

FIREWORKS MODIFICATIONS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: James A. Dunnigan

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill modifies provisions related to fireworks.

Highlighted Provisions:

This bill:

- ▶ modifies the classification of explosives;
- ▶ provides that fire districts may issue permits to discharge fireworks; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

11-3-3.5, as last amended by Laws of Utah 2010, Chapter 61

15A-5-303, as enacted by Laws of Utah 2011, Chapter 14

53-7-202, as last amended by Laws of Utah 2015, Chapter 448

53-7-221, as last amended by Laws of Utah 2023, Chapter 34

53-7-222, as last amended by Laws of Utah 2011, Chapter 13 and last amended by Coordination Clause, Laws of Utah 2011, Chapter 13

53-7-226, as last amended by Laws of Utah 2007, Chapter 322



28 **76-10-306**, as last amended by Laws of Utah 2010, Chapter 61

29

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

31 Section 1. Section **11-3-3.5** is amended to read:

32 **11-3-3.5. Licensing of retail sellers of fireworks -- Permit required -- Fee,**
 33 **insurance, or bond.**

34 (1) (a) A municipality or county may require a retail seller to obtain a license and pay a
 35 reasonable fee before selling ~~Ĥ→ [Class-C]~~ a division 1.4G ~~←Ĥ~~ common state-approved ~~Ĥ→ [~~
 35a ~~explosives]~~ explosive, as defined in Section 53-7-202, ~~←Ĥ~~ within the jurisdiction
 36 of that municipality or county.

37 (b) A municipality or county may not restrict the number of licenses to be issued under
 38 this section.

39 (2) (a) A municipality [~~or~~], county, or fire district shall require:

40 (i) a permit to discharge all display fireworks, special effects, and flame effects
 41 performances; and

42 (ii) evidence that the display operator, special effects operator, or flame effects operator
 43 who will set up and discharge the display has received a license from the State Fire Marshal
 44 Division, Department of Public Safety.

45 (b) A municipality [~~or~~], county, or fire district may require a fee, insurance, or a bond
 46 before issuing a permit under this Subsection (2).

47 Section 2. Section **15A-5-303** is amended to read:

48 **15A-5-303. Amendments and additions to NFPA related to manufacture,**
 49 **transportation, storage, and retail sales of fireworks.**

50 (1) For purposes of this section and subject to Subsection (2), the Utah Fire Prevention
 51 Board shall adopt standards by rule for the retail sales of consumer fireworks, and in doing so,
 52 shall consider the applicable provisions of the ~~Ĥ→~~ [most recent] 2013 ~~←Ĥ~~ edition of NFPA 1124,
 52a Chapter 7,
 53 Retail Sales of Consumer Fireworks.

54 (2) NFPA 1124 Manufacture, Transportation, Storage, and Retail Sales of Fireworks
 55 and Pyrotechnic Articles:

56 (a) In NFPA 1124, Chapter 7, Section 7.2, Special Limits for Retail Sales of Consumer
 57 Fireworks, Subsection 7.2.8 is added as follows: "Display of [~~Class-C]~~ division 1.4G common
 58 state approved explosives inside of buildings protected throughout with an automatic fire

59 sprinkler system shall not exceed 25% of the area of the retail sales floor or exceed 600 square
60 feet, whichever is less."

61 (b) In NFPA 1124, Chapter 7, Section 7.2, Special Limits for Retail Sales of Consumer
62 Fireworks, Subsection 7.2.9 is added as follows: "Rack storage of [~~Class C~~] division 1.4G
63 common state approved explosives inside of buildings is prohibited."

64 (c) NFPA 1124, Chapter 7, Section 7.3.1, Exempt Amounts, Subsection 7.3.1.1, is
65 deleted and rewritten as follows: "Display of [~~Class C~~] division 1.4G common state approved
66 explosives inside of buildings not protected with an automatic fire sprinkler system shall not
67 exceed 125 pounds of pyrotechnic composition."

