

House File 202 - Enrolled

House File 202

AN ACT

RELATING TO EXPLOSIVE MATERIALS INCLUDING BLASTING AGENTS,
DETONATORS, AND DESTRUCTIVE DEVICES, PROVIDING PENALTIES,
AND INCLUDING EFFECTIVE DATE PROVISIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 101A.1, subsections 1 and 4, Code 2023,
are amended to read as follows:

1. "*Blasting agent*" means any material or mixture consisting of a fuel and oxidizer, intended for blasting but not otherwise classified as an explosive, in which none of the finished products as mixed and packaged for use or shipment can be detonated by means of a number eight test blasting cap when unconfined. "Blasting agent" includes any material or mixture intended for blasting that meets the requirements of 49 C.F.R. pt. 173, subpt. C.

4. "*Explosive materials*" means explosives, ~~or~~ blasting agents, and detonators.

Sec. 2. Section 101A.1, Code 2023, is amended by adding the following new subsections:

NEW SUBSECTION. 2A. "*Destructive device*" means any of the following:

a. Any explosive, incendiary, chemical or biological poison, or poison gas which is any of the following:

- (1) A bomb.
- (2) A grenade.

(3) A rocket having a propellant charge of more than four ounces.

(4) A missile having an explosive or incendiary charge of more than one-quarter ounce.

(5) A mine.

(6) A booby trap.

(7) A Molotov cocktail.

(8) A bottle bomb.

(9) A vessel or container intentionally caused to rupture or mechanically explode by expanding pressure from any gas, acid, dry ice, or other chemical mixture.

(10) Any similar device, the primary or common purpose of which is to explode and to be used as a weapon against any person or property.

b. Any combination of parts designed or intended to be converted into a destructive device as defined in paragraph "a".

c. The term "*destructive device*" does not include any of the following:

(1) A device that is neither designed nor redesigned for use as a weapon to be used against person or property.

(2) A device, originally designed for use as a weapon, that is redesigned for use as a signaling, pyrotechnic, line-throwing, safety, or similar device.

(3) A surplus ordnance sold, loaned, or given by the secretary of the army pursuant to 10 U.S.C. §4684(2), 4685, or 4686.

(4) Any device the state fire marshal determines is not likely to be used as a weapon or that is an antique.

(5) Any device possessed under circumstances negating an intent that the device be used as a weapon against any person or property.

NEW SUBSECTION. 2B. "*Detonator*" means any device containing an initiating or primary explosive that is used for initiating detonation. Excluding ignition or delay charges, a detonator shall not contain more than ten grams of explosive material per unit. "*Detonator*" includes an electric detonator of instantaneous or delay type, a detonator for use with safety fuses, a detonating cord delay connector, and a nonelectric detonator or instantaneous or delay type which consists of

a detonating cord, shock tube, or any other replacement for electric leg wires.

Sec. 3. Section 712.5, Code 2023, is amended by striking the section and inserting in lieu thereof the following:

712.5 Reckless use of fire, explosives, or destructive devices.

Any person who uses fire, explosives, or destructive devices to recklessly endanger the property or safety of another shall be guilty of a serious misdemeanor.

Sec. 4. Section 712.6, Code 2023, is amended to read as follows:

712.6 Explosive materials or ~~incendiary materials or destructive~~ devices.

1. A person who possesses any ~~incendiary or explosive device or material~~ or destructive device with the intent to use such device or material to commit a public offense shall be guilty of a class "C" felony.

2. a. A person who possesses any ~~incendiary or explosive device or material~~ or destructive device shall be guilty of an aggravated misdemeanor.

b. **This subsection** does not apply to a person holding a valid commercial license or user's permit issued pursuant to chapter 101A, provided that the person is acting within the scope of authority granted by the license or permit.

3. A person who, with the intent to intimidate, annoy, or alarm another person, places a simulated explosive or simulated ~~incendiary~~ destructive device in or near an occupied structure as defined in section 702.12 a place that the person reasonably believes is likely to cause public alarm or inconvenience, is guilty of a serious misdemeanor.

4. A person who uses any explosive material or destructive device to commit any public offense or who possesses any explosive material or destructive device during the commission of a felony shall be guilty of a class "C" felony.

Sec. 5. NEW SECTION. **712.10 Destructive device.**

For purposes of this chapter, "destructive device" means the same as defined in section 101A.1.

Sec. 6. Section 724.1, subsection 1, paragraph c, Code 2023, is amended to read as follows:

~~c. A bomb, grenade, or mine, whether explosive, incendiary, or poison gas; any rocket having a propellant charge of more than four ounces; any missile having an explosive charge of more than one-quarter ounce; or any device similar to any of these~~ A destructive device as defined in section 101A.1.

Sec. 7. Section 727.2, subsection 3, Code 2023, is amended by adding the following new paragraph:

NEW PARAGRAPH. *d.* Any retailer or community group offering for sale at retail any consumer fireworks shall do so in accordance with the national fire protection association standard 1124, published in the code for the manufacture, transportation, storage, and retail sales of fireworks and pyrotechnic articles, 2006 edition, and shall not be subject to any other standards or requirements unless provided for by the state fire marshal under section 100.19.

Sec. 8. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

PAT GRASSLEY
Speaker of the House

AMY SINCLAIR
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 202, Ninetieth General Assembly.

MEGHAN NELSON
Chief Clerk of the House

Approved _____, 2023

KIM REYNOLDS
Governor