

CHAPTER 221

LABOR AND INDUSTRY

HOUSE BILL 01-1397

BY REPRESENTATIVE(S) Snook, Fairbank, Fritz, Hoppe, Kester, Larson, Miller, Rhodes, Rippy, Schultheis, Sinclair, Tochtrop, White, Cadman, Cloer, Groff, Lee, Marshall, Romanoff, and Swenson;
also SENATOR(S) Chlouber.

AN ACT

CONCERNING THE REQUIREMENT THAT EXPLOSIVES BE MARKED WITH IDENTIFYING CODES.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 9-6-105, Colorado Revised Statutes, is amended to read:

9-6-105. Marking for sale. (1) It is unlawful for any person, partnership, or corporation to sell or offer for sale, or take or solicit orders of sale FOR, or purchase or use, or have on hand or in store for the purpose of sale or use in this state any ~~giant, hercules, atlas, venture, or any other high explosive containing nitroglycerine,~~ HIGH EXPLOSIVE THAT CAN BE DETONATED BY MEANS OF A DETONATOR, INCLUDING WITHOUT LIMITATION DYNAMITE, DETONATING CORD, CAST PRIMERS, AND CAP-SENSITIVE EMULSIONS, SLURRIES, AND WATER GELS, OR ANY CARTRIDGE OR BAG CONTAINING A BLASTING AGENT, OR ANY CONTAINER USED FOR THE PACKAGING OF DETONATORS AND BLASTING CAPS, unless on each ~~box or package and wrapper containing~~ CONTAINER OR BAG OF any such ~~giant, hercules, atlas, venture, or any other~~ high explosive, ~~containing nitroglycerine,~~ BLASTING AGENT, DETONATOR, OR BLASTING CAP AND ON EACH WRAPPING OF THE EXPLOSIVE CARTRIDGE CONTAINED WITHIN, there ~~shall be~~ IS plainly stamped or printed the name and place of business of the person, partnership, or corporation by which the same was manufactured and ~~the exact and true date of its manufacture, and the percentage of nitroglycerine or other high explosive contained therein~~ A DATE CODE OR OTHER CODE IDENTIFYING THE ORIGIN OF MANUFACTURE.

(2) IT IS UNLAWFUL TO INTENTIONALLY REMOVE, ALTER, OR OBSCURE THE PRINTED OR STAMPED MANUFACTURER'S NAME AND DATE CODES OR OTHER IDENTIFYING CODES ON THE CONTAINERS USED TO CONTAIN ANY HIGH EXPLOSIVES, BLASTING AGENTS, DETONATORS, OR BLASTING CAPS OR ON ANY WRAPPINGS THEREOF.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(3) MIXED BINARY EXPLOSIVES SHALL NOT BE SUBJECT TO THE PROVISIONS OF THIS SECTION.

SECTION 2. 9-6-106, Colorado Revised Statutes, is amended to read:

9-6-106. Date of manufacture - wrapping. (1) It is unlawful for any person, partnership, or corporation to have MORE THAN two ~~or more~~ different dates OR IDENTIFYING CODES on any ~~such box or package containing giant, hercules, atlas, venture, or any other~~ high explosive ~~containing nitroglycerine~~ THAT CAN BE DETONATED BY MEANS OF A DETONATOR, INCLUDING WITHOUT LIMITATION DYNAMITE, DETONATING CORD, CAST PRIMER, CAP-SENSITIVE EMULSION, SLURRIES, AND WATER GELS, OR ON ANY CARTRIDGES OR BAGS CONTAINING BLASTING AGENTS, OR ON ANY CONTAINER USED FOR THE PACKAGING OF DETONATORS OR BLASTING CAPS.

(2) It is also unlawful for any person, partnership, or corporation to use PACKAGE ANY EXPLOSIVES IN any ~~box, package, or wrapper~~ CONTAINER OR WRAPPING formerly used by any other person, partnership, or corporation in the packing of ~~such giant, hercules, atlas, venture, or other~~ high explosives, ~~containing nitroglycerine~~; and the name and date on such box or package shall be the same as on the wrapper containing ~~such giant, hercules, atlas, venture, or other explosives containing nitroglycerine~~ DETONATORS, BLASTING CAPS, OR CARTRIDGES OR BAGS CONTAINING BLASTING AGENTS.

(3) THE NAME AND PLACE OF BUSINESS OF THE MANUFACTURER AND THE DATE CODES OR OTHER CODES IDENTIFYING THE ORIGIN OF MANUFACTURE SHALL BE THE SAME ON THE PACKING CONTAINER AS ON EACH OF THE HIGH EXPLOSIVE CARTRIDGES OR BLASTING AGENT CARTRIDGES WITHIN SUCH PACKING CONTAINER.

SECTION 3. Article 6, of title 9, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

9-6-108. Applicability. CONSUMER FIREWORKS AND DISPLAY FIREWORKS, AS DEFINED IN THE UNITED STATES DEPARTMENT OF THE TREASURY, BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS REGULATIONS, TITLE 27, CODE OF FEDERAL REGULATIONS, SECTION 55.11, SHALL NOT BE SUBJECT TO THE PROVISIONS OF THIS ARTICLE.

SECTION 4. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: June 1, 2001