

MICROFILM DIVIDER

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SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1389

2007 HOUSE JUDICIARY

HB 1389

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1389

House Judiciary Committee

Check here for Conference Committee

Hearing Date: 1/29/07

Recorder Job Number: 2102, 2200

Committee Clerk Signature

APenrose

Minutes:

Chairman DeKrey: We will open the hearing on HB 1389.

Rep. Louis Pinkerton: I am a sponsor, (see attached testimony).

Chairman DeKrey: Thank you. Further testimony in support.

Rep. Bob Hunskor: I am also a sponsor.

Chairman DeKrey: Thank you. Further testimony in support.

Dr. Darrell Williams: (see attached testimony).

Rep. Dahl: You don't see this problem with other fireworks.

Dr. Darrell Williams: This is specific to bottle rockets. If you look at every state in the union, in the data, bottle rockets cause more eye injuries than all other fireworks combined. In my practice, as well as other doctors, I just don't see other firework related injuries. Not that they can't happen, roman candles can blow out the wrong end, or get pointed at the wrong person, sparklers which can be hotter than a blow torch. Inevitably the injuries I see are bottle rockets and some states it is reported to be 80% of all fireworks injuries.

Rep. Klemin: This bill as I read it, doesn't totally ban the sale of these, but only to children who are 12 years and younger.

Dr. Darrell Williams: If so, that is confusing me. Where do you see that paragraph?

Rep. Klemin: At the bottom of page 1, line 20; it talks about someone being 12 years of age.

Dr. Darrell Williams: Okay, here's the deal, we took the existing laws regulating fireworks and that's part of it, and then we only modified the piece having to do specifically with bottle rockets which is on page 2, the first three lines. So existing law regulates the duration of time that fireworks are sold, any age restrictions, etc. If you look at the top of page 2, we specifically target just these little pop bottle rockets. Bigger rockets are not involved, the ones that go clear up in the sky. We prohibit the sale of bottle rockets to anyone.

Rep. Klemin: Are there other states that prohibit the sale of bottle rockets.

Dr. Darrell Williams: There are.

Rep. Klemin: Do you have any data on this.

Dr. Darrell Williams: I have a whole pile of data and I can't give you the exact numbers. I can tell you that the legislation to outlaw bottle rockets is promoted by National Society to Prevent Blindness, American Medical Association, my group, the Optometry Group, and there are a number of states that have banned bottle rockets, and a number of states with pending legislation.

Rep. Koppelman: The paragraph talks about a starlight and describes to me what sounds like a bottle rocket. You've added language clarifying what's not going to be available if your bill passes. What is left there? What would that refer to if bottle rockets were excluded?

Dr. Darrell Williams: That would cover all other fireworks currently legal in ND.

Rep. Koppelman: I'm just talking about (a) there, at the bottom of page 1, lines 22-23. The description that's given, you're adding to that paragraph.

Dr. Darrell Williams: Yes, so if someone has larger rockets on a stick that are designed to shoot way up in the sky, and explode with a report, or produce a visual display they would not be outlawed. That's what that means. They would not be outlawed. That's part of what we're

trying to get across. We're not trying to hurt the fireworks industry, we're not trying to overregulate. Some of these people spend hundred bucks for fireworks, and if they don't have one item, they will buy something else. We're not against all these other kinds of rockets that go up and provide a visual display. We're just trying to get rid of this one little hazard because they fly around erratically and explode. We played with them as children and we all experienced bottle rockets with our own children and as an eye care professional, I can tell you that it's a menace that we really need to get rid of.

Chairman DeKrey: Thank you. Further testimony in support.

Sen. David O'Connell: (see attached testimony).

Chairman DeKrey: Thank you. Further testimony in support.

Dr. Paul Dunderland: (see attached testimony).

Rep. Kretschmar: Are a majority of these injuries result in permanent damage to the person.

Dr. Paul Dunderland: Yes. The bottle rocket hits the eye with such an explosion, there is so much power there, that a lot of time there's a severe injury there.

Chairman DeKrey: Thank you. Further testimony in support.

Terry Volk: (see attached testimony).