68 (d) NFPA 1124, Chapter 7, Section 7.3.15.2, Height of Sales Displays, Subsection
69 7.3.15.2.2, is amended as follows: On line three delete "12 ft. (3.66m)" and replace it with "6
70 ft."

71 Section 3. Section **53-7-202** is amended to read:

72 **53-7-202. Definitions.**

73 As used in this part:

74 (1) "Agricultural and wildlife fireworks" means a [~~class C~~] division 1.4G dangerous
75 explosive that:

76 (a) uses sound or light when deployed; and

77 (b) is designated to prevent crop damage or unwanted animals from entering a
78 specified area.

79 [~~(2) "Class A explosive" means a division 1.1 or 1.2 explosive as defined by the United~~
80 ~~States Department of Transportation in Part 173, Title 49, Code of Federal Regulations.]~~

81 [~~(3) "Class B explosive" means a division 1.2 or 1.3G explosive as defined by the~~
82 ~~United States Department of Transportation in Part 173, Title 49, Code of Federal~~
83 ~~Regulations.]~~

84 [~~(4) "Class C explosive" means a division 1.4G explosive as defined by the United~~
85 ~~States Department of Transportation in Part 173, Title 49, Code of Federal Regulations.]~~

86 [~~(5) "Class C common state approved explosive" means a firework that:]~~

87 [~~(a) is purchased at retail for use by a consumer; and]~~

88 [~~(b) is not a Class C dangerous explosive.]~~

89 [~~(6) (a) "Class C dangerous explosive" means a class C explosive that is:]~~

90 ~~[(i) a firecracker, cannon cracker, ground salute, M-80, cherry bomb, or other similar~~
91 ~~explosive;]~~

92 ~~[(ii) (A) a skyrocket;]~~

93 ~~[(B) a missile type rocket;]~~

94 ~~[(C) a single shot, or reloadable aerial shell; or]~~

95 ~~[(D) a rocket similar to one described in Subsections (6)(a)(ii)(A) through (C),~~
96 ~~including an aerial salute, a flash shell, a comet, a mine, or a cake containing more than 500~~
97 ~~grams of pyrotechnic composition; or]~~

98 ~~[(iii) (A) a bottle rocket;]~~

99 ~~[(B) a roman candle;]~~

100 ~~[(C) a rocket mounted on a wire or stick; or]~~

101 ~~[(D) a device containing a rocket described in this Subsection (6)(a)(iii).]~~

102 ~~[(b) A "class C dangerous explosive" does not mean exempt explosives.]~~

103 ~~[(7)] (2) "Commercial cooking appliance fire suppression system":~~

104 (a) means an automatic or manual fire protection system designed for commercial
105 cooking appliances, exhaust hoods, and ducts; and

106 (b) includes a commercial kitchen exhaust system attached to a fire suppression system
107 that is designed to remove smoke, soot, toxic gases, and grease-laden vapor resulting from
108 cooking operations.

109 ~~[(8)] (3) (a) "Display fireworks" means large firework devices that consist of explosive~~
110 ~~materials that are intended for use in outdoor aerial fireworks displays to produce visible or~~
111 ~~audible effects by combustion, deflagration, or detonation.~~

112 (b) "Display fireworks" includes aerial shells, salutes, roman candles, flash shells,
113 comets, mines, and other similar explosives.

114 ~~[(9)] (4) (a) "Display operator" means a person licensed under Section 53-7-223 and~~
115 ~~who is responsible for site selection, setting up, permits, overseeing assistants and support~~
116 ~~personnel, and discharging display fireworks outdoors in situations where the audience~~
117 ~~maintains a specific distance separating it from the display fireworks being discharged.~~

118 (b) "Display operator" does not mean a fire department.

119 (5) "Division 1.4G common state approved explosive" means a firework that:

120 (a) is purchased at retail for use by a consumer; and

121 (b) is not a division 1.4G dangerous explosive.

