

Colorado Revised Statutes 2019

TITLE 9

SAFETY - INDUSTRIAL AND COMMERCIAL

EXPLOSIVES

ARTICLE 6

Explosives

9-6-101. Explosives on passenger vehicles and trains. It is unlawful to transport, carry, convey, or deliver to be transported, carried, or conveyed, or to cause to be delivered to be transported, carried, or conveyed any of the substances or articles known as dynamite, nitroglycerine, or glycerine oil, nitroleum or blasting oil, or nitrated oil, or powder mixed with any such oil, or fiber saturated with any such article or substance in any vehicle used or employed in transporting passengers, or in any train of cars used in transporting passengers; except that an ordinary freight train with a caboose or passenger car used as a caboose shall not be construed as a train of cars used in transporting passengers within the meaning of sections 9-6-101 to 9-6-104.

Source: L. 1876: p. 96, § 1. G.L. § 1852. G.S. § 2788. R.S. 08: § 5286. C.L. § 5505. CSA: C. 64, § 1. CRS 53: § 53-1-1. C.R.S. 1963: § 53-1-1.

9-6-102. Packing for shipment. It is unlawful to ship, send, or forward nitroglycerine, glycerine oil, nitrated oil, nitroleum or blasting oil, or to transport any of the same upon any vehicle of any description, or to deliver the same to be transported, carried, or conveyed unless the same is securely enclosed, deposited, or packed in a metallic vessel surrounded by plaster of paris or other material that is nonexplosive when saturated with such oil or substance, and separate from all other substances, and the outside of the package containing the same is marked or labeled in a conspicuous manner with the words "nitroglycerine - dangerous".

Source: L. 1876: p. 97, § 2. G.L. § 1853. L. 1881: p. 194, § 1. G.S. § 2789. R.S. 08: § 5287. C.L. § 5506. CSA: C. 64, § 2. CRS 53: § 53-1-2. C.R.S. 1963: § 53-1-2.

9-6-103. Violation - penalty. Any person who knowingly violates any of the provisions of sections 9-6-101 and 9-6-102 commits a class 6 felony and shall be punished as provided in section 18-1.3-401, C.R.S.

Source: L. 1876: p. 97, § 3. G.L. § 1854. G.S. § 2790. R.S. 08: § 5288. C.L. § 5507. CSA: C. 64, § 3. CRS 53: § 53-1-3. C.R.S. 1963: § 53-1-3. L. 77: Entire section amended, p.

870, § 21, effective July 1, 1979. **L. 89:** Entire section amended, p. 821, § 8, effective June 8. **L. 2002:** Entire section amended, p. 1467, § 23, effective October 1.

Editor's note: The effective date for amendments made to this section by chapter 216, L. 77, was changed from July 1, 1978, to April 1, 1979, by chapter 1, First Extraordinary Session, L. 78, and was subsequently changed to July 1, 1979, by chapter 157, § 23, L. 79. See *People v. McKenna*, 199 Colo. 452, 611 P.2d 574 (1980).

Cross references: For the legislative declaration contained in the 2002 act amending this section, see section 1 of chapter 318, Session Laws of Colorado 2002.

9-6-104. Death by negligence. When the death of any person is caused by the explosion of any of the articles or substances named in section 9-6-101 while the same is being delivered to any carrier or while the same is being transported or is being removed from the vehicle on which it has been transported or conveyed or on which it has been placed for transportation, every person who knowingly and unlawfully placed, or aided, or permitted the placing of such article or substance on such vehicle, or delivered the same, or caused the same to be delivered contrary to the provisions of sections 9-6-101 to 9-6-104, commits a class 4 felony and shall be punished as provided in section 18-1.3-401, C.R.S.

Source: **L. 1876:** p. 97, § 4. **G.L.** § 1855. **G.S.** § 2791. **R.S. 08:** § 5289. **C.L.** § 5508. **CSA:** C. 64, § 4. **CRS 53:** § 53-1-4. **C.R.S. 1963:** § 53-1-4. **L. 77:** Entire section amended, p. 870, § 22, effective July 1, 1979. **L. 2002:** Entire section amended, p. 1467, § 24, effective October 1.

