

HOUSE BILL 175

E4

0lr1403

By: **Delegates Charkoudian, Conaway, Moon, and Wilkins**

Introduced and read first time: January 15, 2020

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – State Fire Marshal – Explosives License**

3 FOR the purpose of requiring the State Fire Marshal to deny an application for a certain
4 license or permit if the State Fire Marshal makes a certain finding; repealing a
5 requirement that the State Fire Marshal notify certain entities on issuance of a
6 certain license or permit; requiring the State Fire Marshal to notify the Maryland
7 Joint Operations Center on issuance of a certain license or permit; specifying that a
8 certain owner, operator, or contractor may use explosives only within time
9 restrictions established by a certain political subdivision, including the use of
10 explosives in certain projects; and generally relating to explosives and the State Fire
11 Marshal.

12 BY repealing and reenacting, without amendments,
13 Article – Public Safety
14 Section 11–107(a) and (c)
15 Annotated Code of Maryland
16 (2018 Replacement Volume and 2019 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Public Safety
19 Section 11–107(b) and (e) and 11–110(a)
20 Annotated Code of Maryland
21 (2018 Replacement Volume and 2019 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
23 That the Laws of Maryland read as follows:

24 **Article – Public Safety**

25 11–107.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) The State Fire Marshal shall issue a license or permit to each applicant who
2 meets the requirements of this subtitle.

3 (b) Subject to subsection (c) of this section, the State Fire Marshal shall deny an
4 application for a license or permit if the State Fire Marshal finds that:

5 (1) the applicant, or an officer, agent, or employee of the applicant who will
6 be handling explosives, is not sufficiently experienced and will not work under satisfactory
7 supervision in manufacturing, dealing in, or handling of explosives, as applicable;

8 (2) the applicant lacks suitable facilities for manufacturing, dealing in, or
9 handling explosives;

10 (3) the applicant, or an officer, agent, or employee of the applicant who will
11 be handling explosives, has been convicted of a felony or crime involving violence;

12 (4) the applicant, or an officer, agent, or employee of the applicant who will
13 be handling explosives, is disloyal to the United States or has renounced United States
14 citizenship;

15 (5) the applicant, or an officer, agent, or employee of the applicant who will
16 be handling explosives, will use the explosives for an **INAPPROPRIATE OR** illegal purpose;

17 (6) the applicant, or an officer, agent, or employee of the applicant who will
18 be handling explosives, is a fugitive as defined in § 9–401 of the Criminal Law Article;

19 (7) the applicant, or an officer, agent, or employee of the applicant who will
20 be handling explosives, has been adjudicated substantially cognitively impaired as defined
21 in § 3–301 of the Criminal Law Article;

22 (8) the applicant, or an officer, agent, or employee of the applicant who will
23 be handling explosives, has been committed to a mental institution;

24 (9) the applicant, or an officer, agent, or employee of the applicant who will
25 be handling explosives, has been dishonorably discharged from the United States military;

26 (10) the applicant, or an officer, agent, or employee of the applicant who will
27 be handling explosives, is an alien other than an alien authorized to receive explosives
28 under the federal Safe Explosives Act;

29 (11) the applicant, or an officer, agent, or employee of the applicant who will
30 be handling explosives, is a user of, or addicted to, a controlled dangerous substance as
31 defined in § 5–101 of the Criminal Law Article;

32 (12) the application contains false information; or

33 (13) the application fails to provide required information.

1 (c) (1) An applicant for a license to possess explosives for use in firearms need
2 not have sufficient experience in handling explosives or work under satisfactory
3 supervision in handling explosives.

4 (2) An applicant for a license to possess explosives to be used for
5 agricultural purposes need not:

6 (i) have sufficient experience in handling explosives or work under
7 satisfactory supervision in handling explosives; or

8 (ii) have suitable facilities for handling explosives.

9 (e) On issuance of a license or permit under this section, the State Fire Marshal
10 shall notify[:

11 (1) the fire chief or fire administrator in the county where the license or
12 permit was issued; or

13 (2) if the county does not have a county fire chief or fire administrator, the
14 local 9-1-1 center] **THE MARYLAND JOINT OPERATIONS CENTER.**

15 11-110.

16 (a) The owner or operator of a mine, quarry, or other operation or business that
17 uses explosives, or a contractor who performs work that uses explosives, required to obtain
18 a license to engage in business as a dealer under this subtitle:

19 (1) may issue or sell to each employee only the amount of explosives as is
20 reasonably required by that employee to perform the employee's duties;

21 (2) shall ensure that any explosives issued or sold to an employee are not
22 taken by the employee to a place not necessary for the employee to perform the employee's
23 duties; [and]

24 (3) shall ensure that any unused explosives are returned to the owner,
25 operator, or contractor on termination of the work for which the explosives were issued or
26 sold to the employee; **AND**

27 **(4) MAY USE EXPLOSIVES ONLY WITHIN TIME RESTRICTIONS THAT**
28 **ARE ESTABLISHED BY THE POLITICAL SUBDIVISION IN WHICH THE EXPLOSIVES WILL**
29 **BE USED, INCLUDING THE USE OF EXPLOSIVES FOR STATE PROJECTS.**

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2020.