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Fireworks Modifications
2025 GENERAL SESSION
STATE OF UTAH

Chief Sponsor: James A. Dunnigan

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LONG TITLE

General Description:

This bill amends provisions related to fireworks.

Highlighted Provisions:

This bill:

- replaces incorrect terms related to fireworks; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53-7-204, as last amended by Laws of Utah 2021, Chapter 237

53-7-225, as last amended by Laws of Utah 2024, Chapters 128, 438

53-7-225.1, as enacted by Laws of Utah 2018, Chapter 189

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **53-7-204** is amended to read:

53-7-204 . Duties of Utah Fire Prevention Board -- Unified Code Analysis

Council -- Local administrative duties.

(1) The board shall:

- (a) administer the state fire code as the standard in the state;
- (b) subject to the state fire code, make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:
 - (i) establishing standards for the prevention of fire and for the protection of life and property against fire and panic in any:
 - (A) publicly owned building, including all public and private schools, colleges, and university buildings;

- 32 (B) building or structure used or intended for use as an asylum, a mental hospital,
33 a hospital, a sanitarium, a home for the elderly, an assisted living facility, a
34 children's home or day care center, or any building or structure used for a
35 similar purpose; or
- 36 (C) place of assemblage where 50 or more persons may gather together in a
37 building, structure, tent, or room for the purpose of amusement, entertainment,
38 instruction, or education;
- 39 (ii) establishing safety and other requirements for placement and discharge of display
40 fireworks on the basis of:
- 41 (A) the state fire code; and
42 (B) relevant publications of the National Fire Protection Association;
- 43 (iii) establishing safety standards for retail storage, handling, and sale of [~~class C~~] a
44 division 1.4G common state approved [explosives] explosive;
- 45 (iv) defining methods to establish proof of competence to place and discharge display
46 fireworks, special effects fireworks, and flame effects;
- 47 (v) subject to Subsection (2), creating a uniform statewide policy regarding a state,
48 county, special district, and local government entity's safe seizure, storage, and
49 repurposing, destruction, or disposal of [~~a firework, class A explosive, or class B~~] a
50 division 1.1G explosive, division 1.2G explosive, division 1.3G explosive, or
51 division 1.4G explosive that:
- 52 (A) is illegal; or
53 (B) a person uses or handles in an illegal manner;
- 54 (vi) deputizing qualified persons to act as deputy fire marshals, and to secure special
55 services in emergencies;
- 56 (vii) implementing Section 15A-1-403;
- 57 (viii) establishing criteria for the certification of firefighters, pump operators,
58 instructors, fire officers, fire investigators, and rescue personnel not certified or
59 licensed under any other section of the Utah Code;
- 60 (ix) establishing criteria for training and safety equipment grants for fire departments
61 enrolled in firefighter certification;
- 62 (x) establishing ongoing training standards for hazardous materials emergency
63 response agencies;
- 64 (xi) establishing criteria for the fire safety inspection of a food truck; and
65 (xii) establishing criteria for the accreditation and reaccreditation of fire service

- 66 training organizations;
- 67 (c) recommend to the commissioner a state fire marshal;
- 68 (d) develop policies under which the state fire marshal and the state fire marshal's
69 authorized representatives will perform;
- 70 (e) provide for the employment of field assistants and other salaried personnel as
71 required;
- 72 (f) prescribe the duties of the state fire marshal and the state fire marshal's authorized
73 representatives;
- 74 (g) provide technical expertise, advice, and support to Utah Valley University in the
75 establishment and operation of the fire and rescue training program described in
76 Section 53B-29-202;
- 77 (h) establish a statewide fire statistics program for the purpose of gathering fire data
78 from all political subdivisions of the state;
- 79 (i) coordinate the efforts of all people engaged in fire suppression in the state;
- 80 (j) work aggressively with the local political subdivisions to reduce fire losses;
- 81 (k) regulate the sale and servicing of portable fire extinguishers and automatic fire
82 suppression systems in the interest of safeguarding lives and property;
- 83 (l) establish a certification program for persons who inspect and test automatic fire
84 sprinkler systems;
- 85 (m) establish a certification program for persons who inspect and test fire alarm systems;
- 86 (n) establish a certification for persons who provide response services regarding
87 hazardous materials emergencies;
- 88 (o) in accordance with Sections 15A-1-403 and 68-3-14, submit a written report to the
89 Business and Labor Interim Committee; and
- 90 (p) jointly create the Unified Code Analysis Council with the Uniform Building Code
91 Commission in accordance with Section 15A-1-203.
- 92 (2)(a) In the rules that the board makes under Subsection (1)(b)(v), the board shall
93 include a provision prohibiting a state, county, special district, or local government
94 entity from disposing of an item described in Subsection (1)(b)(v) by means of open
95 burning, except under circumstances described in the rule.
- 96 (b) When making a rule under Subsection (1)(b)(v), the board shall:
- 97 (i) review and include applicable references to:
- 98 (A) requirements described in Title 15A, Chapter 5, State Fire Code Act; and
99 (B) provisions of the International Fire Code; and

