

TITLE 6: CRIMES AND CRIMINAL PROCEDURES
DIVISION 3: MISCELLANEOUS OFFENSES

§ 3107. Fireworks Control.

(a) *Definitions.* For the purposes of this section, unless the context clearly indicates otherwise, the following definitions shall apply:

(1) “Combustible substance” means any substance so arranged as to burn in more than one second.

(2) “Explosive substance” or “explosive mixture” means any substance so arranged as to burn in less than one second.

(3) “Firecracker” means a small, paper-wrapped or cardboard tube containing no more than fifty milligrams of explosive composition that produces noise and a flash of light.

(4) “Firework” or “fireworks” means any combustible or explosive composition or substance, or any combination of such compositions or substances, or any other article which was prepared for the purpose of providing a visible or audible effect by combustion, explosion, deflagration or detonation, including but not limited to blank cartridges or toy cannons in which explosives are used, balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, bombs, rockets, wheels, colored fires, fountains, mines, or serpents, or any other similarly composed item defined by the Commissioner of Fire and Emergency Medical Services to be fireworks.

(5) “Sparklers” means materials of a character that will, when ignited, sparkle without throwing or dropping hot residue capable of igniting combustible materials, attached to a wire or other noncombustible central support, with such materials arranged in a cylindrical shape not more than ten inches in length nor more than one-quarter inch in diameter and which shall not burn more rapidly than one inch in ten seconds, but not including materials encased within a container of any character.

(b) *Prohibition.* No fireworks, as defined in this section, shall be permitted for sale, possession, or use in the Commonwealth of the Northern Mariana Islands unless:

(1) Consigned to the Commonwealth or Federal Government, in which case they shall not be discharged except under the direct supervision of the authorities of one of the said Governments, or

(2) Authorized for public or private display by permit by the Commissioner of Fire and Emergency Medical Services. The Commissioner of Fire and Emergency Medical Services is authorized to promulgate regulations for the permitting process.

(c) *Sale of fireworks.* Selling fireworks or firecrackers from any temporary stand located along any street, highway or right of way is prohibited in the Commonwealth. No roadside vending of fireworks or firecrackers shall be allowed in the Commonwealth.

(d) *Exception.* The term fireworks as defined in this section shall not be construed to include:

(1) Sparklers;

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(2) Caps as used in toy pistols or other party favors containing .25 grains or less of explosive compound, and when the rate of burning and the explosive force of the materials in such devices are not greater than an equivalent weight of F.F.F.G. black powder, and when such devices are so constructed that the hand cannot come in contact with the cap when in place for explosion, and when the major explosive force is contained or dispelled within the housing or shell of the device, there is no visible flame during discharge, there is no flaming or smoldering of any of the components or parts of the device after discharge, and the device does not produce sufficient heat to readily ignite combustible materials upon which the device may be placed.

(3) Snakes or similar smoke-producing material containing not more than 100 grains of combustible substances when there is no visible flame during discharge, there is no after smoldering, and the devices do not produce sufficient heat to readily ignite combustible materials upon which the devices may be placed.

(4) Model rockets and model rocket motors designed for the purpose of propelling recoverable aero models.

(5) Those items described in [ORS 480.127\(4\)](#).

(e) *Penalty.*

(1) Any individual, firm, partnership or corporation that violates any provision of this section is guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than five-hundred dollars and not more than one-thousand-five-hundred dollars or imprisonment for not more than one year, or both.

(2) Nothing in this section shall apply to or prohibit any employee of the Division of Fish and Wildlife of the Department of Lands and Natural Resources or the United States Fish and Wildlife Service from possessing fireworks for control of game birds and animals, or prohibit any law enforcement officer from possessing fireworks in the performance of his duties, or prohibit any recognized government organization from sponsoring and conducting in connection with any public celebration, an officially supervised and controlled fireworks display.

(f) *Regulations.* The Department of Fire and Emergency Medical Services shall promulgate rules and regulations for the implementation of this section.

