission.

19 (e) Display means the use of aerial devices, display fireworks, or articles  
20 pyrotechnic for any activities.

21 (f) Display Fireworks mean any fireworks designed primarily for exhibition  
22 display by producing visible or audible effects and are classified as display  
23 fireworks in the regulations of the United States Department of Transportation,  
24 designated as UN0333 or UN0335. Display fireworks include salutes  
25 containing more than forty (40) grams of pyrotechnic compositions and other  
26 display pieces which exceed the limits of explosive materials classified as  
27 consumer fireworks. This term also includes fused set pieces containing

1 components which exceed fifty (50) milligrams of salute powder together. The  
2 use of display fireworks shall be prohibited for use by any person who does not  
3 have a display permit issued by Guam Fire Department.

4 (g) **Class 1.4G Explosives** means consumer fireworks intended for use by the  
5 general public and are formerly known as Class C Common Fireworks  
6 according to the U.S Consumer Product Safety Commission.

7 (h) **Fireworks** means any composition or device that produces a visible or an  
8 audible effect by combustion, deflagration, or detonation that meets the  
9 definition of Consumer Fireworks or Display Fireworks as defined by this  
10 section and in the regulations of the United States Department of Transportation  
11 set forth in Title 49 Code of Federal Regulation (CFR).

12 (i) **Pyrotechnics** mean devices intended for professional use with similarities to  
13 consumer fireworks in construction and chemical composition. Pyrotechnics  
14 meet the weight limits of consumer fireworks but are not labeled as such.  
15 Articles pyrotechnic fall under this category.

16 (j) **Safe and Sane Fireworks** mean fireworks that are designed to remain on or  
17 near the ground, spin rapidly, emit smoke, release a shower, flitter, or balls of  
18 colored sparks, or produce whistling, crackling, and fizzing effects. Safe and  
19 sane fireworks can include such combination items that contain one or more of  
20 these effects that are intended for the use of the public.

21 **§58303. Permissible uses of consumer fireworks.** It is unlawful for any person,  
22 firm, corporation, association, or organization to sell or offer for sale any fireworks,  
23 except as expressly permitted under the terms of this section.

24 **§58304. Issuance of licenses, permits, termination, revocation, seizure.**

25 (a) No person, firm, corporation, association, or organization shall sell fireworks  
26 without first having obtained a license thereof (“Consumer Fireworks License”).

1 Prior to issuance of the license, the requesting party shall fulfill all licensing and  
2 fire safety requirements outlined by the Guam Fire Department.

3 (b) Upon expiration of Consumer Fireworks License, a qualified person, firm,  
4 corporation, association, or organization shall be required to obtain a new license,  
5 unless terminated due to the following:

6 (i) Failure to comply with any provision or applicable regulatory statutes,  
7 rules and regulation in the business of retailing safe and sane fireworks;

8 (ii) A safety violation that, in the determination of the Guam Fire  
9 Department, created a potential to endanger the public; or

10 (iii) A Failure to maintain the requirements of the Consumer Fireworks  
11 License.

12 (c) Failure or refusal to comply with any provisions of applicable regulatory statutes,  
13 rules or regulations detailed in this act shall result in the termination or revocation  
14 of the Consumer Fireworks License. Termination or revocation of the Consumer  
15 Fireworks License shall be immediate if deemed in violation of this section. The  
16 Fire Chief or his or her authorized representatives shall have the authority to revoke  
17 or terminate the license for a period of time not less than twelve (12) months and  
18 not over eighteen (18) months. The license will also be revoked or terminated if  
19 the conduct of the operation is deemed inimical to public safety.

20 (d) All persons engaged in the selling of consumer fireworks shall be over the age of  
21 Eighteen (18) years.

22 (e) At least one person Twenty-one (21) years of age or older shall be in attendance  
23 and in charge of the permitted sales of consumer fireworks.

24 (f) All permits shall be non-transferrable

25 (g) No person, firm, corporation, association or organization holding a Consumer  
26 Fireworks License shall be allowed to sell firecrackers in a packet size larger than  
27 two thousand (2,000) individual units.

