

FIREWORKS: THE LAW AND PETS

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Starting in 2005, it became legal to sell novelty fireworks, such as sparklers, in Georgia. In 2015 legislative session, the General Assembly passed House Bill 110, which was the initial legislation that legalizes and sets parameters for the distribution, transportation and retail sale of consumer fireworks in our state. HB 110 allows Georgians who are 18 years of age or older to buy and use fireworks without a license between the hours of 10 a.m. and 12 a.m. in any location not prohibited by law, such as indoor spaces.

This law also establishes guidelines for firework retailers and specifies that permitted retailers are required to pay an initial licensing fee of \$5,000 and an annual renewal fee of \$1,000. HB 110 laid the groundwork for how fireworks could be safely used and sold by Georgians.

In 2016 legislative session, the General Assembly passed HB 727 to makes it unlawful to explode fireworks within five yards of an overhead obstruction, as well as across or into a public road. Fireworks cannot be used near certain locations, such as electric plants, wastewater treatment plants, jails, prisons, hospitals, and nursing homes.

It is also unlawful and punishable as a misdemeanor to explode fireworks while under the influence of drugs or alcohol or to explode fireworks at public gatherings if the local fire department or the state fire marshal determines that doing so would be unreasonable. The law allows local governments to create their own noise ordinances to control when fireworks can be exploded within that municipality. And, the bill revised the times when fireworks can be exploded.

Current law now states that fireworks can be exploded on any day between 10 a.m. and 11:59 p.m., subject to local ordinances. On July 3, July 4 and December 31 it is legal to use fireworks until 11:59 p.m. and until 1 a.m. on January 1, regardless of local ordinances. This legislation gives our local governments increased discretion over firework regulations and implements additional public safety measures.

In 2018, House Bill 419 passed and was signed into law to continue to improve firework regulations in Georgia. HB 419 gives local governments more ability to regulate the ignition of fireworks through local noise ordinances. This legislation also prevents local ordinances from restricting firework use on Memorial Day weekend and Labor Day. Finally, under current law, the governor can limit the use of fireworks to protect our state when areas of the state come under drought conditions.



In November 2016, Georgia voters approved a referendum that amended the Georgia Constitution to ensure that the tax revenue generated from firework sales would be put to good use. Senate Bill 350 and Senate Resolution 558 provide that the excise tax on firework sales be specifically dedicated to trauma care, fire services and local public safety purposes in Georgia.

The law requires that 55 percent of the revenue collected from the excise tax of all firework sales be allocated to the Georgia Trauma Care Network Commission. Additionally, 40 percent of excise tax revenue is designated for the Georgia Firefighter Standards and Training Commission to implement a grant program for the equipment and training of firefighters and improve the rating of fire departments by the Insurance Services Office. The remaining five percent of the excise tax revenues go to local governments for public safety purposes and the operation of 9-1-1 systems.

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