- 100 (ii) consider the appropriate role of the following in relation to the rule:
- 101 (A) the federal Bureau of Alcohol, Tobacco, Firearms, and Explosives; and
- 102 (B) a firework wholesaler or distributor.
- 103 (3) The board may incorporate in its rules by reference, in whole or in part:
- 104 (a) the state fire code; or
- 105 (b) subject to the state fire code, a nationally recognized and readily available standard
- 106 pertaining to the protection of life and property from fire, explosion, or panic.
- 107 (4) The following functions shall be administered locally by a city, county, or fire
- 108 protection district:
- 109 (a) issuing permits, including open burning permits pursuant to Sections 11-7-1 and
- 110 19-2-114;
- 111 (b) creating a local board of appeals in accordance with the state fire code; and
- 112 (c) subject to the state fire code and the other provisions of this chapter, establishing,
- 113 modifying, or deleting fire flow and water supply requirements.

114 Section 2. Section **53-7-225** is amended to read:

115 **53-7-225 . Times for sale and discharge of fireworks -- Criminal penalty --**

116 **Permissible closure of certain areas -- Maps and signage.**

- 117 (1) Except as provided in Section 53-7-221, this section supersedes any other code
- 118 provision regarding the sale or discharge of fireworks.
- 119 (2)(a) Except as provided in Subsection (2)(b), a person may sell ~~[class=€]~~ a division
- 120 1.4G common state approved ~~[explosives]~~ explosive in the state as follows:
- 121 (i) beginning on June 24 and ending on July 25;
- 122 (ii) beginning on December 29 and ending on December 31; and
- 123 (iii) two days before and on the Chinese New Year's eve.
- 124 (b) The restrictions in Subsection (2)(a) do not apply to:
- 125 (i) online sales to a person outside the state for use outside the state; or
- 126 (ii) sales to persons described in Subsection 53-7-222(1)(b)(i)(A).
- 127 (3) A person may not discharge ~~[class=€]~~ a division 1.4G common state approved [~~explosives]~~ explosive in the state except as follows:
- 128 (a) between the hours of 11 a.m. and 11 p.m., except that on July 4 and July 24, the
- 129 hours are 11 a.m. to midnight:
- 130 (i) beginning on July 2 and ending on July 5; and
- 131 (ii) beginning on July 22 and ending on July 25;
- 132 (b)(i) beginning at 11 a.m. on December 31 and ending at 1 a.m. on the following
- 133

- 134 day; or
- 135 (ii) if New Year's eve is on a Sunday and the county or municipality determines to
136 celebrate New Year's eve on the prior Saturday, then a person may discharge [
137 ~~class-C~~] a division 1.4G common state approved [~~explosives~~] explosive on that
138 prior Saturday within the county or municipality;
- 139 (c) between the hours of 11 a.m. and 11 p.m. on January 1; and
- 140 (d) beginning at 11 a.m. on the Chinese New Year's eve and ending at 1 a.m. on the
141 following day.
- 142 (4) A person is guilty of an infraction, punishable by a fine of up to \$1,000, if the person
143 discharges a [~~class-C~~] division 1.4G common state approved explosive:
- 144 (a) outside the legal discharge dates and times described in Subsection (3); or
- 145 (b) in an area in which fireworks are prohibited under Subsection 15A-5-202.5(1)(b).
- 146 (5)(a) Except as provided in Subsection (5)(b) or (c), a county, a municipality, or the
147 state forester may not prohibit a person from discharging [~~class-C~~] a division 1.4G
148 common state approved [~~explosives~~] explosive during the permitted periods described
149 in Subsection (3).
- 150 (b)(i) As used in this Subsection (5)(b), "negligent discharge":
- 151 (A) means the improper use and discharge of a [~~class-C~~] division 1.4G common
152 state approved explosive; and
- 153 (B) does not include the date or location of discharge or the type of explosive used.
- 154 (ii) A municipality may prohibit:
- 155 (A) the discharge of [~~class-C~~] a division 1.4G common state approved [~~explosives~~]
156 explosive in certain areas with hazardous environmental conditions, in
157 accordance with Subsection 15A-5-202.5(1)(b); or
- 158 (B) the negligent discharge of [~~class-C~~] a division 1.4G common state approved [
159 ~~explosives~~] explosive.
- 160 (iii) A county may prohibit the negligent discharge of [~~class-C~~] a division 1.4G
161 common state approved [~~explosives~~] explosive.
- 162 (c) The state forester may prohibit the discharge of [~~class-C~~] a division 1.4G common
163 state approved [~~explosives~~] explosive as provided in Subsection 15A-5-202.5(1)(b) or
164 Section 65A-8-212.
- 165 (6) If a municipal legislative body or the state forester provides a map to a county
166 identifying an area in which the discharge of fireworks is prohibited due to a historical
167 hazardous environmental condition under Subsection 15A-5-202.5(1)(b), the county

