

Amendment No. 1 to SB2419

Bailey
Signature of Sponsor

AMEND Senate Bill No. 2419

House Bill No. 2223*

by deleting all language after the enacting clause and substituting instead:

SECTION 1. Tennessee Code Annotated, Section 68-104-101, is amended by adding the following as new, appropriately designated subdivisions:

() "Novelties" means party poppers, snappers, deregulated toy smoke devices, snakes, and glow worms that do not require approval from the United States department of transportation and are not regulated as explosives;

() "Sparkling devices":

(A) Means ground-based or hand-held devices that emit showers of sparks and sometimes a whistling or crackling effect when burning, do not detonate or explode, cannot propel themselves through the air, and contain:

(i) No more than seventy-five (75) grams of pyrotechnic compound per tube;

(ii) No more than a total of two hundred (200) grams of pyrotechnic compound if multiple tubes are used; and

(iii) No more than five hundred (500) grams of pyrotechnic compound if multiple tubes are used and are separated from each other on a base by a distance of at least one-half (1/2) inch; and

(B) Include cylindrical fountains, cone fountains, illuminating torches, wheels, ground spinners, flitter sparklers, toy smoke devices, and wire sparklers containing no more than one hundred (100) grams of pyrotechnic composition per item;

SECTION 2. Tennessee Code Annotated, Section 68-104-102, is amended by adding the following as a new subsection:

(h)

(1) A person who offers sparkling devices for sale and who does not hold a permit described in subsection (d) shall register with the state fire marshal each location at which the person will offer sparkling devices for sale.

(2) The registration fee is twenty-five dollars (\$25.00). The state fire marshal shall not issue a registration to a person who is under eighteen (18) years of age.

(3) A registration is valid for the calendar year, or any fraction of the calendar year, in which the registration was issued and expires on December 31 of that year.

(4) A registrant whose registration has expired and who has not renewed the registration is not in violation of subdivision (h)(1) until the third day after the date of expiration.

SECTION 3. Tennessee Code Annotated, Section 68-104-105, is amended by adding the following as a new subsection:

(e) This section does not apply to permits for sparkling devices.

SECTION 4. Tennessee Code Annotated, Section 68-104-110, is amended by deleting the section and substituting:

(a) Permissible items of fireworks, authorized by § 68-104-108, may be sold by a retailer or a seasonal retailer.

(b) As used in subsection (a), "fireworks" does not include toy pistols, toy canes, toy guns, or other devices in which paper caps containing twenty-five one-hundredths (0.25) grains or less of explosive compounds are used, if such pistols, canes, guns, or other devices are so constructed that the hand cannot come in contact with the cap when the cap is in place for exploding.

(c) Toy paper pistol caps that contain less than twenty-five one-hundredths (0.25) grains of explosive compounds, sparkling devices, novelties, emergency flares, matches, trick matches, and cigarette loads may be sold and used at all times.

SECTION 5. Tennessee Code Annotated, Section 68-104-111(a), is amended by deleting the language:

Placing, storing, locating or displaying of fireworks in any window where the sun may shine through glass onto the fireworks so displayed or to permit the presence of lighted cigars, cigarettes, or pipes, within ten feet (10') of where the fireworks are offered for sale is declared unlawful and prohibited. At all places where fireworks are stored or sold

and substituting:

Placing, storing, locating, or displaying fireworks or sparkling devices in a window where the sun may shine through glass onto the fireworks or sparkling devices so displayed or permitting the presence of lighted cigars, cigarettes, or pipes within ten feet (10') of where fireworks or sparkling devices are offered for sale is unlawful and prohibited. At all places where fireworks or sparkling devices are stored or sold

SECTION 6. Tennessee Code Annotated, Section 68-104-111(b), is amended by adding the language "or sparkling devices" after the language "All firework devices".

SECTION 7. Tennessee Code Annotated, Section 68-104-112(a), is amended by deleting the subsection and substituting:

(a)

(1) To purchase Class C common fireworks or sparkling devices, a person must be at least sixteen (16) years of age. A person who is sixteen (16) or seventeen (17) years of age and who seeks to purchase Class C common fireworks or sparkling devices must provide proof of age to the person, retailer, or seasonal retailer by presenting a state-issued photo identification or must be accompanied by an adult. It is unlawful to offer for retail sale or to sell Class C

common fireworks or sparkling devices to a person who is under sixteen (16) years of age or to an intoxicated or irresponsible person.

(2) It is unlawful to explode or ignite fireworks or sparkling devices within six hundred feet (600') of a church, hospital, asylum, or public school, or within two hundred feet (200') of a location where fireworks are stored, sold, or offered for sale.

(3)

(A) A person shall not ignite or discharge permissible articles of fireworks or sparkling devices within a motor vehicle, or throw permissible articles of fireworks or sparkling devices from a motor vehicle while the motor vehicle is within or at or near any person or group of people.

(B) A person shall not place or throw an ignited article of fireworks or sparkling devices into or at a motor vehicle or at or near any person or group of people.

(4) It is unlawful for an individual, firm, partnership, or corporation to sell at retail any Class C common fireworks or sparkling devices within any county of this state having a population greater than three hundred fifty-five thousand (355,000), according to the 2010 federal census or any subsequent federal census, except in municipalities within such counties with a population of not less than six hundred (600) nor more than six hundred twenty (620), according to the 1980 federal census or any subsequent census, that permitted the sale of such fireworks or sparkling devices before 1984; provided, that it is not unlawful for Class C common fireworks to continue to be sold by a person on a parcel of land that contains a fireworks stand, if:

(A) The parcel of property upon which such fireworks or sparkling devices are sold is either partially located in a county having a population in excess of three hundred fifty-five thousand (355,000), according to the

2010 federal census or any subsequent federal census, or there is disagreement concerning whether such property is wholly contained within a county having a population in excess of three hundred fifty-five thousand (355,000), according to the 2010 federal census or any subsequent federal census; and

(B) Fireworks or sparkling devices have been sold annually at such stand for a period of at least forty-five (45) years.

SECTION 8. Tennessee Code Annotated, Section 68-104-116, is amended by deleting the section and substituting:

(a) This chapter does not affect the validity of any private act, county ordinance, or city ordinance further prohibiting or restricting the sale or use of fireworks; provided, that in counties with a population of not less than fifty-eight thousand seventy-five (58,075) nor more than fifty-eight thousand one hundred seventy-five (58,175), according to the 1980 federal census or any subsequent federal census, § 68-104-105 controls.

(b) A private act, county ordinance, or city ordinance that is in effect before or on June 30, 2026, and that prohibits or restricts the sale or use of fireworks pursuant to subsection (a) also prohibits or restricts the sale or use of sparkling devices, unless the private act, county ordinance, or city ordinance is amended to allow for the sale or use of sparkling devices.

SECTION 9. This act takes effect July 1, 2026, the public welfare requiring it.