122 (6) (a) "Division 1.4G dangerous explosive" means a division 1.4G explosive that is:

123 (i) a firecracker, cannon cracker, ground salute, M-80, cherry bomb, or other similar
124 explosive;

125 (ii) (A) a skyrocket;

126 (B) a missile type rocket;

127 (C) a single shot or reloadable aerial shell; or

128 (D) a rocket similar to an item described in Subsection (6)(a)(ii)(A), (B), or (C),

129 including an aerial salute, a flash shell, a comet, a mine, or a cake containing more than 500
130 grams of pyrotechnic composition; or

131 (iii) (A) a bottle rocket;

132 (B) a roman candle;

133 (C) a rocket mounted on a wire or stick; or

134 (D) a device containing a rocket described in this Subsection (6)(a)(iii).

135 (b) "Division 1.4G dangerous explosive" does not mean an exempt explosive.

136 (7) "Division 1.1G explosive" means an explosive described in 49 C.F.R. Sec. 173.50

137 (b)(1).

138 (8) "Division 1.2G explosive" means an explosive described in 49 C.F.R. Sec. 173.50

139 (b)(2).

140 (9) "Division 1.3G explosive" means an explosive described in 49 C.F.R. Sec.

141 173.50(b)(3).

142 (10) "Division 1.4G explosive" means an explosive described in 49 C.F.R. Sec. 173.50

143 (b)(4).

144 ~~[(10)]~~ (11) "Exempt explosive" means a model rocket, toy pistol cap, emergency signal
145 flare, snake or glow worm, party popper, trick noisemaker, match, and wire sparkler under 12
146 inches in length.

147 ~~[(11)]~~ (12) "Fire executive" means a fire chief, deputy fire chief, or other active
148 member of a fire department or fire district who has been appointed by the elected officials of a
149 municipality or county, by a fire district board, or by an established procedure within a
150 volunteer fire service organization, to officially represent a fire department.

151 ~~[(12)]~~ (13) "Fire extinguisher" means a portable or stationary device that discharges

152 water, foam, gas, or other material to extinguish a fire.

153 ~~[(13)]~~ (14) "Fire suppression system" means an automatic fire protection system that
154 automatically detects fire and discharges a fire extinguishing agent onto or in the area of the
155 fire.

156 ~~[(14)]~~ (15) (a) "Fireworks" means:

157 (i) ~~[class C explosives]~~ a division 1.4G explosive;

158 (ii) ~~[class C dangerous explosives]~~ a division 1.4G dangerous explosive; and

159 (iii) ~~[class C]~~ a division 1.4G common state approved [explosives] explosive.

160 (b) "Fireworks" does not mean:

161 (i) an exempt [explosives] explosive; or;

162 (ii) ~~[class A explosives; or]~~ a division 1.1G explosive, a division 1.12 explosive, or a
163 division 1.3G explosive.

164 ~~[(iii) class B explosives.]~~

165 ~~[(15)]~~ (16) "Flame effects" means the combustion of flammable solids, liquids, or
166 gases to produce thermal, physical, visual, or audible phenomena before an audience.

167 ~~[(16)]~~ (17) (a) "Flame effects operator" means a person licensed under Section
168 [53-7-223](#) who, regarding flame effects, is responsible for:

169 (i) storage, setup, operations, teardown, devices, equipment, overseeing assistants and
170 support personnel, and preventing accidental discharge; and

171 (ii) completion of the sequence of control system functions that release the fuel for
172 ignition to cause combustion and create the flame effects.

173 (b) (i) "Flame effects operator" does not include a person who participates in a
174 meeting, as limited under Subsection (16)(b)(ii), with other persons solely to receive training,
175 to practice, or provide instruction regarding flame effects performance.

176 (ii) A meeting under Subsection (16)(b)(i) may include a nonpaying and unsolicited
177 audience of not more than 25 persons.

