

By Ms. Creem, a petition (accompanied by bill, Senate, No. 1355) of Cynthia Stone Creem, Anthony J. Verga and Barbara A. L'Italien for legislation to require tagging of explosive materials. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT REQUIRING TAGGING OF EXPLOSIVE MATERIALS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 148 of the General Laws, as appearing in
2 the 2000 Official Edition, is hereby amended by inserting after
3 section 9A the following section:—

4 Section 9B. (a) The board shall make rules and regulations
5 requiring that all explosive materials manufactured or offered for
6 sale in this commonwealth be tagged for purposes of detection
7 and identification.

8 (b) As used herein the term “explosive materials” shall mean:
9 gunpowders; powders used for blasting; dynamite and all other
10 forms of high explosives; blasting material; fuses (other than elec-
11 tric circuit breakers); detonators and other detonating agents;
12 black and smokeless powders; any explosive bomb, grenade, mis-
13 sile, or similar device; and any chemical compounds, mechanical
14 mixture, or device that contains any oxidizing and combustible
15 units, or other ingredients, in such proportions, quantities, or
16 packing that ignition by fire, by friction, by concussion, by per-
17 cussion, or by detonation of the compound, mixture, or device or
18 any part thereof may cause an explosion.

19 (c) In choosing methods of tagging explosive materials the
20 board shall select the method or methods which achieve the
21 following goals and, in the event of any mutual inconsistency with
22 respect to a particular method or explosive material, shall assign
23 priority to the goals in the order listed: pose the smallest risk to

24 human life; substantially assist law enforcement officers in their
25 investigative efforts; least impair the quality of the explosive
26 material for its intended use; have the least possible impact on the
27 environment; and impose the lowest cost on manufacturers and
28 users of the explosive materials.

29 (d) Any requirement of federal law with respect to the tagging
30 of explosive materials shall supersede any requirement contained
31 in the rules and regulations adopted by the board hereunder.

32 (e) Upon and after the effective date of the rules and regula-
33 tions adopted pursuant to subsection (a) of this section, no person
34 shall manufacture or offer for sale in this commonwealth explo-
35 sive materials which have not been tagged as required by such
36 rules and regulations. Whoever violates this section shall be pun-
37 ished by a fine of not more than ten thousand dollars, or by
38 imprisonment for not more than two and one-half years, or both,
39 and any such untagged explosive materials found in his possession
40 or under his control on such violation shall be forfeited to the
41 commonwealth.

1 SECTION 2. The board of fire prevention regulations shall
2 adopt the rules and regulations required by section 9B of chapter
3 148 of the General Laws, as inserted by section 1 of this act, no
4 later than one year after the enactment of this act. The board shall
5 conduct public hearings before adopting said rules and regulations
6 in compliance with chapter 30A of the General Laws. Said rules
7 and regulations shall also be governed by the requirements of
8 section 10 of chapter 148 of the General Laws. The board shall
9 consult with federal, state and local officials with expertise in the
10 area of chemicals used to manufacture explosive materials and
11 with any other individuals or groups as the board may choose to
12 consult. The board may apply a tagging requirement to any explo-
13 sive material or similar material subject to such a requirement
14 under regulations of the United States Secretary of the Treasury.