Chairman DeKrey: Thank you. Further testimony in support.

Juanita and Dustin Mott: Dustin was a victim and his life is changed forever.

Chairman DeKrey: Thank you. Further testimony in support.

Bruce Levi, ND Medical Association, ND Society of Eye Physicians & Surgeons: (see attached testimony).

Rep. Onstad: Should this bill have an emergency clause.

Bruce Levi: That hadn't been discussed, that would be good.

Rep. Koppelman: What do neighboring states do with regard to these fireworks?

Bruce Levi: I'll get that to you.

Rep. Dahl: This will only ban the sale of bottle rockets. Shouldn't we amend this further and ban the use of bottle rockets. If the neighboring states still sell these, and people bring them into the state, they could still use them.

Bruce Levi: I think the focal point in drafting the bill originally was to fit it into the existing framework. The existing framework is to ban the sale of certain fireworks. Actually, it's to allow the sale of certain fireworks. There is a list of fireworks that are allowed. What this bill is doing is taking out that one category, the small bottle rockets. I guess the point and feeling was that banning the sale, in and of itself, would significantly diminish their availability in the state; thereby diminishing the numbers of eye injuries. Again, the reason the bill is written the way it is, is because we are trying to fit it into the existing framework.

Rep. Charging: How many fires have been started by these fireworks? Quite often these start fires as well.

Bruce Levi: The second simple reason why they are dangerous is that they are a significant fire hazard. When they detonate, the casing burns for a while, from a few seconds to a few minutes before it actually goes out.

Rep. Boehning: The city of Fargo can't shoot off fireworks within the city limits. Are there any statistics about the kids that come in with the injuries; an urban vs. a rural problem.

Bruce Levi: I'm not aware of any particular statistics. We could certainly ask about those. There are areas of the state where there are bans in place. I think last summer as well, we had a number of burn bans and fireworks weren't allowed at all. I think our point is bringing this back to just the bottle rocket itself and how inherently dangerous they are.

Rep. Kretschmar: The dimensions that are going into the bill for the new language; are they arbitrary, or is that the size of all bottle rockets.

Bruce Levi: I suppose there is always the opportunity to create a bottle rocket that's just a little larger and that it would be legal. I think my understanding of the definition in the bill, is the standard definition of what is manufactured now as a small bottle rocket and that would take care of the problem. I guess we could come back if there was just a tweak in terms of manufacturing something that would just cross the threshold.

Chairman DeKrey: Thank you. Further testimony in support.

Nancy Kopp, ND Optometric Association: (see attached testimony). The rural areas had more injuries.

Chairman DeKrey: Thank you. Further testimony in support. Testimony in opposition. We will close the hearing.

(Reopened later in the same session)

Chairman DeKrey: We will take a look at HB 1389.

Rep. Klemin: The people who testified feel that you're looking at a little more than a definition of what a bottle rocket is, because if you change that...

Chairman DeKrey: The way I look at that, I thought that was ridiculous because if you just make it a hair over 3/8" bigger, you will be able to get around the definition, no more powder, just a little more paper.

Rep. Klemin: They would like to come back and bring some amendments.

Chairman DeKrey: We will take a look at this bill when they bring in the amendments.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1389

House Judiciary Committee

Check here for Conference Committee

Hearing Date: 1/30/07

Recorder Job Number: 2302

Committee Clerk Signature

DeMose

Minutes:

Chairman DeKrey: We will look at HB 1389.

Rep. Koppelman: Would either of those two definitions be more restrictive.

Chairman DeKrey: I had the same concern that Rep. Kretschmar had when I read that precise description; but these fireworks are made in China and they are made by the billions. I do not believe that the Chinese are going to make enough bottle rockets one size bigger for ND. I really don't. If it doesn't work we can always come back in 2 years and amend it further.

Rep. Griffin: I move to amend to add the emergency clause.

Rep. Wolf: Second.

Chairman DeKrey: Voice vote. Motion carried. We now have the bill before us as amended.

Rep. Kingsbury: I move a Do Pass as amended.

Rep. Meyer: Second.