Editor's note: The effective date for amendments made to this section by chapter 216, L. 77, was changed from July 1, 1978, to April 1, 1979, by chapter 1, First Extraordinary Session, L. 78, and was subsequently changed to July 1, 1979, by chapter 157, § 23, L. 79. See *People v. McKenna*, 199 Colo. 452, 611 P.2d 574 (1980).

Cross references: For the legislative declaration contained in the 2002 act amending this section, see section 1 of chapter 318, Session Laws of Colorado 2002.

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 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 container or bag of any such high explosive, blasting agent, detonator, or blasting cap and on each wrapping of the explosive cartridge contained within, there is plainly stamped or printed the name and place of business of the person, partnership, or corporation by which the same was manufactured and 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.

(3) Mixed binary explosives shall not be subject to the provisions of this section.

Source: L. 1887: p. 278, § 1. R.S. 08: § 5290. C.L. § 5509. CSA: C. 64, § 5. CRS 53: § 53-1-5. C.R.S. 1963: § 53-1-5. L. 2001: Entire section amended, p. 759, § 1, effective August 8.

9-6-106. Date of manufacture - wrapping. (1) It is unlawful for any person, partnership, or corporation to have more than two different dates or identifying codes on any high explosive 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 package any explosives in any container or wrapping formerly used by any other person, partnership, or corporation in the packing of high explosives, 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.

Source: L. 1887: p. 278, § 2. R.S. 08: § 5291. C.L. § 5510. CSA: C. 64, § 6. CRS 53: § 53-1-6. C.R.S. 1963: § 53-1-6. L. 2001: Entire section amended, p. 760, § 2, effective August 8.

9-6-107. Violation - penalty. If any person, partnership, or corporation violates any of the provisions of sections 9-6-105 and 9-6-106, such person, the members of such partnership, or the officers or agents of such corporation are guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than five thousand dollars, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment.

Source: L. 1887: p. 279, § 3. R.S. 08: § 5292. C.L. § 5511. CSA: C. 64, § 7. CRS 53: § 53-1-7. C.R.S. 1963: § 53-1-7.

9-6-108. Applicability. Consumer fireworks and display fireworks, as defined in 27 CFR 555.11 of the United States department of justice, bureau of alcohol, tobacco, firearms, and explosives, or any of its successor agencies, shall not be subject to the provisions of this article.

Source: L. 2001: Entire section added, p. 760, § 3, effective August 8. L. 2007: Entire section amended, p. 2019, § 8, effective June 1. L. 2019: Entire section amended, (SB 19-241), ch. 390, p. 3463, § 4, effective August 2.

ARTICLE 7

Explosives - Regulation and Inspection

9-7-101. Short title. This article shall be known and may be cited as the "Explosives Act".

Source: L. 70: p. 185, § 1. **C.R.S. 1963:** § 53-7-1.

9-7-102. Legislative declaration. The general assembly hereby declares that the purpose of this article 7 is to provide for safety inspections to assure suitable control of the procurement of and access to explosives and, at the same time, to avoid undue limitations upon the manufacture, sale, transport, or legitimate use of explosives. To avoid a duplication of supervision, inspection, and enforcement by various governmental agencies, no person, firm, partnership, or corporation that is subject to regulation under articles 20 to 54 of title 34, C.R.S., or 30 CFR part 56, 57, 75, or 77 shall be subject to this article 7. Fireworks subject to part 20 of article 33.5 of title 24 shall not be subject to regulation under this article 7.

Source: L. 70: p. 185, § 1. **C.R.S. 1963:** § 53-7-2. **L. 2006:** Entire section amended, p. 249, § 1, effective March 31. **L. 2017:** Entire section amended, (SB 17-222), ch. 245, p. 1027, § 2, effective August 9.

9-7-103. Definitions. As used in this article, unless the context otherwise requires:

(1) Repealed.

(1.5) "Department" means the department of labor and employment.

(2) "Division" means the division of oil and public safety in the department of labor and employment.

(3) "Explosive" or "explosive device" means any material or container containing a chemical compound or mixture that is commonly used or intended for the purpose of producing an explosion and that contains any oxidizing and combustible materials or other ingredients in such proportions, quantities, or packing that an ignition by fire, by friction, by concussion, or by detonation of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects, but shall not mean the components for handloading rifle, pistol, and shotgun ammunition and/or rifle, pistol, and shotgun ammunition.

