

Representative Candice B. Pierucci proposes the following substitute bill:

FIREWORKS AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Candice B. Pierucci

Senate Sponsor: Daniel McCay

LONG TITLE

General Description:

This bill modifies provisions regarding the discharge of fireworks.

Highlighted Provisions:

This bill:

► provides that fireworks may be discharged between 11 a.m. and 11 p.m. on January

1.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53-7-225, as last amended by Laws of Utah 2018, Chapter 189

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

Section 1. Section **53-7-225** is amended to read:

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

Permissible closure of certain areas -- Maps and signage.



(1) Except as provided in Section 53-7-221, this section supersedes any other code provision regarding the sale or discharge of fireworks.

(2) A person may sell class C common state approved explosives in the state as follows:

(a) beginning on June 24 and ending on July 25;

(b) beginning on December 29 and ending on December 31; and

(c) two days before and on the Chinese New Year's eve.

(3) A person may not discharge class C common state approved explosives in the state except as follows:

(a) between the hours of 11 a.m. and 11 p.m., except that on July 4 and July 24, the hours are 11 a.m. to midnight:

(i) beginning on July 2 and ending on July 5; and

(ii) beginning on July 22 and ending on July 25;

(b) (i) beginning at 11 a.m. on December 31 and ending at 1 a.m. on the following day; or

(ii) if New Year's eve is on a Sunday and the county, municipality, or metro township determines to celebrate New Year's eve on the prior Saturday, then a person may discharge class C common state approved explosives on that prior Saturday within the county, municipality, or metro township; ~~and~~

(c) between the hours of 11 a.m. and 11 p.m. on January 1; and

~~[(c)]~~ (d) beginning at 11 a.m. on the Chinese New Year's eve and ending at 1 a.m. on the following day.

(4) A person is guilty of an infraction, punishable by a fine of up to \$1,000, if the person discharges a class C common state approved explosive:

(a) outside the legal discharge dates and times described in Subsection (3); or

(b) in an area in which fireworks are prohibited under Subsection 15A-5-202.5(1)(b).

(5) (a) Except as provided in Subsection (5)(b) or (c), a county, a municipality, a metro township, or the state forester may not prohibit a person from discharging class C common state approved explosives during the permitted periods described in Subsection (3).

(b) (i) As used in this Subsection (5)(b), "negligent discharge":

(A) means the improper use and discharge of a class C common state approved

explosive; and

(B) does not include the date or location of discharge or the type of explosive used.

(ii) A municipality or metro township may prohibit:

(A) the discharge of class C common state approved explosives in certain areas with hazardous environmental conditions, in accordance with Subsection 15A-5-202.5(1)(b); or

(B) the negligent discharge of class C common state approved explosives.

(iii) A county may prohibit the negligent discharge of class C common state approved explosives.

(c) The state forester may prohibit the discharge of class C common state approved explosives as provided in Subsection 15A-5-202.5(1)(b) or Section 65A-8-212.

(6) If a municipal legislative body, the state forester, or a metro township legislative body provides a map to a county identifying an area in which the discharge of fireworks is prohibited due to a historical hazardous environmental condition under Subsection 15A-5-202.5(1)(b), the county shall, before June 1 of that same year:

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

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

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

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

(ii) the state fire marshal; and

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

(7) A retailer that sells fireworks shall display:

(a) a sign that:

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

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

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

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

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

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

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