12 YES 2 NO 0 ABSENT

DO PASS AS AMEND

CARRIER: Rep. Wolf

Date: 1-30-07
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1389

House JUDICIARY Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as Amended

Motion Made By Rep. Kingsbury Seconded By Rep. Meyer

Representatives	Yes	No	Representatives	Yes	No
Ch. DeKrey	✓		Rep. Delmore	✓	
Rep. Klemin	✓		Rep. Griffin	✓	
Rep. Boehning		✓	Rep. Meyer	✓	
Rep. Charging	✓		Rep. Onstad	✓	
Rep. Dahl		✓	Rep. Wolf	✓	
Rep. Heller	✓				
Rep. Kingsbury	✓				
Rep. Koppelman	✓				
Rep. Kretschmar	✓				

Total (Yes) 12 No 2

Absent 0

Floor Assignment Rep. Wolf

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1389: Judiciary Committee (Rep. DeKrey, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1389 was placed on the Sixth order on the calendar.

Page 1, line 2, after "fireworks" insert "; to provide an effective date; and to declare an emergency"

Page 2, after line 27, insert:

"SECTION 2. EFFECTIVE DATE. This Act becomes effective on May 1, 2007.

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

2007 TESTIMONY

HB 1389

House Bill 1389

Representative Pinkerton, Bellew, Ekstrom, Hunskor, and Price
Senator Dever, O'Connell

Prohibition of Certain Fireworks

HB 1389 seeks to prevent 25 to 30 devastating eye injuries per year in North Dakota.

These injuries are mostly to children and are caused by bottle rockets. This bill will NOT seek to ban any other sale or usage of fireworks, only bottle rockets. These injured eyes will have life long problems, with all individuals having the potential for developing vision loss in the remaining good eye because of the sympathetic reaction.

Please vote to help eliminate the most preventable cause of blindness in North Dakota's children.

HB 1389 Summary

Senator David P. O'Connell

Amends North Dakota Century Code, banning bottle rockets with:

- Outside casing diameters less than three-eighths inch (9.53 millimeters)
- Lengths less than two and one-fourth inches (57.15 millimeters).

(Line item 24, pg. 1 & line items 1-3, pg. 2)

TESTIMONY ON HOUSE BILL 1389-JANUARY 29, 2007

PAUL DUNDERLAND, DOCTOR OF OPTOMETRY

My name is Paul Dunderland and I'm an optometrist who has practiced 23 years in my home town of Bottineau. In this community of approximately 2500 people, I have witnessed the blinding effects of bottle rocket eye injuries on 3 boys, ages 12, 13, and 15.

On July 2, 1992, Anthony received a bottle rocket injury to his left eye ultimately resulting in vision of light perception. All of the pictures before you are a representative of the injuries he sustained. In addition, he struggled to maintain normal health of his good eye due to a condition called sympathetic ophthalmia. In this condition, the good eye becomes inflamed "in sympathy" for the damaged eye and if not treated, can lead to blindness. Anthony was an aspiring young hockey player whose long term hockey goals were drastically diminished by the injury. His ability to judge distance, maintain balance, and rapidly assimilate visual information was forever changed because of his bottle rocket injury.

In July of 2001, Raymond had a bottle rocket explode in his right eye causing most all of the same ocular trauma as represented by the pictures before you. He also required a corneal transplant to replace the front window of the eye which was severely lacerated. On my last examination of Raymond, his vision in the damaged eye was no light perception or total blindness. His ability to continue in motor sports such as four wheeling and motocross was compromised for the rest of his life.

The third patient from Bottineau to sustain one of these injuries is Matthew Volk who was 15 years old on the date of his accident-July 10, 2006. He is here today with his father Terry, and I would like to publicly express my thanks to both of them for taking the time to be at this hearing. Matthew has been a patient of mine since receiving his first glasses in kindergarten and he is also a classmate of my son. I cannot convey to you enough the heartfelt compassion and anguish for Matthew and his parents on the night of his accident. I thought I had made it through the "fireworks season" without having to see another bottle rocket injury. In fact my wife had just commented a couple days before on how fortunate it was to get through the 4th of July weekend without such an injury. Matthew's current vision in his right eye is count fingers at best. Amongst several damaging effects, his iris was torn away from its insertion (called iridodialysis) causing a large mis-shaped pupil. This allows excessive light to enter which is visually

debilitating and disruptive to the fellow eye. Consequently, Matthew feels more comfortable simply patching the damaged eye. I wish I could provide a more favorable prognosis but Matthew's vision is likely to remain about the same. He is also at high risk for additional complications in the future.