178 ~~[(17)]~~ (18) "Importer" means a person who brings ~~[class B or class C]~~ division 1.2G
179 explosives, division 1.3G explosives, or division 1.4G explosives into [Utah] the state for the
180 general purpose of:

181 (a) resale or use within the state; or

182 (b) exportation to other states.

183 ~~[(18)]~~ (19) (a) "Pyrotechnic" means any composition or device manufactured or used to
184 produce a visible or audible effect by combustion, deflagration, or detonation.

185 (b) "Pyrotechnic" does not mean exempt explosives.

186 ~~[(19)]~~ (20) "Retail seller" means a person who sells ~~[class-C]~~ division ~~H~~→ ~~[1.4G]~~ 1.4G ←~~H~~
186a common
187 state approved explosives to the public during the period authorized under Section [53-7-225](#).

188 ~~[(20)]~~ (21) "Service" means the inspection, maintenance, repair, modification, testing,
189 or cleaning of an automatic fire suppression system.

190 ~~[(21)]~~ (22) "Special effects" means a visual or audible effect caused by chemical
191 mixtures that produce a controlled, self-sustaining, and self-controlled exothermic chemical
192 reaction that results in heat, gas, sound, or light and may also create an illusion.

193 ~~[(22)]~~ (23) "Special effects operator" means a person licensed under Section [53-7-223](#)
194 who is responsible for setting up, permits, overseeing assistants and support personnel,
195 analyzing potential hazards, setting clearances, and discharging pyrotechnic devices, either
196 indoor or outdoor, where the audience is allowed to be in closer proximity to the pyrotechnic
197 devices than the audience separation distance generally required for display fireworks.

198 ~~[(23)]~~ (24) "Trick noisemaker" includes a:

199 (a) tube or sphere containing pyrotechnic composition that produces a white or colored
200 smoke as its primary effect when ignited; and

201 (b) device that produces a small report intended to surprise the user, including a:

202 (i) "booby trap," which is a small tube with a string protruding from both ends that
203 ignites the friction sensitive composition in the tube when the string is pulled;

204 (ii) "snapper," which is a small paper-wrapped device containing a minute quantity of
205 explosive composition coated on bits of sand that explodes producing a small report;

206 (iii) "trick match," which is a kitchen or book match coated with a small quantity of
207 explosive or pyrotechnic composition that produces a small shower of sparks when ignited;

208 (iv) "cigarette load," which is a small wooden peg coated with a small quantity of
209 explosive composition that produces a small report when ignited; and

210 (v) "auto burglar alarm," which is a tube that:

211 (A) contains pyrotechnic composition that produces a loud whistle and smoke when
212 ignited;

213 (B) may contain a small quantity of explosive to produce a small explosive noise; and

214 (C) is ignited by a squib.

215 [~~(24)~~] (25) "Unclassified fireworks" means:

216 (a) a pyrotechnic device that is used, given away, or offered for sale, that has not been
217 tested, approved, and classified by the United States Department of Transportation;

218 (b) an approved device that has been altered or redesigned since obtaining approval by
219 the United States Department of Transportation; and

220 (c) a pyrotechnic device that is being tested by a manufacturer, importer, or wholesaler
221 before receiving approval by the United States Department of Transportation.

222 [~~(25)~~] (26) "Wholesaler" means:

223 (a) a person who sells [~~class C~~] division 1.4G common state approved explosives to a
224 retailer; or

225 (b) a person who sells [~~class B explosives or class C dangerous~~] division 1.2G
226 explosives, division 1.3G explosives, or division 1.4G explosives for display use.

