

**Senator Scott D. Sandall** proposes the following substitute bill:

**STATE HOLIDAY MODIFICATIONS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Lincoln Fillmore**

House Sponsor: Steve Eliason

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

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

**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

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

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

~~[(b)]~~ (c) (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)]~~ (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).

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

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

(1) The following days shall be commemorated annually:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(l) Constitution Day, on September 17;

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

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

Lakshmi puja, or the Hindu festival of lights;

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

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

and

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

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

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

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

(b) educate citizens about the permanent medication disposal sites in Utah listed on [useonlyasdirected.org](http://useonlyasdirected.org) that allow disposal throughout the year.

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

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

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

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

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

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

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

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

and

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

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

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

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

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

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

161 (b) encourage collaborative efforts to decrease annual avalanche accidents and  
162 fatalities; and

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