To have one of these injuries in a small community is bad enough let alone three! In conversation with optometry colleagues as well as ophthalmologists, I have found that these injuries are not just unique to my practice, but occur across the state with enough frequency to severely impact the visual health of our state's citizens-mostly our youth. Dr. Thorman, optometrist from Rolla-40 miles away, estimates that he sees 2 patients, on average, every year who receive firework-related eye injuries. He has personally provided ocular prosthesis for two such patients who had eyes removed as a result of bottle rocket injuries.

Not only is there a great toll on these individuals' visual health, self perception, and future occupational choices, but the financial burden on insurance companies, Medicaid, and Worker's Compensation is considerable.

I believe we can prevent many of these horrible blinding injuries through this simple, no cost legislation- House Bill 1389. As much as I am in favor of keeping governmental laws to a minimum and maintaining our many freedoms, I believe this simple bill would save many North Dakotans from blindness and the high associated health care costs. Supporters of this bill do not have any long range plans or ulterior motives for banning BB guns, paint ball guns, tarp straps or other fireworks-simply the small bottle rockets that cause the greatest percentage of firework-related eye injuries.

If you want to experience what patients like Matthew live with every waking hour, try patching an eye for just an hour to see what it's like to perform your daily tasks and activities. Even reaching for a coffee cup or picking up a pen can be challenging, let alone driving a vehicle or playing sports. I have brought patches for all of you to try at your convenience.

Thank you again for your time. I strongly urge a DO PASS of this bill.

Respectfully,

Paul Dunderland, OD

SUPPORTING STATEMENT FOR HB 1389 – “BANNING BOTTLE ROCKETS”

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE, MY NAME IS TERRY VOLK FROM BOTTINEAU. I'M IN FAVOR OF HB1389 BECAUSE MY 16 YEAR OLD SON, MATTHEW, HAS HAD HIS LIFE PERMANENTLY ALTERED BY BOTTLE ROCKETS. THIS SUMMER HE WAS HIT AT THE EDGE OF HIS RIGHT EYE WHILE SHOOTING OFF ROCKETS WITH HIS FRIENDS. THE CONCUSSION CAUSED SEVERE SCARRING TO THE INTERIOR OF THE EYE AND PERMANENT LOSS OF VISION. WE COUNT OURSELVES LUCKY THE EYE DID NOT HAVE TO BE REMOVED. AS IT IS, HE WILL NEED TO WEAR AN EYE PATCH OR AN OPAQUE CONTACT LENS FOR THE REST OF HIS LIFE.

UNFORTUNATELY THIS IS NOT AN ISOLATED CASE. SEVERAL PEOPLE WHERE I WORK HAVE RELATED SIMILAR INCIDENTS THAT HAPPENED TO THEM OR THEIR RELATIVES. VICTIMS INCLUDED TODDLERS SITTING ON THEIR MOTHERS LAP AT A PICNIC AND A YOUNG GIRL WHO WAS GOING FOR A BOAT RIDE ON LAKE METIGOSHE. I HAVE TWO DAUGHTERS, NOW GRADUATED FROM BOTTINEAU HIGH SCHOOL, EACH OF THEM HAD A CLASSMATE STRUCK IN THE EYE; ONE DURING THE SOPHOMORE YEAR THE OTHER IN THE 6TH GRADE YEAR.

THESE INCIDENTS ARE JUST FROM ONE SMALL PART OF ND. HOW MANY ARE THERE ACROSS THE STATE? FAR TOO MANY, I'M SURE. IT'S WELL PAST TIME TO STOP THE SALE OF BOTTLE ROCKETS. FAR TOO MANY NEEDLESS INJURIES HAVE OCCURRED. AT ONE TIME LARGE CHERRY BOMBS WERE VERY POPULAR DESPITE THE FACT THAT FINGERS WERE BEING BLOWN OFF. I PERSONALLY KNOW TWO PEOPLE WITH MISSING FINGERS DUE TO CHERRY BOMBS. LEGISLATION WAS NECESSARY TO STOP THEIR SALE AND PROTECT OUR YOUNG PEOPLE.