227 Section 4. Section **53-7-221** is amended to read:

228 **53-7-221. Exceptions from Utah Fireworks Act.**

229 (1) Sections **53-7-220** through **53-7-225** do not apply to [~~class A, class B, and class C~~
230 ~~explosives that are~~] a division 1.1G explosive, a division 1.2G explosive, a division 1.3G
231 explosive, or a division 1.4G explosive that is not for use in [Utah] the state, but [are] is
232 manufactured, stored, warehoused, or in transit for destinations outside of [Utah] the state.

233 (2) Sections **53-7-220** through **53-7-225** do not supersede Section **23A-2-208**,
234 regarding use of fireworks and explosives by the Division of Wildlife Resources and federal
235 game agents.

236 (3) Section **53-7-225** does not supersede Section **65A-8-212** regarding the authority of
237 the state forester to close hazardous areas.

238 Section 5. Section **53-7-222** is amended to read:

239 **53-7-222. Restrictions on the sale or use of fireworks.**

240 (1) (a) Except as provided in Subsection (1)(b), [~~class C dangerous explosives~~] a
241 division 1.4G dangerous explosive may not be possessed, discharged, sold, or offered for retail
242 sale.

243 (b) (i) The following persons may purchase, possess, or discharge [~~class C dangerous~~
244 ~~explosives~~] a division 1.4G dangerous explosive:

245 (A) display operators and special effects operators who receive a license from the
 246 division in accordance with Section 53-7-223 and approval from their local licensing authority
 247 in accordance with Section 11-3-3.5; and

248 (B) operators approved by the Division of Wildlife Resources or Department of
 249 Agriculture and Food to discharge agricultural and wildlife fireworks.

250 (ii) Importers and wholesalers licensed under Section 53-7-224 may possess, sell, and
 251 offer to sell [~~class C~~] division 1.4G dangerous explosives.

252 (2) Unclassified fireworks may not be sold, or offered for sale.

253 Section 6. Section 53-7-226 is amended to read:

254 **53-7-226. Violations -- Misdemeanor.**

255 A person is guilty of a class B misdemeanor if he:

256 (1) violates this part;

257 (2) violates any order made under this part;

258 (3) produces, reproduces, or uses the official seal of registration of the division in any
 259 manner or for any purpose inconsistent with the designated purpose of the seal;

260 (4) removes, uses, or damages service tags or other labels or markings in a manner
 261 inconsistent with the designated use of the service tag;

262 (5) engages in the sale, storage, or handling of [~~class C fireworks~~] division 1.4G

263 **←** [explosive] common state approved explosives **→** without a permit where a local
 263a government requires a permit;

264 (6) sells at retail, transports, possesses, or discharges [~~class C~~] division 1.4G dangerous
 265 explosives [~~as defined in Section 53-7-202~~];

266 (7) performs or intends to perform services or induces the public to enter into any
 267 obligation relating to the performance of those services that are untrue, misleading, or
 268 reasonably known to be untrue or misleading; or

269 (8) builds in violation of the division's plan review or written instructions conducted on
 270 building specifications, building plans, or amendments of those specifications or plans as
 271 required under this part.

272 Section 7. Section 76-10-306 is amended to read:

273 **76-10-306. Explosive, chemical, or incendiary device and parts -- Definitions --**

274 **Persons exempted -- Penalties.**

275 (1) As used in this section:

276 (a) "Explosive, chemical, or incendiary device" means:

277 (i) dynamite and all other forms of high explosives, including water gel, slurry, military
278 C-4 (plastic explosives), blasting agents to include nitro-carbon-nitrate, ammonium nitrate, fuel
279 oil mixtures, cast primers and boosters, R.D.X., P.E.T.N., electric and nonelectric blasting
280 caps, exploding cords commonly called detonating cord, detcord, or primacord, picric acid
281 explosives, T.N.T. and T.N.T. mixtures, nitroglycerin and nitroglycerin mixtures, or any other
282 chemical mixture intended to explode with fire or force;

283 (ii) any explosive bomb, grenade, missile, or similar device; and

284 (iii) any incendiary bomb, grenade, fire bomb, chemical bomb, or similar device,
285 including any device, except kerosene lamps, if criminal intent has not been established, which
286 consists of or includes a breakable container including a flammable liquid or compound and a
287 wick composed of any material which, when ignited, is capable of igniting the flammable
288 liquid or compound or any breakable container which consists of, or includes a chemical
289 mixture that explodes with fire or force and can be carried, thrown, or placed.

