

1 **STATE HOLIDAY MODIFICATIONS**

2 2023 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Lincoln Fillmore**

5 House Sponsor: Steve Eliason

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions related to state holidays and the discharge of fireworks.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ modifies annual commemorations to include Diwali; and
- 13 ▶ allows for the sale and discharge of fireworks during the five days of Diwali.

14 **Money Appropriated in this Bill:**

15 None

16 **Other Special Clauses:**

17 None

18 **Utah Code Sections Affected:**

19 AMENDS:

20 **53-7-225**, as last amended by Laws of Utah 2018, Chapter 189

21 **63G-1-401**, as last amended by Laws of Utah 2022, Chapter 14

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

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

25 **53-7-225. Times for sale and discharge of fireworks -- Criminal penalty --**

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

27 (1) Except as provided in Section **53-7-221**, this section supersedes any other code



28 provision regarding the sale or discharge of fireworks.

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

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

32 (b) beginning two days before the first day of Diwali and ending on the last day of
33 Diwali, according to the Hindu lunisolar calendar;

34 ~~[(b)]~~ (c) beginning on December 29 and ending on December 31; and

35 ~~[(c)]~~ (d) two days before and on the Chinese New Year's eve.

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

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

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

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

42 (b) between the hours of 11 a.m. and 9 p.m. on the five days of Diwali, according to
43 the Hindu lunisolar calendar, except that on Friday or Saturday, the hours are 11 a.m. to 10
44 p.m.;

45 ~~[(b)]~~ (c) (i) beginning at 11 a.m. on December 31 and ending at 1 a.m. on the following
46 day; or

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

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

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

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

56 (b) in an area in which fireworks are prohibited under Subsection [15A-5-202.5\(1\)\(b\)](#).

57 (5) (a) Except as provided in Subsection (5)(b) or (c), a county, a municipality, a metro
58 township, or the state forester may not prohibit a person from discharging class C common

59 state approved explosives during the permitted periods described in Subsection (3).

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

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

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

64 (ii) A municipality or metro township may prohibit:

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

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

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

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

72 (6) If a municipal legislative body, the state forester, or a metro township legislative
73 body provides a map to a county identifying an area in which the discharge of fireworks is
74 prohibited due to a historical hazardous environmental condition under Subsection
75 15A-5-202.5(1)(b), the county shall, before June 1 of that same year:

76 (a) create a county-wide map, based on each map the county has received, indicating
77 each area within the county in which fireworks are prohibited under Subsection
78 15A-5-202.5(1)(b);

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

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

81 (ii) the state fire marshal; and

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

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

84 (a) a sign that:

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

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

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

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

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

90 15A-5-202.5(1)(b); and

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

92 Section 2. Section **63G-1-401** is amended to read:

93 **63G-1-401. Commemorative periods.**

94 (1) The following days shall be commemorated annually:

95 (a) Utah History Day at the Capitol, on the Friday immediately following the fourth
96 Monday in January, to encourage citizens of the state, including students, to participate in
97 activities that recognize Utah's history;

98 (b) Day of Remembrance for Incarceration of Japanese Americans, on February 19, in
99 remembrance of the incarceration of Japanese Americans during World War II;

100 (c) Utah State Flag Day, on March 9;

101 (d) Vietnam Veterans Recognition Day, on March 29;

102 (e) Utah Railroad Workers Day, on May 10;

103 (f) Dandy-Walker Syndrome Awareness Day, on May 11;

104 (g) Armed Forces Day, on the third Saturday in May, in honor of men and women who
105 are serving or have served in the United States Armed Forces around the world in defense of
106 freedom;

107 (h) Juneteenth Freedom Day, on the third Saturday in June, in honor of Union General
108 Gordon Granger proclaiming the freedom of all slaves on June 19, 1865, in Galveston, Texas;

109 (i) Arthrogyposis Multiplex Congenita Awareness Day, on June 30;

110 (j) Navajo Code Talker Day, on August 14;

111 (k) Rachael Runyan/Missing and Exploited Children's Day, on August 26, the
112 anniversary of the day three-year-old Rachael Runyan was kidnaped from a playground in
113 Sunset, Utah, to:

114 (i) encourage individuals to make child safety a priority;

115 (ii) remember the importance of continued efforts to reunite missing children with their
116 families; and

117 (iii) honor Rachael Runyan and all Utah children who have been abducted or exploited;

118 (l) Constitution Day, on September 17;

119 (m) POW/MIA Recognition Day, on the third Friday in September;

120 (n) Diwali, on the fifteenth day of the Hindu lunisolar month of Kartik, known as

121 Lakshmi puja, or the Hindu festival of lights;

122 [~~(m)~~] (o) Victims of Communism Memorial Day, on November 7;

123 [~~(n)~~] (p) Indigenous People Day, on the Monday immediately preceding Thanksgiving;

124 and

125 [~~(r)~~] (q) Bill of Rights Day, on December 15.

126 (2) The Department of Veterans and Military Affairs shall coordinate activities, special
127 programs, and promotional information to heighten public awareness and involvement relating
128 to Subsections (1)(g) and (m).

129 (3) The month of April shall be commemorated annually as Clean Out the Medicine
130 Cabinet Month to:

131 (a) recognize the urgent need to make Utah homes and neighborhoods safe from
132 prescription medication abuse and poisonings by the proper home storage and disposal of
133 prescription and over-the-counter medications; and

134 (b) educate citizens about the permanent medication disposal sites in Utah listed on
135 useonlyasdirected.org that allow disposal throughout the year.

136 (4) The second full week of April shall be commemorated annually as Animal Care
137 and Control Appreciation Week to recognize and increase awareness within the community of
138 the services that animal care and control professionals provide.

139 (5) The first full week of May shall be commemorated annually as State Water Week
140 to recognize the importance of water conservation, quality, and supply in the state.

141 (6) The third full week of June shall be commemorated annually as Workplace Safety
142 Week to heighten public awareness regarding the importance of safety in the workplace.

143 (7) The second Friday and Saturday in August shall be commemorated annually as
144 Utah Fallen Heroes Days to:

145 (a) honor fallen heroes who, during service in the military or public safety, have
146 sacrificed their lives to protect the country and the citizens of the state; and

147 (b) encourage political subdivisions to acknowledge and honor fallen heroes.

148 (8) The third full week in August shall be commemorated annually as Drowsy Driving
149 Awareness Week to:

150 (a) educate the public about the relationship between fatigue and driving performance;

151 and

152 (b) encourage the Department of Public Safety and the Department of Transportation to
153 recognize and promote educational efforts on the dangers of drowsy driving.

154 (9) The third full week of September shall be commemorated annually as Gang
155 Prevention Awareness Week.

156 (10) The month of October shall be commemorated annually as Italian-American
157 Heritage Month.

158 (11) The month of November shall be commemorated annually as American Indian
159 Heritage Month.

160 (12) The first full week of December shall be commemorated annually as Avalanche
161 Awareness Week to:

162 (a) educate the public about avalanche awareness and safety;

163 (b) encourage collaborative efforts to decrease annual avalanche accidents and
164 fatalities; and

165 (c) honor Utah residents who have lost their lives in avalanches, including those who
166 lost their lives working to prevent avalanches.