BLINDED OR MISSING EYES FROM BOTTLE ROCKET INJURIES IS A SERIOUS DISFIGUREMENT. THIS CAN'T BE ALLOWED TO CONTINUE. AS YOU DELIBERATE THIS BILL CONSIDER YOUR OWN CHILDREN OR GRANDCHILDREN. ELIMINATING THIS RISK OF PERMANENT BLINDNESS IS CERTAINLY A HIGHER PRIORITY ISSUE THAN PRESERVING BOTTLE ROCKET SALES. PLEASE SUPPORT HB-1389. THANK YOU.

Consumer Product Safety Commission

Fireworks

CPSC Document #012

The American traditions of parades, cookouts, and fireworks help us celebrate the summer season, especially our nation's birthday on the Fourth of July. However, fireworks can turn a joyful celebration into a painful memory when children and adults are injured while using fireworks. Although legal consumer fireworks that comply with the CPSC regulations can be relatively safe, all fireworks are hazardous and can cause injury. Fireworks are classified as hazardous substances under the Federal Hazardous Substances Act. Some fireworks such as illegal firecracker type devices (M-80's, quarter sticks) and professional display fireworks should never be used or handled by consumers or children due to serious injuries and death that can and do occur from such use or handling.

The following are examples of injuries from legal and illegal fireworks:

A 52-year-old man lit an artillery shell type of firework with a large fuse. Either he did not move away from it in time, or he came back to check it after it was lit. The device exploded near the victim's face and his shirt caught on fire. The victim experienced first and second degree burns to about 40 percent of his body. He was taken to the hospital and later developed an infection. He died almost three weeks after the incident.

A 19-year-old female lit a firework that was supposed to shoot into the air. Instead, the firework exploded, shattering the lens of her glasses and burning the skin around her eye. The victim was treated at an emergency room and then released.

A 10-year-old male found some aerial fireworks that were discarded in the trash. Although designed to be launched from a tube, the victim placed a device on the ground and lit the fuse. The device then exploded causing burns to the victim's hand, face and chest. He was admitted to the hospital and released four days later.

A 27-year-old man picked up about 30 sparklers and began to light them for children in the neighborhood. Several of the sparklers exploded, according to the victim, resulting in first degree burns to his hand. He was treated at an emergency room and released.

To help prevent incidents like these, the federal government, under the Federal Hazardous Substances Act, prohibits the sale of the most dangerous types of fireworks to consumers. These banned fireworks include large reloadable mortar shells, cherry bombs, aerial bombs, M-80 salutes and larger firecrackers containing more than two grains of powder. Also banned are mail-order kits and components designed to build these fireworks.

In a regulation that went into effect December 6, 1976, the U.S. Consumer Product Safety Commission lowered the permissible charge in firecrackers to no more than 50 milligrams of powder. In addition, these amended regulations provide performance specifications for fireworks other than firecrackers intended for consumers use, including a requirement that fuses burn at least 3 seconds, but no longer than 9 seconds. All fireworks must carry a warning label describing necessary safety precautions and instructions for safe use.

The Commission has issued a performance requirement to reduce the risk of potentially dangerous tipover of large multiple tube mine and shell devices. Tip-over of these devices has resulted in two fatalities.

The U.S. Consumer Product Safety Commission still estimates that in 2004 about 9,600 people were treated in hospital emergency rooms for injuries associated with fireworks. Over half the injuries were burns and most of the injuries involved the hands, eyes, and head. About half of the victims were under 15 years of age.

Fireworks should be used only with extreme caution. Older children should be closely supervised, and younger children should not be allowed to play with fireworks.

