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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
 - 76-10-306**, as last amended by Laws of Utah 2010, Chapter 61
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Be it enacted by the Legislature of the state of Utah:

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

11-3-3.5 . Licensing of retail sellers of fireworks -- Permit required -- Fee,

29 **insurance, or bond.**

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

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

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

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

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

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

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

45 **15A-5-303 . Amendments and additions to NFPA related to manufacture,**
 46 **transportation, storage, and retail sales of fireworks.**

47 (1) For purposes of this section and subject to Subsection (2), the Utah Fire Prevention
 48 Board shall adopt standards by rule for the retail sales of consumer fireworks, and in
 49 doing so, shall consider the applicable provisions of the 2013 edition of NFPA 1124,
 50 Chapter 7, Retail Sales of Consumer Fireworks.

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

53 (a) In NFPA 1124, Chapter 7, Section 7.2, Special Limits for Retail Sales of Consumer
 54 Fireworks, Subsection 7.2.8 is added as follows: "Display of [~~Class C~~] division 1.4G
 55 common state approved explosives inside of buildings protected throughout with an
 56 automatic fire sprinkler system shall not exceed 25% of the area of the retail sales
 57 floor or exceed 600 square feet, whichever is less."

58 (b) In NFPA 1124, Chapter 7, Section 7.2, Special Limits for Retail Sales of Consumer
 59 Fireworks, Subsection 7.2.9 is added as follows: "Rack storage of [~~Class C~~] division
 60 1.4G common state approved explosives inside of buildings is prohibited."

61 (c) NFPA 1124, Chapter 7, Section 7.3.1, Exempt Amounts, Subsection 7.3.1.1, is
 62 deleted and rewritten as follows: "Display of [~~Class C~~] division 1.4G common state

63 approved explosives inside of buildings not protected with an automatic fire sprinkler
64 system shall not exceed 125 pounds of pyrotechnic composition."

65 (d) NFPA 1124, Chapter 7, Section 7.3.15.2, Height of Sales Displays, Subsection
66 7.3.15.2.2, is amended as follows: On line three delete "12 ft. (3.66m)" and replace it
67 with "6 ft."

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

69 **53-7-202 . Definitions.**

70 As used in this part:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

91 ~~[(D) a rocket similar to one described in Subsections (6)(a)(ii)(A) through (C), including
92 an aerial salute, a flash shell, a comet, a mine, or a cake containing more than 500
grams~~

93 ~~of pyrotechnic composition; or]~~

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

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

- 96 ~~[(C) a rocket mounted on a wire or stick; or]~~
- 97 ~~[(D) a device containing a rocket described in this Subsection (6)(a)(iii).]~~
- 98 ~~[(b) A "class C dangerous explosive" does not mean exempt explosives.]~~
- 99 ~~[(7)]~~ (2) "Commercial cooking appliance fire suppression system":
- 100 (a) means an automatic or manual fire protection system designed for commercial
- 101 cooking appliances, exhaust hoods, and ducts; and
- 102 (b) includes a commercial kitchen exhaust system attached to a fire suppression system
- 103 that is designed to remove smoke, soot, toxic gases, and grease-laden vapor resulting
- 104 from cooking operations.
- 105 ~~[(8)]~~ (3) (a) "Display fireworks" means large firework devices that consist of explosive
- 106 materials that are intended for use in outdoor aerial fireworks displays to produce
- 107 visible or audible effects by combustion, deflagration, or detonation.
- 108 (b) "Display fireworks" includes aerial shells, salutes, roman candles, flash shells,
- 109 comets, mines, and other similar explosives.
- 110 ~~[(9)]~~ (4) (a) "Display operator" means a person licensed under Section 53-7-223 and who
- 111 is responsible for site selection, setting up, permits, overseeing assistants and support
- 112 personnel, and discharging display fireworks outdoors in situations where the
- 113 audience maintains a specific distance separating it from the display fireworks being
- 114 discharged.
- 115 (b) "Display operator" does not mean a fire department.
- 116 (5) "Division 1.4G common state approved explosive" means a firework that:
- 117 (a) is purchased at retail for use by a consumer; and
- 118 (b) is not a division 1.4G dangerous explosive.
- 119 (6) (a) "Division 1.4G dangerous explosive" means a division 1.4G explosive that is:
- 120 (i) a firecracker, cannon cracker, ground salute, M-80, cherry bomb, or other similar
- 121 explosive;
- 122 (ii) (A) a skyrocket;
- 123 (B) a missile type rocket;
- 124 (C) a single shot or reloadable aerial shell; or
- 125 (D) a rocket similar to an item described in Subsection (6)(a)(ii)(A), (B), or (C),
- 126 including an aerial salute, a flash shell, a comet, a mine, or a cake containing
- 127 more than 500 grams of pyrotechnic composition; or
- 128 (iii) (A) a bottle rocket;
- 129 (B) a roman candle;