168 shall, before June 1 of that same year:

169 (a) create a county-wide map, based on each map the county has received, indicating
170 each area within the county in which fireworks are prohibited under Subsection

171 15A-5-202.5(1)(b);

172 (b) provide the map described in Subsection (6)(a) to:

173 (i) each retailer that sells fireworks within the county; and

174 (ii) the state fire marshal; and

175 (c) publish the map on the county's website.

176 (7) A retailer that sells fireworks shall display:

177 (a) a sign that:

178 (i) is clearly visible to the general public in a prominent location near the point of
179 sale;

180 (ii) indicates the legal discharge dates and times described in Subsection (3); and

181 (iii) indicates the criminal charge and fine associated with discharge:

182 (A) outside the legal dates and times described in Subsection (3); and

183 (B) within an area in which fireworks are prohibited under Subsection

184 15A-5-202.5(1)(b); and

185 (b) the map that the county provides, in accordance with Subsection (6)(b).

186 Section 3. Section **53-7-225.1** is amended to read:

187 **53-7-225.1 . Civil liability.**

188 (1)(a) An individual who negligently, recklessly, or intentionally causes or spreads a
189 fire through discharge of a [class-C] division 1.4G explosive is liable for the cost of
190 suppressing that fire and any damages the fire causes.

191 (b) If the individual described in Subsection (1)(a) is a minor, the parent or legal
192 guardian having legal custody of the minor is liable for the costs and damages for
193 which the minor is liable under this section.

194 (c) A court may waive part or all of the parent or guardian's liability for damages under
195 Subsection (1)(b) if the court finds:

196 (i) good cause; and

197 (ii) that the parent or legal guardian:

198 (A) made a reasonable effort to supervise and direct the minor; or

199 (B) in the event the parent or guardian knew in advance of the negligent, reckless,
200 or intentional conduct described in Subsection (1)(a), made a reasonable effort
201 to restrain the minor.

- 202 (2)(a) The conduct described in Subsection (1) includes any negligent, reckless, or
203 intentional conduct, regardless of whether:
- 204 (i) the person discharges a ~~[class-C]~~ division 1.4G common state approved explosive:
- 205 (A) within the permitted time periods described in Subsection 53-7-225(3); or
- 206 (B) in an area where discharge was not prohibited under Subsection 53-7-225(5)(b)
- 207 or (c); or
- 208 (ii) the fire begins on:
- 209 (A) private land;
- 210 (B) land owned by the state or a political subdivision of the state;
- 211 (C) federal land; or
- 212 (D) tribal land.
- 213 (b) Discharging a ~~[class-C]~~ division 1.4G explosive in an area in which fireworks are
- 214 prohibited due to hazardous environmental conditions, in accordance with Subsection
- 215 15A-5-202.5(1)(b), constitutes the negligent, reckless, or intentional conduct
- 216 described in Subsection (1).
- 217 (3) A person who incurs costs to suppress a fire described in Subsection (1) may bring an
- 218 action under this section to recover those costs against an individual described in
- 219 Subsection (1).
- 220 (4) A person who suffers damage from a fire described in Subsection (1) may:
- 221 (a) bring an action under this section for those damages against an individual described
- 222 in Subsection (1); and
- 223 (b) pursue all other legal remedies in addition to seeking damages under Subsection
- 224 (4)(a).

225 **Section 4. Effective Date.**

226 This bill takes effect on May 7, 2025.