

**FIRE PREVENTION AND FIREWORKS ACT AMENDMENTS**

2011 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: James A. Dunnigan**

Senate Sponsor: John L. Valentine

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**LONG TITLE**

**Committee Note:**

The Business and Labor Interim Committee recommended this bill.

**General Description:**

This bill modifies the Fire Prevention and Fireworks Act to address definitions and fireworks.

**Highlighted Provisions:**

This bill:

- ▶ modifies definitions;
- ▶ repeals certain testing and approval requirements;
- ▶ modifies times for sale and discharge of fireworks; and
- ▶ makes technical and conforming amendments.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

**§→ [None] This bill coordinates with H.B. 203, Codification of State Construction and Fire Codes, so that specific language in H.B. 203 supersedes specified amendments in this bill. ←§**

**Utah Code Sections Affected:**

AMENDS:

**53-7-202**, as last amended by Laws of Utah 2010, Chapters 61 and 310

**53-7-222**, as last amended by Laws of Utah 2010, Chapters 61 and 324

**53-7-225**, as renumbered and amended by Laws of Utah 1993, Chapter 234

**§→ Utah Code Sections Affected by Coordination Clause:**

**53-7-222**, as last amended by Laws of Utah 2010, Chapters 61 and 324 ←§

H.B. 22



152 (19) "Unclassified fireworks" means:

153 (a) a pyrotechnic device that is used, given away, or offered for sale, that has not been  
154 tested, approved, and classified by the United States Department of Transportation;

155 (b) an approved device that has been altered or redesigned since obtaining approval by  
156 the United States Department of Transportation; and

157 (c) a pyrotechnic device that is being tested by a manufacturer, importer, or wholesaler  
158 before receiving approval by the United States Department of Transportation.

159 (20) "Wholesaler" means:

160 (a) a person who sells class C common state approved explosives to a retailer; or

161 (b) a person who sells class B explosives or class C dangerous explosives for display  
162 use.

163 Section 2. Section 53-7-222 is amended to read:

164 **53-7-222. Restrictions on the sale or use of fireworks.**

165 ~~[(1) (a) The division shall test and approve a representative sample of each class C  
166 common state-approved explosive before the explosive may be sold to the public.]~~

167 ~~[(b) The division shall publish a list of all class C explosives that are approved for sale  
168 to the public each year.]~~

169 ~~[(2)]~~ (1) (a) Except as provided in Subsection ~~[(2)]~~ (1)(b), class C dangerous  
170 explosives may not be possessed, discharged, sold, or offered for retail sale.

171 (b) (i) The following persons may purchase, possess, or discharge class C dangerous  
172 explosives:

173 (A) display operators and special effects operators who receive a license from the  
174 division in accordance with Section 53-7-223 and approval from their local licensing authority  
175 in accordance with Section 11-3-3.5; and

176 (B) operators approved by the Division of Wildlife Resources or Department of  
177 Agriculture and Food to discharge agricultural and wildlife fireworks.

178 (ii) Importers and wholesalers licensed under Section 53-7-224 may possess, sell, and  
179 offer to sell class C dangerous explosives.

180 ~~[(3)]~~ (2) Unclassified fireworks may not be sold, or offered for sale.

180a **§→ (3) (a) As used in this section, "NFPA" means the edition of the National Fire Protection**  
180b **Association adopted by the state fire code.**

180c **(b) For purposes of the portion of the state fire code that includes the amendments and**  
180d **additions to NFPA 1124, and subject to the amendments and additions made in the state fire**  
180e **code, the board shall:**

180f **(i) by rule, adopt standards for the retail sales of consumer fireworks; and**

180g **(ii) in adopting the standards described in Subsection (3)(a)(i), consider the applicable**  
180h **provisions of NFPA 1124, Chapter 7, Retail Sales of Consumer Fireworks.** ←§

181 Section 3. Section 53-7-225 is amended to read:

182 **53-7-225. Times for sale and discharge of fireworks.**

- 183 Class C common state approved explosives may be:
- 184 (1) sold each year:
- 185 (a) [~~after June 19 and before~~] beginning on June 26 and ending on July 26;
- 186 (b) [~~after December 19 and before January 3~~] beginning on December 26 and ending  
 187 on January 1; and
- 188 (c) [~~15~~] three days before and on the Chinese New Year; and
- 189 (2) discharged [~~three days before, on the day of, and three days following~~] each year:
- 190 [~~(a) July 4;~~]
- 191 [~~(b) July 24;~~]
- 192 (a) beginning on June 26 and ending on July 26;
- 193 [~~(c)~~] (b) January 1 and December 31; and
- 194 [~~(d)~~] (c) the day before and on the Chinese New Year.

194a **§→ Section 3. Coordinating H.B. 22 with H.B. 203 - Providing for superseding amendments.**

194b **If this H.B. 22, Fire Prevention and Fireworks Act Amendments, and H.B. 203, Codification of**

194c **State Construction and Fire Codes, both pass it is the intent of the Legislature that the Office**

194d **of Legislative Research and General Counsel, in preparing the Utah Code database for**

194e **publication, not give effect to Subsection 53-7-222(3) enacted in this H.B. 22. ←§**

Legislative Review Note  
 as of 10-21-10 10:59 AM

Office of Legislative Research and General Counsel