

FIREWORKS AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd Weiler

House Sponsor: James A. Dunnigan

LONG TITLE

General Description:

This bill requires the Utah Fire Prevention Board to create a uniform statewide policy regarding a government entity's seizure, storage, and disposal of certain explosives.

Highlighted Provisions:

This bill:

▸ requires the Utah Fire Prevention Board to create, by rule, a uniform statewide policy regarding a government entity's safe seizure, storage, and disposal of certain explosives; and

▸ provides requirements for a rule made with regards to the preceding paragraph.

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 2017, Chapters 18 and 165

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



28 -- Local administrative duties.

29 (1) The board shall:

30 (a) administer the state fire code as the standard in the state;

31 (b) subject to the state fire code, make rules in accordance with Title 63G, Chapter 3,

32 Utah Administrative Rulemaking Act:

33 (i) establishing standards for the prevention of fire and for the protection of life and
34 property against fire and panic in any:

35 (A) publicly owned building, including all public and private schools, colleges, and
36 university buildings;

37 (B) building or structure used or intended for use as an asylum, a mental hospital, a
38 hospital, a sanitarium, a home for the elderly, an assisted living facility, a children's home or
39 day care center, or any building or structure used for a similar purpose; or

40 (C) place of assemblage where 50 or more persons may gather together in a building,
41 structure, tent, or room for the purpose of amusement, entertainment, instruction, or education;

42 (ii) establishing safety and other requirements for placement and discharge of display
43 fireworks on the basis of:

44 (A) the state fire code; and

45 (B) relevant publications of the National Fire Protection Association;

46 (iii) establishing safety standards for retail storage, handling, and sale of class C
47 common state approved explosives;

48 (iv) defining methods to establish proof of competence to place and discharge display
49 fireworks, special effects fireworks, and flame effects;

50 (v) subject to Subsection (2), creating a uniform statewide policy regarding a state,
51 county, special district, and local government entity's safe seizure, storage, and disposal of a
52 firework, class A explosive, or class B explosive that:

53 (A) is illegal; or

54 (B) a person uses or handles in an illegal manner;

55 [~~(v)~~] (vi) deputizing qualified persons to act as deputy fire marshals, and to secure
56 special services in emergencies;

57 [~~(vi)~~] (vii) implementing Section 15A-1-403;

58 [~~(vii)~~] (viii) setting guidelines for use of funding;

- 59 [~~(viii)~~] (ix) establishing criteria for training and safety equipment grants for fire
- 60 departments enrolled in firefighter certification;
- 61 [~~(ix)~~] (x) establishing ongoing training standards for hazardous materials emergency
- 62 response agencies; and
- 63 [~~(x)~~] (xi) establishing criteria for the fire safety inspection of a food truck;
- 64 (c) recommend to the commissioner a state fire marshal;
- 65 (d) develop policies under which the state fire marshal and the state fire marshal's
- 66 authorized representatives will perform;
- 67 (e) provide for the employment of field assistants and other salaried personnel as
- 68 required;
- 69 (f) prescribe the duties of the state fire marshal and the state fire marshal's authorized
- 70 representatives;
- 71 (g) establish a statewide fire prevention, fire education, and fire service training
- 72 program in cooperation with the Board of Regents;
- 73 (h) establish a statewide fire statistics program for the purpose of gathering fire data
- 74 from all political subdivisions of the state;
- 75 (i) establish a fire academy in accordance with Section [53-7-204.2](#);
- 76 (j) coordinate the efforts of all people engaged in fire suppression in the state;
- 77 (k) work aggressively with the local political subdivisions to reduce fire losses;
- 78 (l) regulate the sale and servicing of portable fire extinguishers and automatic fire
- 79 suppression systems in the interest of safeguarding lives and property;
- 80 (m) establish a certification program for persons who inspect and test automatic fire
- 81 sprinkler systems;
- 82 (n) establish a certification program for persons who inspect and test fire alarm
- 83 systems;
- 84 (o) establish a certification for persons who provide response services regarding
- 85 hazardous materials emergencies;
- 86 (p) in accordance with Sections [15A-1-403](#) and [68-3-14](#), submit a written report to the
- 87 Business and Labor Interim Committee; and
- 88 (q) jointly create the Unified Code Analysis Council with the Uniform Building Code
- 89 Commission in accordance with Section [15A-1-203](#).

90 (2) (a) In the rules that the board makes under Subsection (1)(b)(v), the board shall
91 include a provision prohibiting a state, county, special district, or local government entity from
92 disposing of an item described in Subsection (1)(b)(v) by means of open burning, except under
93 circumstances described in the rule.

94 (b) When making a rule under Subsection (1)(b)(v), the board shall:

95 (i) review and include applicable references to:

96 (A) requirements described in Title 15A, Chapter 5, State Fire Code Act; and

97 (B) provisions of the International Fire Code; and

98 (ii) consider the appropriate role of the following in relation to the rule:

99 (A) the federal Bureau of Alcohol, Tobacco, Firearms, and Explosives; and

100 (B) a firework wholesaler or distributor.

101 ~~(2)~~ (3) The board may incorporate in its rules by reference, in whole or in part:

102 (a) the state fire code; or

103 (b) subject to the state fire code, a nationally recognized and readily available standard
104 pertaining to the protection of life and property from fire, explosion, or panic.

105 ~~(3)~~ (4) The following functions shall be administered locally by a city, county, or fire
106 protection district:

107 (a) issuing permits, including open burning permits pursuant to Sections 11-7-1 and
108 19-2-114;

109 (b) creating a local board of appeals in accordance with the state fire code; and

110 (c) subject to the state fire code and the other provisions of this chapter, establishing,
111 modifying, or deleting fire flow and water supply requirements.

Legislative Review Note
Office of Legislative Research and General Counsel