(g) *Transition.* Within thirty days of enactment of this legislation, the Commissioner of Fire and Emergency Medical Services shall publish a list of items that fall under § 3107(a)(4) and § 3107(c) of this section. No person shall be found in violation of § 3107(d) of this section until the later of:

(1) The effective date of this section, or

(2) Thirty days after the publication of the list required by this subsection.

Prior to the effective date of this legislation, the Department of Fire and Emergency Medical Services shall assist in the safe disposal of items defined in [§ 3101\(a\)\(4\)](#) of this section.

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Source: MIDC §§ 9.20.010-9.20.030, modified; repealed and reenacted by PL 15-127, § 3, modified; subsections (a)(4), (b)(2), (f), and (g) amended by global amendment by PL 18-73 §§ 6(a), (b) (Jan. 25, 2015).

Commission Comment: The Commission changed capitalization, deleted figures that repeated words and changed all occurrences of “this Act” to “this section” pursuant to [1 CMC § 3806\(d\), \(e\) and \(f\)](#). The subsections referenced in subsection (g) of this section are exactly as stated in original public law. Public Law 15-127 was enacted into law on February 5, 2008, and contained the following in addition to severability, and savings clause provisions.

Section 1. Short Title. This Act may be cited as the “Fireworks Control Act of 2008.”

Section 2. Findings and Purpose. The Commonwealth Legislature finds that this past holiday season the Commonwealth Health Center (CHC) Emergency Room treated two young boys, ages six and eight for firecracker-related injuries. The six-year old boy sustained second degree burns to fifty percent of his face, while the eight-year old boy sustained first and second degree burns to his hand and also slight burns to his hair, eyelashes, eyebrows and nose (Marianas Variety, December 29, 2006). A few days later CHC treated four other individuals for firecracker-related injuries. Two of the individuals suffered burns to their hands while the other two sustained severe eye injuries; leaving one individual legally blind on the right eye (Saipan Tribune, January 5, 2007).

In 2003, several families spent their New Year’s Day trying to recover what was left of their homes after the homes had been burned to the ground on New Year’s Eve. The blaze was blamed on a lighted firecracker that landed on one of the houses and quickly spread to the other houses within the vicinity (Saipan Tribune, January 2, 2003).

Aside from fireworks or firecracker-related injuries, there have been numerous complaints, from residents as well as tourists, of extremely loud firecrackers and of the abusive handling of such substances.

Recently, a tourist from Russia expressed his disgust and anger about the fireworks situation in the Commonwealth. In his letter addressed to the Marianas Visitors Authority, he stated “... [W]e were unable to sleep, because some criminal elements were congregating in the immediate vicinity [public beach, behind Aquarius Beach Tower] of the hotel property, first doing fireworks... The glass balcony doors were trembling with each explosion; the fireworks were lasting for over an hour...” The tourist went on to state that during his two week stay on Saipan, he encountered two incidences of extremely loud firecrackers being ignited late in the evening that would last until the early morning hours. In closing, his letter he stated “We will discuss our negative experience on the internet forums, and will not recommend vacationing on Saipan.”

This negative feedback, particularly coming from a tourist, is detrimental to tourist promotion efforts during the Commonwealth’s economic downturn. It is unfortunate when the Marianas Visitors Authority and other tour agencies work hard to promote our islands as “a tropical paradise” where visitors can experience “friendly lifestyle and warm island

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hospitality” only to witness tourists leaving with negative memories of their stay.

Furthermore, the Legislature finds that when these explosive-like firecrackers go off, elders, especially those who lived through World War II, become terrified and are reminded of those dark days. In addition to the trauma experienced by the elderly, the sick, particularly those with heart problems, also become frightened especially when they are caught off guard.

The Legislature therefore finds that the fireworks/firecracker situation in the Commonwealth has become uncontrollable under current provisions of law and a broader prohibition is necessary in the interest of the public health and safety and for the promotion of a strong tourist industry.

Section 6(b) of PL 18-73 provided, “Any reference to the ‘Fire Chief’ in 6 CMC § 3107, as established by Public Law 15-127, or to any other local, state or federal laws, is hereby amended to read ‘Commissioner of Fire and Emergency Medical Services.’” The reference to “any other local, state or federal laws” is unclear.