(4) "Incendiary device" means any flammable material or container containing a flammable liquid or material whose ignition by fire, friction, concussion, detonation, or other method produces destructive effects primarily through combustion rather than explosion.

(5) "Molotov cocktail" means a breakable container containing an explosive or flammable liquid or other substance, having a wick or similar device capable of being ignited, and may be described as either an explosive or incendiary device. A molotov cocktail is not intended to mean a device commercially manufactured primarily for the purpose of illumination or other such uses.

Source: L. 70: p. 185, § 1. **C.R.S. 1963:** § 53-7-3. **L. 86:** (1) repealed, p. 502, § 125, effective July 1. **L. 2001:** (2) amended, p. 1138, § 65, effective June 5. **L. 2004:** (1.5) added, p. 1169, § 3, effective May 27.

9-7-104. Enforcement. (1) The division shall enforce this article and for such purposes shall:

(a) Issue permits to applicants found by the division, after inspection and investigation, to be qualified for such permit under this article and the rules of the division;

(b) Deny, suspend, or revoke permits upon a finding of noncompliance or violation of this article or of the applicable rules;

(c) Hold hearings upon the application of any person aggrieved by any order of the division with respect to the denial, suspension, or revocation of any permit;

(d) Inspect, during normal business hours, any building, structure, or premises subject to this article, and, upon the discovery of any violation of this article or the applicable rules, issue such orders as are necessary for the safety of workers and the public, and, in the case of imminent hazard, apply for an injunction in the appropriate district court.

(2) The division may inspect blast sites or request a blast demonstration in a controlled environment pursuant to rules promulgated by the director of the division.

Source: L. 70: p. 186, § 1. **C.R.S. 1963:** § 53-7-4. **L. 86:** (1)(a) amended, p. 497, § 110, effective July 1. **L. 2008:** Entire section amended, p. 986, § 4, effective May 21.

9-7-105. Duties of director of division. (1) The director of the division shall promulgate rules and regulations to implement the provisions of this article. Such rules and regulations may include requirements not mentioned specifically in this article but which are reasonably necessary for the safety of workers, the public, and the protection of property. The procedure for the promulgation of such rules and regulations shall be in accordance with the provisions of section 24-4-103, C.R.S.

(2) Any person aggrieved by a decision or order of the director of the division may seek judicial review pursuant to the provisions of section 24-4-106, C.R.S.

Source: L. 70: p. 186, § 1. **C.R.S. 1963:** § 53-7-5. **L. 86:** Entire section amended, p. 497, § 111, effective July 1.

9-7-106. Explosives permits. (1) It is a violation of this article to manufacture, sell, purchase, store, transport, or use explosives without first obtaining from the division a permit.

(2) Permits issued under this article shall not be transferable, and shall be readily available for inspection by representatives of the division and law enforcement officials.

(3) The division may place such restrictions and limitations on permits as it deems necessary.

(4) Nothing in this article shall authorize the issuance of a permit for an explosive or incendiary device commonly known as a molotov cocktail, and no permit may be issued for the manufacture, sale, storage, transportation, or use of such device.

(5) No permit shall be required for the occasional purchase of explosives by a person for normal agricultural purposes, if such person is personally known by the seller of such explosives, and a record is kept of such transaction by the seller, including the specific purpose for which such explosives will be used, the location of the proposed use, the signature of the purchaser, and the certification of the seller as to his personal knowledge of the purchaser. Violation of the record requirement of this section shall cause the seller's permit to be cancelled.

(6) No division-issued permit shall be required for a person, firm, partnership, or corporation whose use and storage of explosive materials is for the purpose of underground mining, surface or underground metal mining, or surface or underground coal mining and whose use and storage of explosive materials is regulated by 30 CFR part 56, 57, 75, or 77.

Source: L. 70: p. 186, § 1. C.R.S. 1963: § 53-7-6. L. 2004: (1) amended, p. 1168, § 1, effective May 27. L. 2006: (6) added, p. 249, § 2, effective March 31.

9-7-107. Fees. An application for initial issuance or renewal of a thirty-six-month permit under this article shall be accompanied by a fee as established by the director of the division; except that the director of the division by rule or as otherwise provided by law may reduce the amount of the fee if necessary pursuant to section 24-75-402 (3), C.R.S., to reduce the uncommitted reserves of the fund to which all or any portion of the fee is credited. After the uncommitted reserves of the fund are sufficiently reduced, the director of the division by rule or as otherwise provided by law may increase the amount of the fee as provided in section 24-75-402 (4), C.R.S.