1        (h) The Fire Chief, his authorized representatives, or any other public agency  
2            authorized by the statute to enforce the territorial government regulations may  
3            seize any fireworks described in this part.

4        **§58305. Permits Requirements.**

5        (a) Any person in the business of importing, dealing, distributing, storing, or otherwise  
6            receiving consumer fireworks must obtain a permit from the Guam Fire  
7            Department no later than ten (10) business days.

8        (b) No person, firm, corporation, association, or organization shall sell any consumer  
9            fireworks to any persons under the age of eighteen (18).

10       (c) A permit shall be required to sell any consumer fireworks with a fee of \$35.

11       (d) All permits and licenses shall be posted in the establishment and shall be visible to  
12            the public.

13       (e) Any person who sells, imports, and delivers consumer fireworks shall keep a record  
14            book in which the time of each sale, delivery, and importation of consumer  
15            fireworks was conducted.

16       (f) The record book shall be kept on file for not less than a period of four (4) years and  
17            shall be subject to examination at all times upon proper demand by any duly  
18            authorized law enforcement officer or duly authorized personnel of the Guam Fire  
19            Department or his or her authorized representatives.

20       **§58306. Storage of Consumer Fireworks.**

21       (a) Any person, firm, corporation, association, or organization which stores  
22            consumer fireworks shall notify the Guam Fire Department of the consumer  
23            fireworks that are being stored, the type, and the location of each site where  
24            they are stored. Such notifications shall be made orally at the end of the day on  
25            which storage of the consumer fireworks commenced and in writing within  
26            forty-eight (48) hours from the time such storage commenced.

1 (b) The facility in which consumer fireworks are stored shall be in  
2 accordance to guidelines set by the Guam Fire Department.

3 (i) Shipments of consumer fireworks must receive approval fifteen  
4 (15) calendar days prior to the shipment's arrival from the  
5 Guam Fire Department; and

6 (ii) Meet all fire and safety codes.

7 **§58307. Prohibiting Minors from obtaining consumer fireworks.**

8 (a) Any person, firm, corporation, association, or organization which sells, gives, or  
9 purchases consumer fireworks for a minor or allows a minor to set off or ignite any  
10 consumer fireworks shall be deemed in violation of this chapter and are subject to  
11 penalties thereunder:

12 (i) First Offense: Penalty of up to \$100.

13 (ii) Second Offense: Offense of the same fire code provision within a  
14 twelve (12) month period shall be subject to a penalty of up to  
15 \$400, but not less than \$100.

16 (iii) Third Offense: Offense of the same fire code provision within a  
17 12- month period shall be punishable as a misdemeanor and the  
18 business license shall be suspended for up to 1 year.

19 (b) Minors shall only be allowed to ignite or set off consumer fireworks under  
20 expressed permission and immediate supervision and control of the parent(s),  
21 guardian(s), or a supervising adult.

22 **§58308. Penalty.** Any person, firm, corporation, association or organization in the  
23 business of importing, dealing, distributing, selling, storing, or otherwise receiving  
24 consumer fireworks deemed in violation of this chapter are subject to penalties in  
25 accordance with § 58111, Chapter 58, Division 3, Title 10 of the Guam Code  
26 Annotated. Each violation shall be subject to the following penalties:

27 (i) First Offense shall be subject to a penalty of up to \$100;

1           (ii) Second Offense of the same fire code provision within a twelve (12)  
2 month period shall be subject to a penalty of up to \$400, but not less than  
3 \$100;

4           (iii) Third Offense of the same fire code provision within a twelve (12)  
5 month period shall be subject to a penalty of no less than \$1,000; and all  
6 fin es shall be deposited into the Fire, Life and Medical Emergency Fund  
7 (‘FLAME’) pursuant to § 72106, Chapter 72, 10 GCA.

8 **Section 4. Severability.** If any provision of this Act or its application to any person or  
9 circumstance is found to be invalid or contrary to law, such invalidity shall not affect  
10 other provisions or applications of this Act that can be given effect without the invalid  
11 provision or application, and to this end the provisions of this Act are severable.

12 **Section 4. Effective Date.** This Act shall be effective immediately upon enactment.