

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 175
Judiciary

(Delegate Charkoudian, *et al.*)

Education, Health, and Environmental Affairs

Public Safety - State Fire Marshal - Explosives License

This bill (1) alters the circumstances under which the State Fire Marshal is required to deny an application for a license or permit to engage in business as a manufacturer or dealer of explosives or to possess explosives; (2) repeals the requirement for the State Fire Marshal to notify specified persons on issuance of an explosives license or permit and instead requires notification to the Maryland Joint Operations Center (MJOC); and (3) authorizes specified persons to use explosives only within time restrictions that are established by the political subdivision in which the explosives will be used, including the use of explosives for State projects.

Fiscal Summary

State Effect: The bill does not materially affect the workload or expenditures of the State Fire Marshal. Revenues are not materially affected.

Local Effect: The bill does not materially affect local government operations or finances.

Small Business Effect: Minimal or none.

Analysis

Bill Summary: The bill requires the State Fire Marshal to deny an application for an explosives license or permit if the State Fire Marshal finds that the applicant, or an officer, agent, or employee of the application who will be handling explosives, will use the explosives for an inappropriate purpose. The bill also repeals the requirement for the State Fire Marshal, on issuance of an explosives license or permit, to notify the fire chief or fire administrator in the county where the explosives license or permit was issued or, if the

county does not have a county fire chief or fire administrator, the local 9-1-1 center; instead, the State Fire Marshal must notify MJOC. Finally, the bill authorizes the owner or operator of a mine, quarry, or other operation or business that uses explosives (or a contractor who performs work that uses explosives) who is required to obtain a license, as specified, to use explosives only within time restrictions that are established by the political subdivision in which the explosives will be used, including the use of explosives for State projects.

Current Law: With certain exceptions, a person must obtain a license before engaging in business as a manufacturer or dealer, possessing explosives other than explosives for use in firearms, or possessing or storing explosives for use in firearms in the State. The Office of the State Fire Marshal issues three-year licenses for the manufacture, dealing, or possession of explosives to each applicant who meets the statutory requirements. However, there are 13 specific grounds for which a license or permit must be denied, including that the applicant has been convicted of a felony or violent crime, is disloyal to the United States, or will use the explosives for an illegal purpose.

On the issuance of an explosives license or permit, the State Fire Marshal must notify the fire chief or fire administrator in the county where the license or permit was issued; if the county does not have a county fire chief or fire administrator, the State Fire Marshal must notify the local 9-1-1 center.

The owner or operator of a mine, quarry, or other operation or business that uses explosives (or a contractor who performs work that uses explosives), who is required to obtain a license to engage in business as a dealer (1) may issue or sell to each employee only the amount of explosives as is reasonably required by that employee to perform the employee's duties; (2) must ensure that any explosives issued or sold to an employee are not taken by the employee to a place not necessary for the employee to perform the employee's duties; and (3) must ensure that any unused explosives are returned to the owner, operator, or contractor on termination of the work for which the explosives were issued or sold to the employee.

“Explosives” means gunpowder, powders for blasting, high explosives, blasting materials, fuses other than electric circuit breakers, detonators and other detonating agents, smokeless powder, and any chemical compound or mechanical mixture that contains oxidizing and combustible units or other ingredients in such proportions, quantities, or packing that ignition by fire, friction, concussion, percussion, or detonation of any part of the compound or mixture may and is intended to cause an explosion. The term includes bombs and destructive devices designed to operate by chemical, mechanical, or explosive action, and two or more components that are advertised and sold together with instructions on how to combine the components to create an explosive. The term does not include fixed ammunition for small arms, small arms ammunition primers, small arms percussion caps,

safety and pyrotechnic fuses, quills, quick and slow matches, friction primers, fireworks, or common matches when used in their original configuration.

“Dealer” means a person who is engaged in the business of buying or selling explosives but does not include a manufacturer.

Background: MJOC is a key element of the Maryland Emergency Management Agency, operating around-the-clock with National Guard and emergency management professionals. MJOC serves as a communications hub for emergency responders statewide and supports local emergency management. In addition, MJOC monitors local, State, national, and international events and alerts decision makers in the State when a situation warrants.

According to the Office of the State Fire Marshal, there are currently 195 explosives licenses in the State. Approximately 65 licenses are renewed each year.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Department of State Police; Military Department; Department of Legislative Services

Fiscal Note History: First Reader - January 23, 2020
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