Before using fireworks, make sure they are permitted in your state or local area. Many states and local governments prohibit or

limit consumer fireworks, formerly known as class C fireworks, which are common fireworks and firecrackers sold for consumer use. Consumer fireworks include shells and mortars, multiple tube devices, Roman Candles, rockets, sparklers, firecrackers with more than 50 milligrams of powder and novelty items such as snakes, airplanes, ground spinners, helicopters, fountains, and poppers. In general consumer fireworks are: DOT Class C 1.4G UN0336.

The following is a summary of state regulations as of June 1, 2005.

I. STATES THAT ALLOW SOME OR ALL TYPES OF CONSUMER FIREWORKS (formerly known as class C fireworks), **APPROVED BY ENFORCING AUTHORITY, OR AS SPECIFIED IN LAW** (39 states and the District of Columbia):

Alabama	Montana
Alaska	Nebraska
Arkansas	New Hampshire
California	New Mexico
Colorado	Nevada
Connecticut	North Carolina
District of Columbia	North Dakota
Florida	Oklahoma
Georgia	Oregon
Hawaii	Pennsylvania
Idaho	South Carolina
Indiana	South Dakota
Kansas	Tennessee
Kentucky	Texas
Louisiana	Utah
Maryland	Virginia
Michigan	Washington
Minnesota	West Virginia
Mississippi	Wisconsin
Missouri	Wyoming

(The above states enforce the federal regulations and applicable state restrictions).

II. STATES THAT ALLOW ONLY SPARKLERS AND/OR OTHER NOVELTIES (total of 5 states):

Illinois	Ohio
Iowa	Vermont
Maine	

III. STATES THAT ALLOW ONLY NOVELTY FIREWORKS - (1 state):

Arizona

IV. STATES THAT BAN ALL CONSUMER FIREWORKS (including those which are allowed by CPSC regulations) - (total of 5 states):

Delaware	New York
Massachusetts	Rhode Island
New Jersey	

To help consumers use fireworks more safely, the U.S. Consumer Product Safety Commission offers these recommendations:

- Do not allow young children to play with fireworks under any circumstances. Sparklers, considered by many the ideal "safe" firework for the young, burn at very high temperatures and can easily ignite clothing. Children cannot understand the danger involved and cannot act appropriately in case of emergency.
- Older children should only be permitted to use fireworks under close adult supervision. Do not allow any running or horseplay.
- Light fireworks outdoors in a clear area away from houses, dry leaves or grass and flammable materials.
- Keep a bucket of water nearby for emergencies and for pouring on fireworks that don't go off.
- Do not try to relight or handle malfunctioning fireworks. Douse and soak them with water and throw them away.
- Be sure other people are out of range before lighting fireworks.
- Never ignite fireworks in a container, especially a glass or metal container.
- Keep unused fireworks away from firing areas.
- Store fireworks in a dry, cool place. Check instructions for special storage directions.
- Observe local laws.
- Never have any portion of your body directly over a firework while lighting.
- Don't experiment with homemade fireworks.

**PARENTS SHOULD SUPERVISE THE ORDERING AND USE OF MAIL-ORDER "MAKE YOUR OWN" FIREWORK KITS AND COMPONENTS.
MAIL-ORDER KITS AND COMPONENTS DESIGNED TO BUILD BANNED FIREWORKS ARE ALSO PROHIBITED.**

0605

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The U.S. Consumer Product Safety Commission is charged with protecting the public from unreasonable risks of serious injury or death from more than 15,000 types of consumer products under the agency's jurisdiction. Deaths, injuries and property damage from consumer product incidents cost the nation more than \$700 billion annually. The CPSC is committed to protecting consumers and families from products that pose a fire, electrical, chemical, or mechanical hazard or can injure children. The CPSC's work to ensure the safety of consumer products - such as toys, cribs, power tools, cigarette lighters, and household chemicals - contributed significantly to the 30 percent decline in the rate of deaths and injuries associated with consumer products over the past 30 years.