Source: L. 70: p. 187, § 1. C.R.S. 1963: § 53-7-7. L. 85: Entire section amended, p. 338, § 3, effective July 1. L. 96: Entire section amended, p. 25, § 1, effective July 1. L. 98: Entire section amended, p. 1325, § 23, effective June 1. L. 2000: Entire section amended, p. 165, § 4, effective March 17. L. 2008: Entire section amended, p. 986, § 5, effective May 21.

9-7-108. Issuance of permit - renewal - criminal history record check. (1) Permits issued under this article shall be valid for up to thirty-six months after the date of issue unless sooner revoked or suspended. Permits may be issued on a conditional basis, subject to revocation or suspension based on the occurrence or nonoccurrence of an event specified by the division. Permits may be renewed on or before their expiration date upon the payment of the required fee.

(2) Prior to the issuance of a permit pursuant to this article, each applicant for a permit shall submit his or her set of fingerprints to the department. The department shall conduct a criminal history record check of each applicant. If, as a result of such check, the department finds that further investigation is necessary, the department shall forward the fingerprints to the Colorado bureau of investigation for the purpose of conducting a state and national fingerprint-based criminal history record check utilizing the records of the Colorado bureau of investigation and the federal bureau of investigation. The costs associated with the fingerprint-based criminal history record check shall be paid by the applicant to the Colorado bureau of investigation. The department shall consider the information resulting from the criminal history record checks in its determination as to whether the division shall issue a permit to the applicant. Nothing in this section shall preclude the department from making further inquiries into the background of the applicant.

Source: L. 70: p. 187, § 1. C.R.S. 1963: § 53-7-8. L. 75: Entire section R&RE, p. 331, § 1, effective June 13. L. 85: Entire section amended, p. 338, § 4, effective July 1. L. 96: Entire section amended, p. 25, § 2, effective July 1. L. 98: Entire section amended, p. 1325, § 24, effective June 1. L. 2000: Entire section amended, p. 165, § 5, effective March 17. L. 2004: Entire section amended, p. 1168, § 2, effective May 27.

9-7-108.3. Transition to three-year permits - repeal. (Repealed)

Source: L. 2000: Entire section added, p. 165, § 6, effective March 17.

Editor's note: Subsection (2) provided for the repeal of this section, effective July 1, 2002. (See L. 2000, p. 165.)

9-7-108.5. Disposition of fees. All fees collected by the division pursuant to this article shall be transmitted to the state treasurer, who shall credit the same to the public safety inspection fund created pursuant to section 8-1-151, C.R.S.

Source: L. 85: Entire section added, p. 338, § 5, effective July 1.

9-7-109. Records. Every person holding a permit issued under this article shall keep such records as may be required by the division. Records shall be maintained for not less than two years following the year in which the record is made. All such records shall be open to inspection by the division or its representatives during normal business hours.

Source: L. 70: p. 187, § 1. **C.R.S. 1963:** § 53-7-9.

9-7-110. Revocation or suspension of permit. A violation of this article or the rules and regulations promulgated pursuant thereto, shall constitute grounds for the revocation or suspension of a permit issued under this article.

Source: L. 70: p. 187, § 1. **C.R.S. 1963:** § 53-7-10.

9-7-111. Failure to obtain permit - penalty. Except as provided in section 9-7-106 (5), any person who manufactures, sells, stores, transports, or uses explosives without first obtaining a permit therefor under the provisions of this article is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment.

Source: L. 70: p. 187, § 1. **C.R.S. 1963:** § 53-7-11. **L. 81:** Entire section amended, p. 2023, § 5, effective July 14.

9-7-112. Unlawful use of explosives or incendiaries - penalty. (Repealed)

Source: L. 70: p. 187, § 1. **C.R.S. 1963:** § 53-7-12. **L. 74:** Entire section repealed, p. 256, § 2, effective March 21.

9-7-113. Use of flammable gases in home marijuana cultivation - prohibited. A local government may ban the use of a compressed, flammable gas as a solvent in the extraction of THC or other cannabinoids in a residential setting.

28. **Source: L. 2013:** Entire section added, (SB 13-283), ch. 332, p. 1889, § 1, effective May