- 130 (C) a rocket mounted on a wire or stick; or
- 131 (D) a device containing a rocket described in this Subsection (6)(a)(iii).
- 132 (b) "Division 1.4G dangerous explosive" does not mean an exempt explosive.
- 133 (7) "Division 1.1G explosive" means an explosive described in 49 C.F.R. Sec. 173.50 (b)(1).
- 134 (8) "Division 1.2G explosive" means an explosive described in 49 C.F.R. Sec. 173.50 (b)(2).
- 135 (9) "Division 1.3G explosive" means an explosive described in 49 C.F.R. Sec. 173.50(b)(3).
- 136 (10) "Division 1.4G explosive" means an explosive described in 49 C.F.R. Sec. 173.50
- 137 (b)(4).
- 138 [(10)] (11) "Exempt explosive" means a model rocket, toy pistol cap, emergency signal
- 139 flare, snake or glow worm, party popper, trick noisemaker, match, and wire sparkler
- 140 under 12 inches in length.
- 141 [(11)] (12) "Fire executive" means a fire chief, deputy fire chief, or other active member of a
- 142 fire department or fire district who has been appointed by the elected officials of a
- 143 municipality or county, by a fire district board, or by an established procedure within a
- 144 volunteer fire service organization, to officially represent a fire department.
- 145 [(12)] (13) "Fire extinguisher" means a portable or stationary device that discharges water,
- 146 foam, gas, or other material to extinguish a fire.
- 147 [(13)] (14) "Fire suppression system" means an automatic fire protection system that
- 148 automatically detects fire and discharges a fire extinguishing agent onto or in the area of
- 149 the fire.
- 150 [(14)] (15) (a) "Fireworks" means:
- 151 (i) ~~[class C explosives]~~ a division 1.4G explosive;
- 152 (ii) ~~[class C dangerous explosives]~~ a division 1.4G dangerous explosive; and
- 153 (iii) ~~[class C]~~ a division 1.4G common state approved ~~[explosives]~~ explosive.
- 154 (b) "Fireworks" does not mean:
- 155 (i) an exempt ~~[explosives]~~ explosive; or[;]
- 156 (ii) ~~[class A explosives; or]~~ a division 1.1G explosive, a division 1.12 explosive, or a
- 157 division 1.3G explosive.
- 158 ~~[(iii) class B explosives.]~~
- 159 [(15)] (16) "Flame effects" means the combustion of flammable solids, liquids, or gases to
- 160 produce thermal, physical, visual, or audible phenomena before an audience.
- 161 [(16)] (17) (a) "Flame effects operator" means a person licensed under Section 53-7-223
- 162 who, regarding flame effects, is responsible for:
- 163 (i) storage, setup, operations, teardown, devices, equipment, overseeing assistants and