290 (b) "Explosive, chemical, or incendiary device" does not include rifle, pistol, or
291 shotgun ammunition, reloading components, or muzzleloading equipment.

292 (c) "Explosive, chemical, or incendiary parts" means any substances or materials or
293 combinations which have been prepared or altered for use in the creation of an explosive,
294 chemical, or incendiary device. These substances or materials include:

295 (i) timing device, clock, or watch which has been altered in such a manner as to be
296 used as the arming device in an explosive;

297 (ii) pipe, end caps, or metal tubing which has been prepared for a pipe bomb; and

298 (iii) mechanical timers, mechanical triggers, chemical time delays, electronic time
299 delays, or commercially made or improvised items which, when used singly or in combination,
300 may be used in the construction of a timing delay mechanism, booby trap, or activating
301 mechanism for any explosive, chemical, or incendiary device.

302 (d) "Explosive, chemical, or incendiary parts" does not include rifle, pistol, or shotgun
303 ammunition, or any signaling device customarily used in operation of railroad equipment.

304 (2) The provisions in Subsections (3) and (6) do not apply to:

305 (a) any public safety officer while acting in an official capacity transporting or
306 otherwise handling explosives, chemical, or incendiary devices;

307 (b) any member of the armed forces of the United States or Utah National Guard while
308 acting in an official capacity;

309 (c) any person possessing a valid permit issued under the provisions of [~~Uniform Fire~~
310 ~~Code, Article 77~~] the International Fire Code, Section 105 and Chapter 56, or any employee of
311 the permittee acting within the scope of employment;

312 (d) any person possessing a valid license as an importer, wholesaler, display operator,
313 special effects operator, or flame effects operator under the provisions of Sections 11-3-3.5 and
314 53-7-223; and

315 (e) any person or entity possessing or controlling an explosive, chemical, or incendiary
316 device as part of its lawful business operations.

317 (3) Any person is guilty of a second degree felony who, under circumstances not
318 amounting to a violation of Part 4, Weapons of Mass Destruction, knowingly, intentionally, or
319 recklessly possesses or controls an explosive, chemical, or incendiary device.

320 (4) Any person is guilty of a first degree felony who, under circumstances not
321 amounting to a violation of Part 4, Weapons of Mass Destruction, knowingly or intentionally:

322 (a) uses or causes to be used an explosive, chemical, or incendiary device in the
323 commission of or an attempt to commit a felony;

324 (b) injures another or attempts to injure another person or another person's property
325 through the use of an explosive, chemical, or incendiary device; or

326 (c) transports, possesses, distributes, or sells any explosive, chemical, or incendiary
327 device in a secure area established pursuant to Section 76-8-311.1, 76-8-311.3, 76-10-529, or
328 78A-2-203.

329 (5) Any person who, under circumstances not amounting to a violation of Part 4,
330 Weapons of Mass Destruction, knowingly, intentionally, or recklessly removes or causes to be
331 removed or carries away any explosive, chemical, or incendiary device from the premises
332 where the explosive, chemical, or incendiary device is kept by the lawful user, vendor,
333 transporter, or manufacturer without the consent or direction of the lawful possessor is guilty of
334 a second degree felony.

335 (6) Any person who, under circumstances not amounting to a violation of Part 4,
336 Weapons of Mass Destruction, knowingly, intentionally, or recklessly possesses any explosive,
337 chemical, or incendiary parts is guilty of a third degree felony.

338 Section 8. **Effective date.**

339 This bill takes effect on May 1, 2024.