
OLR Bill Analysis

sSB 368

AN ACT CONCERNING A STATE EXPLOSIVES, BLASTING AND PYROTECHNIC CODE.

SUMMARY

This bill requires the Department of Emergency Services and Public Protection (DESPP) commissioner, in coordination with an advisory committee the bill creates, to adopt and administer a State Explosives, Blasting, and Pyrotechnic Code with provisions for explosives, blasting, gunpowder, fireworks, pyrotechnics, and rockets. It sets administrative procedures for adopting and amending this code that are substantially similar to those under existing law for the State Building Code, Fire Safety Code, and State Fire Prevention Code.

Current law authorizes DESPP to regulate explosives, blasting agents, fireworks, pyrotechnics, sparklers, fountains, flame producing devices, and rockets by adopting regulations according to the Uniform Administrative Procedure Act (UAPA). The bill makes these regulations part of the State Explosives, Blasting and Pyrotechnic Code and exempts them from the UAPA. It instead subjects them to the process set out in the bill for the State Explosives, Blasting, and Pyrotechnic Code, including that the DESPP commissioner adopt them in coordination with the bill's advisory committee. Generally, unlike the UAPA process, the new code's adoption process (1) does not require the attorney general to review the proposed codes for legal sufficiency and allows the Regulation Review Committee to waive its review and (2) deems a proposed code approved if the committee fails to meet or act within prescribed deadlines.

The bill also makes other conforming and technical changes.

EFFECTIVE DATE: October 1, 2026

STATE EXPLOSIVES, BLASTING, AND PYROTECHNIC CODE MODEL, REVISION SCHEDULES, AND INTERPRETATIONS

The bill requires the State Explosives, Blasting, and Pyrotechnic Code to be based on nationally recognized standards and codes. It must also be revised (1) at the same time as the State Building Code and (2) as needed to incorporate any subsequent revisions to the nationally recognized standards and codes within 18 months after they are first published.

Under the bill, the DESPP commissioner may issue official interpretations of the State Explosives, Blasting, and Pyrotechnic Code, including on the applicability of any code provision. It requires him to compile and index each code interpretation and publish them at periodic intervals at least every four months.

ADVISORY COMMITTEE

The bill creates an 11-member advisory committee made up of:

1. the state fire marshal (or her designee);
2. two members representing local fire marshals, deputy fire marshals, and fire inspectors, selected from a list submitted by the Connecticut Fire Marshals Association;
3. five members representing the State Police;
4. one member representing the State Fire Prevention Code's advisory committee;
5. one member representing the Connecticut Career Fire Chiefs Association; and
6. one member who has expertise in matters relating to the explosives or pyrotechnics industry.

All appointments to the committee must be made by the DESPP commissioner.

STATE EXPLOSIVES, BLASTING, AND PYROTECHNIC CODE ADOPTION PROCESS

Action Steps Preceding Code Adoption

Under the bill, before the proposed State Explosives, Blasting, and Pyrotechnic Code or any amendment to it is adopted, the DESPP commissioner must do the following:

1. post the proposed code, a statement of its purpose, a fiscal note associated with compliance, and a regulatory flexibility analysis on the DESPP website;
2. send notice electronically to the Public Safety and Security Committee;
3. notify anyone who requested advance notice of proposed code adoption proceedings;
4. allow for a 45-day public comment period after the proposed code, statement of purpose, fiscal note, and regulatory flexibility analysis are posted; and
5. hold a public hearing on the proposed code between 20 and 35 days after posting the required information.

Public Comments and Code-Making Record

Under the bill, after the public comment period closes, the DESPP commissioner and the State Explosives, Blasting, and Pyrotechnic Code's advisory committee must respond to all written and oral comments received during the comment period and at the public hearing. The response must include any change made to the proposed code, if applicable, and the rationale for the change. The DESPP commissioner must post the responses on the DESPP website within 30 days after the comment period closes.

The DESPP commissioner and the advisory committee must create and maintain a code-making record for each proposed code, submit the record electronically to the Public Safety and Security and Regulation Review committees, and post it on the DESPP website. The record must

include the following:

1. the final wording of the proposed code in a format consistent with nationally recognized standards and codes,
2. the required fiscal note and regulatory flexibility analysis, and
3. all written and oral comments received during the public comment period, and the responses to them.

Regulation Review Committee Deadlines for Action on Proposed Codes

The bill gives the Regulation Review Committee up to 45 days after the record is submitted to the committee to convene a meeting to approve, disapprove, or reject without prejudice the proposed code, in whole or in part. If the proposed code is withdrawn, the DESPP commissioner must resubmit it and the committee has up to 45 days from the resubmittal to convene a meeting to approve, disapprove, or reject it without prejudice. If the committee notifies the commissioner in writing that it is waiving its right to convene a meeting or fails to act on a proposed or a resubmitted proposed code within the deadlines, it is deemed approved by the committee.

Committee Disapproval of Code

Under the bill, if the committee disapproves a proposed code, in whole or in part, it must notify the DESPP commissioner about its disapproval and the reasons for it. The commissioner cannot take any action to implement a disapproved code, but he may submit a substantively new proposed code. The legislature may also reverse the disapproval through existing provisions in the UAPA.

Committee Rejection of Code without Prejudice

If the committee rejects all or part of a proposed code without prejudice, the bill requires it to notify the DESPP commissioner about the reasons for the rejection. The commissioner must resubmit the proposed code in a revised form to the committee within 30 days after the rejection. Each resubmission must include a summary of any revisions. The committee must review and take action on the

resubmittal within 45 days after receiving it.

Enforceability of Code

Under the bill, the State Explosives, Blasting, and Pyrotechnic Code or any approved amendment to it takes effect and is enforceable once posted on the DESPP website, except that (1) if a later date is required by statute or the code, the later date is the effective date, and (2) a code cannot take effect before the effective date of the public act requiring or permitting it.

The DESPP commissioner must include a statement certifying that the electronic copy of the code is a true and accurate copy of the code approved or deemed approved in accordance with the bill. The electronic copy of the code posted on the DESPP website is the official version for all purposes, including legal and administrative proceedings.

Code Validity

The bill specifies that no provision of the State Explosives, Blasting, and Pyrotechnic Code or any amendment to it adopted after the bill's effective date is valid unless it substantially complies with the bill. A proceeding to contest any provision on grounds of noncompliance must be commenced within two years from the code's effective date.

Public Access to the Code

The bill requires the DESPP commissioner to advise the public on how to obtain a copy of the code and any amendments to it.

EREGULATIONS SYSTEM

By law, the secretary of the state may omit certain regulations from the regulations of state agencies posted on the eRegulations System. As with the State Building Code, Fire Safety Code, and State Fire Prevention Code under existing law, the bill allows the secretary to omit the State Explosives, Blasting, and Pyrotechnic Code and post a link to an electronic copy of it. It requires that copies of the code be readily available for inspection in DESPP's principal office.

BACKGROUND

Related Bill

sHB 5401, § 1, favorably reported by the Public Safety and Security Committee, makes several changes to when and under what circumstances the State Building Code may be amended, including limiting the frequency with which the code can be revised to once every six years or once per two full “model code cycles” (i.e. the recurring period, typically three years, during which an edition of the nationally recognized model building code is published).

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable

Yea 29 Nay 0 (03/17/2026)