- 164 support personnel, and preventing accidental discharge; and
- 165 (ii) completion of the sequence of control system functions that release the fuel for
- 166 ignition to cause combustion and create the flame effects.
- 167 (b) (i) "Flame effects operator" does not include a person who participates in a
- 168 meeting, as limited under Subsection (16)(b)(ii), with other persons solely to
- 169 receive training, to practice, or provide instruction regarding flame effects
- 170 performance.
- 171 (ii) A meeting under Subsection (16)(b)(i) may include a nonpaying and unsolicited
- 172 audience of not more than 25 persons.
- 173 ~~[(17)]~~ (18) "Importer" means a person who brings ~~[class B or class C]~~ division 1.2G
- 174 explosives, division 1.3G explosives, or division 1.4G explosives into ~~[Utah]~~ the state for
- 175 the general purpose of:
- 176 (a) resale or use within the state; or
- 177 (b) exportation to other states.
- 178 ~~[(18)]~~ (19) (a) "Pyrotechnic" means any composition or device manufactured or used to
- 179 produce a visible or audible effect by combustion, deflagration, or detonation.
- 180 (b) "Pyrotechnic" does not mean exempt explosives.
- 181 ~~[(19)]~~ (20) "Retail seller" means a person who sells ~~[class C]~~ division 1.4G common state
- 182 approved explosives to the public during the period authorized under Section 53-7-225.
- 183 ~~[(20)]~~ (21) "Service" means the inspection, maintenance, repair, modification, testing, or
- 184 cleaning of an automatic fire suppression system.
- 185 ~~[(21)]~~ (22) "Special effects" means a visual or audible effect caused by chemical mixtures
- 186 that produce a controlled, self-sustaining, and self-controlled exothermic chemical
- 187 reaction that results in heat, gas, sound, or light and may also create an illusion.
- 188 ~~[(22)]~~ (23) "Special effects operator" means a person licensed under Section 53-7-223 who
- 189 is responsible for setting up, permits, overseeing assistants and support personnel,
- 190 analyzing potential hazards, setting clearances, and discharging pyrotechnic devices,
- 191 either indoor or outdoor, where the audience is allowed to be in closer proximity to the
- 192 pyrotechnic devices than the audience separation distance generally required for display
- 193 fireworks.
- 194 ~~[(23)]~~ (24) "Trick noisemaker" includes a:
- 195 (a) tube or sphere containing pyrotechnic composition that produces a white or colored
- 196 smoke as its primary effect when ignited; and
- 197 (b) device that produces a small report intended to surprise the user, including a:

- 198 (i) "booby trap," which is a small tube with a string protruding from both ends that
 199 ignites the friction sensitive composition in the tube when the string is pulled;
- 200 (ii) "snapper," which is a small paper-wrapped device containing a minute quantity of
 201 explosive composition coated on bits of sand that explodes producing a small
 202 report;
- 203 (iii) "trick match," which is a kitchen or book match coated with a small quantity of
 204 explosive or pyrotechnic composition that produces a small shower of sparks
 205 when ignited;
- 206 (iv) "cigarette load," which is a small wooden peg coated with a small quantity of
 207 explosive composition that produces a small report when ignited; and
- 208 (v) "auto burglar alarm," which is a tube that:
- 209 (A) contains pyrotechnic composition that produces a loud whistle and smoke
 210 when ignited;
- 211 (B) may contain a small quantity of explosive to produce a small explosive noise;
 212 and
- 213 (C) is ignited by a squib.

214 [(24)] (25) "Unclassified fireworks" means:

- 215 (a) a pyrotechnic device that is used, given away, or offered for sale, that has not been
 216 tested, approved, and classified by the United States Department of Transportation;
- 217 (b) an approved device that has been altered or redesigned since obtaining approval by
 218 the United States Department of Transportation; and
- 219 (c) a pyrotechnic device that is being tested by a manufacturer, importer, or wholesaler
 220 before receiving approval by the United States Department of Transportation.

221 [(25)] (26) "Wholesaler" means:

- 222 (a) a person who sells [class C] division 1.4G common state approved explosives to a
 223 retailer; or
- 224 (b) a person who sells [class B explosives or class C dangerous] division 1.2G
 225 explosives, division 1.3G explosives, or division 1.4G explosives for display use.

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

227 **53-7-221 . Exceptions from Utah Fireworks Act.**

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

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

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

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

238 **53-7-222 . Restrictions on the sale or use of fireworks.**

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

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

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

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

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

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

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

253 **53-7-226 . Violations -- Misdemeanor.**

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

255 (1) violates this part;

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

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

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

261 (5) engages in the sale, storage, or handling of [~~class C fireworks~~] division 1.4G common
 262 state approved explosives without a permit where a local government requires a permit;

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

265 (7) performs or intends to perform services or induces the public to enter into any

266 obligation relating to the performance of those services that are untrue, misleading, or
267 reasonably known to be untrue or misleading; or
268 (8) builds in violation of the division's plan review or written instructions conducted on
269 building specifications, building plans, or amendments of those specifications or plans
270 as required under this part.