To report a dangerous product or a product-related injury, call CPSC's hotline at (800) 638-2772 or CPSC's teletypewriter at (800) 638-8270, or visit CPSC's web site at www.cpsc.gov/talk.html. To join a CPSC email subscription list, please go to



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Testimony in Support of HB 1389
North Dakota Society of Eye Physicians and Surgeons
North Dakota Medical Association
January 29, 2007

The North Dakota Society of Eye Physicians and Surgeons, and the North Dakota Medical Association, strongly encourage support for HB 1389, which would reduce the burden of fireworks-related injuries among both children and adults. The North Dakota Society of Eye Physicians and Surgeons is the state professional membership for our state's Eye MDs, affiliated with the American Academy of Ophthalmology. The North Dakota Medical Association is the professional membership organization for all North Dakota physicians, residents, and medical students.

Seemingly innocuous bottle rockets exact a toll of pain and suffering on many North Dakotans each year. Unwitting children often make up a large segment of those victimized, and the physical and emotional scars often last a lifetime.

Bottle rockets are inherently dangerous to both adults and children for two very simple reasons. First, the rate of travel of a standard bottle rocket can reach very high rates of speed, and they are very susceptible to ricochet--often traveling in any direction but the one intended. Second, the bottle rocket presents a significant fire hazard. When a bottle rocket detonates, the casing can burn from a few seconds to a few minutes.

As previously stated, children are especially susceptible to injury. A study published in the July 2006 *Pediatrics* journal concluded that consumer fireworks such as bottle rockets cause serious preventable injuries among pediatric fireworks users and bystanders. The most common injuries occur to the eyeball, face and hands.

North Dakota physicians are working to encourage the safe use of fireworks. Prior to the 2006 July 4th holiday, the Society of Eye Physicians and Surgeons provided public service announcements and participated in radio talk shows to encourage safe use of fireworks. A copy of the text we used for our public service announcement is attached.

On behalf of the North Dakota Eye Physicians and Surgeons and the North Dakota Medical Association, we urge the Committee to make a "Do Pass" recommendation on HB 1389.

Fireworks Eye Safety Public Service Announcement

(June is Fireworks Eye Safety Month)

(30 seconds)

There are precautions you can take with fireworks to enjoy a safe Fourth of July holiday.

Dr. Douglas Litchfield, an Eye Physician (M.D./ophthalmologist) practicing in Bismarck and President of the North Dakota Society of Eye Physicians and Surgeons, suggests you attend a public fireworks display as a safe, patriotic way to honor the Fourth of July and to ensure the health and safety of your family.

And if you use fireworks, use common sense in celebrating with vision safety in mind.

During 2004, fireworks sent over 9,600 people to emergency rooms during the Fourth of July holiday – most victims were children and young adults. Of these injuries, nearly 1,400 were eye-related.

Bystanders are more often injured by fireworks than the people who set them off, and almost half of the injuries were to children 15 and younger. Fireworks such as bottle rockets and Roman candles account for the majority of injuries each year, but even sparklers can cause injuries. For children under the age of five, sparklers account for more than half of all fireworks injuries.

North Dakota's Eye Physicians suggest you enjoy fireworks by attending a public display. If you use fireworks, always read and follow the label directions for your fireworks. Always use with adult supervision. Never point or throw fireworks at other people and never give to small children. Never shoot fireworks in metal or glass containers. And always wear eye protection. Have a safe Fourth of July holiday!



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House Judiciary Committee
January 30, 2007

Thank you for opportunity to comment further on HB 1389. Additional information is provided below regarding questions from Committee members.

The American Pyrotechnics Association (APA) has a listing of state fireworks laws at www.americanpyro.com. According to those descriptions, Minnesota and Montana prohibit bottle rockets. Attached are the specific statutes from those states. South Dakota allows all fireworks that comply with Consumer Product Safety Commission regulations.

These other states prohibit skyrockets, according to the APA listing:

Arizona
California
Colorado
Connecticut
Delaware
Florida
Georgia
Hawaii
Idaho
Illinois
Iowa
Kansas
Kentucky
Louisiana (less than 5/8" in diameter and less than 2 7/8" in length)
Maine
Maryland
Massachusetts
Michigan
Nebraska
New Hampshire
New Jersey
New York
North Carolina
Oklahoma
Oregon
Pennsylvania
Rhode Island
South Carolina (less than 1/2" in diameter and 3" long)
Texas (casing less than 5/8" diameter and 3 1/2" overall length)

Virginia
Washington
West Virginia
Wisconsin

The question posed by Rep. Kretschmar regarding the definition of a bottle rocket raises the issue of whether the definition in HB 1389 is too precise, and whether any minor deviation in the manufacture of the bottle rocket could change the status of any fireworks product as either prohibited or permissible. I was not able to locate any other state fireworks law that defines "bottle rocket" as in HB 1389 with a casing less than 3/8" and 2 1/4" in length.

