

**NORTH CAROLINA GENERAL ASSEMBLY**

**LEGISLATIVE FISCAL NOTE**

**BILL NUMBER:** House Bill 150

**SHORT TITLE:** Prohibit Sale of Some Pyrotechnics

**SPONSOR(S):** Representative Easterling

**FISCAL IMPACT**

Yes ( )      No (X)      No Estimate Available (X)

FY 1997-98   FY 1998-99   FY 1999-00   FY 2000-01   FY 2001-02

**REVENUES**

State

See Assumptions and Methodology

Local

See Assumptions and Methodology

**EXPENDITURES**

None

**POSITIONS:** None.

**PRINCIPAL DEPARTMENT(S) &**

**PROGRAM(S) AFFECTED:** Judicial Branch and Department of Correction.

**EFFECTIVE DATE:** December 1, 1997, and applies to offenses committed on or after that date.

**BILL SUMMARY: PROHIBIT SALE OF SOME PYROTECHNICS. TO PROHIBIT THE SALE OF CERTAIN PYROTECHNICS IN NORTH CAROLINA.** Amends GS 14-414 and 14-410 to prohibit sale and use of some fireworks now permitted. Newly prohibited items include: snake and glow worm pellets, smoke devices, party poppers, string poppers, drop poppers, sparklers, and other sparkling devices. Explosive caps would continue to be excepted from laws about sale and use of pyrotechnics. Effective December 1, 1997.<sup>1</sup>

<sup>1</sup> *Daily Bulletin*, Institute of Government, UNC-Chapel Hill: Vol. 1997, No. 10.

## **ASSUMPTIONS AND METHODOLOGY:**

### ***Loss of Retail Sales Tax Revenues***

Some loss of sales tax revenues will be experienced by prohibiting the sales of the pyrotechnics outlined in this bill. The Department of Revenue does not keep sales and use tax statistics by products sold; the statistics record sales by business class. However, prohibiting the sale of goods for which a sales tax is required to be collected will result in a loss of sales and use tax revenues. In trying to ascertain the amount of fireworks, presently being sold in North Carolina the American Pyrotechnics Association and the American Fireworks Association were both contacted. Neither of these two national organizations could provide any information specific to the sales of pyrotechnics in North Carolina. The American Fireworks Safety Council was also contacted through the North Carolina Retail Merchants Association. They had no information pertaining to companies that sell these products to retail merchants. Therefore, Fiscal Research staff cannot estimate the (loss) to the General Fund from exempting pyrotechnics sold by retail establishments.

### ***Judicial Branch and Department of Corrections***

The Judicial Branch does not anticipate this bill to have a substantial fiscal impact on the court system. The Judicial Branch states that there were 140 defendants in 1996 in pyrotechnic related charges. Of these 140 defendants, 75 were convicted in different categories. It is recognized this proposed legislation would result in an increase in more charges. However, it is felt these additional charges and defendants could be absorbed within existing court resources. The Judicial Branch notes that violations for offenses under this law are presently left to local law enforcement and fire marshal agencies to enforce, which makes it difficult to determine the exact number of charges that will be filed under this proposed legislation.

The Sentencing and Policy Advisory Commission does not expect this bill to have any significant impact on the state prison system because this bill establishes a misdemeanor penalty. Furthermore, they also expect the bill to have only a small impact on county jail populations.

**TECHNICAL CONSIDERATIONS:** None.

## **FISCAL RESEARCH DIVISION**

**733-4910**

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**DATE:** 3/21/97



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