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

272 **76-10-306 . Explosive, chemical, or incendiary device and parts -- Definitions --**
273 **Persons exempted -- Penalties.**

274 (1) As used in this section:

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

- 276 (i) dynamite and all other forms of high explosives, including water gel, slurry,
277 military C-4 (plastic explosives), blasting agents to include nitro-carbon-nitrate,
278 ammonium nitrate, fuel oil mixtures, cast primers and boosters, R.D.X., P.E.T.N.,
279 electric and nonelectric blasting caps, exploding cords commonly called
280 detonating cord, detcord, or primacord, picric acid explosives, T.N.T. and T.N.T.
281 mixtures, nitroglycerin and nitroglycerin mixtures, or any other chemical mixture
282 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
286 established, which consists of or includes a breakable container including a
287 flammable liquid or compound and a wick composed of any material which, when
288 ignited, is capable of igniting the flammable liquid or compound or any breakable
289 container which consists of, or includes a chemical mixture that explodes with fire
290 or force and can be carried, thrown, or placed.

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

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

- 296 (i) timing device, clock, or watch which has been altered in such a manner as to be
297 used as the arming device in an explosive;
- 298 (ii) pipe, end caps, or metal tubing which has been prepared for a pipe bomb; and
- 299 (iii) mechanical timers, mechanical triggers, chemical time delays, electronic time

- 300 delays, or commercially made or improvised items which, when used singly or in
301 combination, may be used in the construction of a timing delay mechanism, booby
302 trap, or activating mechanism for any explosive, chemical, or incendiary device.
- 303 (d) "Explosive, chemical, or incendiary parts" does not include rifle, pistol, or shotgun
304 ammunition, or any signaling device customarily used in operation of railroad
305 equipment.
- 306 (2) The provisions in Subsections (3) and (6) do not apply to:
- 307 (a) any public safety officer while acting in an official capacity transporting or otherwise
308 handling explosives, chemical, or incendiary devices;
- 309 (b) any member of the armed forces of the United States or Utah National Guard while
310 acting in an official capacity;
- 311 (c) any person possessing a valid permit issued under the provisions of [~~Uniform Fire~~
312 ~~Code, Article 77]~~ the International Fire Code, Section 105 and Chapter 56, or any
313 employee of the permittee acting within the scope of employment;
- 314 (d) any person possessing a valid license as an importer, wholesaler, display operator,
315 special effects operator, or flame effects operator under the provisions of Sections
316 11-3-3.5 and 53-7-223; and
- 317 (e) any person or entity possessing or controlling an explosive, chemical, or incendiary
318 device as part of its lawful business operations.
- 319 (3) Any person is guilty of a second degree felony who, under circumstances not amounting
320 to a violation of Part 4, Weapons of Mass Destruction, knowingly, intentionally, or
321 recklessly possesses or controls an explosive, chemical, or incendiary device.
- 322 (4) Any person is guilty of a first degree felony who, under circumstances not amounting to
323 a violation of Part 4, Weapons of Mass Destruction, knowingly or intentionally:
- 324 (a) uses or causes to be used an explosive, chemical, or incendiary device in the
325 commission of or an attempt to commit a felony;
- 326 (b) injures another or attempts to injure another person or another person's property
327 through the use of an explosive, chemical, or incendiary device; or
- 328 (c) transports, possesses, distributes, or sells any explosive, chemical, or incendiary
329 device in a secure area established pursuant to Section 76-8-311.1, 76-8-311.3,
330 76-10-529, or 78A-2-203.
- 331 (5) Any person who, under circumstances not amounting to a violation of Part 4, Weapons
332 of Mass Destruction, knowingly, intentionally, or recklessly removes or causes to be
333 removed or carries away any explosive, chemical, or incendiary device from the

334 premises where the explosive, chemical, or incendiary device is kept by the lawful user,
335 vendor, transporter, or manufacturer without the consent or direction of the lawful
336 possessor is guilty of a second degree felony.

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

340 Section 8. **Effective date.**

341 This bill takes effect on May 1, 2024.