Several states define a "bottle rocket" or place a prohibition on "skyrockets" based on the size of the casing or stick as noted above.

New Hampshire prohibits the retail sale of bottle rockets, defining a bottle rocket "as defined by the American Pyrotechnics Association in APA Standard 87-1 (2001) 3.1.2.1, as amended."

Kansas prohibits bottle rockets and defines them for that purpose as follows:

(d) As used in this act, "bottle rocket" means any pyrotechnic device which:

- (1) Is classified as a class C explosive by the United States department of transportation under 49 C.F.R. 173.100 (1977);
 - (2) is mounted on a stick or wire; and
 - (3) projects into the air when ignited, with or without reports, and includes any device with the same configuration, with or without reports, which may be classified as a pipe or trough rocket.
- "Bottle rocket" does not include helicopter-type rockets.

If the Committee believes the description of the small, erratic bottle rockets should include a description of a larger rocket, the definitions in Texas, Louisiana or South Carolina would prohibit a larger bottle rocket. Those changes could be incorporated on page 2, lines 1 through 3.

Bruce Levi

Bruce Levi, Executive Director
North Dakota Society of Eye Physicians and Surgeons
North Dakota Medical Association



OPHTHALMOLOGY

EVELYNE B. KINDY, MD

ROBERT F. SANKE, MD

DARRELL P. WILLIAMS, MD

CHAD J. WOLSKY, MD

OPTOMETRY

JILL R. MARTINSON-
REDEKOPP, OD

SHAWN P. NELSON, OD

LOW VISION

J. K. MOSSER, CVRT

North Dakota Senators and House of Representatives

Please help us eliminate the most preventable cause of traumatic blindness in North Dakota. I have personally cared for patients with traumatic bottle rocket injuries to the eye virtually every July in the history of my twenty two year ophthalmology practice in Minot, North Dakota. This one item causes more eye injuries than all other fireworks combined. Other states have reported similar data with bottle rockets causing up to 80% of fireworks eye injuries. Every year we have blinding injuries in North Dakota-most of them suffered by children. Bottle rockets, even when used as directed, fly erratically. They can fly any direction and sometimes turn back and hit the people who light them. Even if those individuals have safety glasses they are unsafe because most injuries are to bystanders who may be up to several hundred feet away.

The goal of this bill is not to restrict the sale or use of any other fireworks-just to outlaw bottle rockets which are a dangerous hazard that we need to eliminate. We do not wish to reduce commerce in North Dakota. Any financial gain to the state from bottle rockets is more than lost through medical expense not to mention the tremendous personal cost of suffering and lost vision.

Eye care providers in North Dakota have never been more unified on a single issue. The following is one quote from one colleague characteristic of the sentiment of our state's ophthalmologists and optometrists. Dr. Lee Danneberg states, "I am the oldest practicing ophthalmologist in the state which has no merit except for the misfortune of seeing many serious eye injuries. The overwhelming favorite for the most dangerous piece of fireworks goes to the bottle rocket. When they are ignited there is no way to predict where they might go so they frequently injure an innocent bystander. I would roughly estimate that half of all eye injuries over the years have been caused by bottle rockets so I would be glad to help you eliminate them from the state of North Dakota if possible."

For the sake of our children and yours please add your vote to ban bottle rockets to those of the American Academy of Ophthalmology, the American Academy of Pediatrics, the Public Health Association, Prevent Blindness America, the North Dakota Society of Eye Physicians and Surgeons, the North Dakota Academy of Optometry and the North Dakota Medical Association.

Thank you.

Sincerely,

Darrell P. Williams, MD
Medical Director
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