

Senator Lincoln Fillmore proposes the following substitute bill:

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;
- ▶ adds another day on which fireworks may be discharged; 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



26 [53-7-222](#), as last amended by Laws of Utah 2011, Chapter 13 and last amended by
 27 Coordination Clause, Laws of Utah 2011, Chapter 13
 28 [53-7-225](#), as last amended by Laws of Utah 2023, Chapter 341
 29 [53-7-226](#), as last amended by Laws of Utah 2007, Chapter 322
 30 [76-10-306](#), as last amended by Laws of Utah 2010, Chapter 61



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

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

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

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

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

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

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

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

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

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

50 **15A-5-303. Amendments and additions to NFPA related to manufacture,**
 51 **transportation, storage, and retail sales of fireworks.**

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

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

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

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

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

71 (d) NFPA 1124, Chapter 7, Section 7.3.15.2, Height of Sales Displays, Subsection
72 7.3.15.2.2, is amended as follows: On line three delete "12 ft. (3.66m)" and replace it with "6
73 ft."

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

75 **53-7-202. Definitions.**

76 As used in this part:

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

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

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

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

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

87 [~~(4) "Class C explosive" means a division 1.4G explosive as defined by the United~~

88 States Department of Transportation in Part 173, Title 49, Code of Federal Regulations:]

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

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

91 [~~(b) is not a Class C dangerous explosive.:~~

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

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

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

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

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

98 [~~(D) a rocket similar to one described in Subsections (6)(a)(ii)(A) through (C),~~

99 ~~including an aerial salute, a flash shell, a comet, a mine, or a cake containing more than 500~~
100 ~~grams of pyrotechnic composition; or]~~

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

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

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

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

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

106 [~~(7) (2) "Commercial cooking appliance fire suppression system":~~

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

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

112 [~~(8) (3) (a) "Display fireworks" means large firework devices that consist of explosive~~
113 ~~materials that are intended for use in outdoor aerial fireworks displays to produce visible or~~
114 ~~audible effects by combustion, deflagration, or detonation.~~

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

117 [~~(9) (4) (a) "Display operator" means a person licensed under Section 53-7-223 and~~
118 ~~who is responsible for site selection, setting up, permits, overseeing assistants and support~~

119 personnel, and discharging display fireworks outdoors in situations where the audience
120 maintains a specific distance separating it from the display fireworks being discharged.

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

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

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

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

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

126 (i) a firecracker, cannon cracker, ground salute, M-80, cherry bomb, or other similar

127 explosive;

128 (ii) (A) a skyrocket;

129 (B) a missile type rocket;

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

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

132 including an aerial salute, a flash shell, a comet, a mine, or a cake containing more than 500

133 grams of pyrotechnic composition; or

134 (iii) (A) a bottle rocket;

135 (B) a roman candle;

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

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

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

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

140 (b)(1).

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

142 (b)(2).

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

144 173.50(b)(3).

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

146 (b)(4).

147 ~~[(10)]~~ (11) "Exempt explosive" means a model rocket, toy pistol cap, emergency signal
148 flare, snake or glow worm, party popper, trick noisemaker, match, and wire sparkler under 12
149 inches in length.

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

154 ~~[(12)]~~ (13) "Fire extinguisher" means a portable or stationary device that discharges
155 water, foam, gas, or other material to extinguish a fire.

156 ~~[(13)]~~ (14) "Fire suppression system" means an automatic fire protection system that
157 automatically detects fire and discharges a fire extinguishing agent onto or in the area of the
158 fire.

159 ~~[(14)]~~ (15) (a) "Fireworks" means:

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

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

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

163 (b) "Fireworks" does not mean:

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

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

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

168 ~~[(15)]~~ (16) "Flame effects" means the combustion of flammable solids, liquids, or
169 gases to produce thermal, physical, visual, or audible phenomena before an audience.

170 ~~[(16)]~~ (17) (a) "Flame effects operator" means a person licensed under Section
171 [53-7-223](#) who, regarding flame effects, is responsible for:

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

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

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

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

181 [~~(17)~~] (18) "Importer" means a person who brings [~~class B or class C~~] division 1.2G
182 explosives, division 1.3G explosives, or division 1.4G explosives into [~~Utah~~] the state for the
183 general purpose of:

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

185 (b) exportation to other states.

186 [~~(18)~~] (19) (a) "Pyrotechnic" means any composition or device manufactured or used to
187 produce a visible or audible effect by combustion, deflagration, or detonation.

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

189 [~~(19)~~] (20) "Retail seller" means a person who sells [~~class C~~] division 1.4G common
190 state approved explosives to the public during the period authorized under Section [53-7-225](#).

191 [~~(20)~~] (21) "Service" means the inspection, maintenance, repair, modification, testing,
192 or cleaning of an automatic fire suppression system.

193 [~~(21)~~] (22) "Special effects" means a visual or audible effect caused by chemical
194 mixtures that produce a controlled, self-sustaining, and self-controlled exothermic chemical
195 reaction that results in heat, gas, sound, or light and may also create an illusion.

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

201 [~~(23)~~] (24) "Trick noisemaker" includes a:

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

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

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

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

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

211 (iv) "cigarette load," which is a small wooden peg coated with a small quantity of

212 explosive composition that produces a small report when ignited; and

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

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

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

217 (C) is ignited by a squib.

218 [~~24~~] (25) "Unclassified fireworks" means:

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

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

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

225 [~~25~~] (26) "Wholesaler" means:

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

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

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

231 **53-7-221. Exceptions from Utah Fireworks Act.**

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

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

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

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

242 **53-7-222. Restrictions on the sale or use of fireworks.**

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

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

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

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

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

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

256 Section 6. Section 53-7-225 is amended to read:

257 **53-7-225. Times for sale and discharge of fireworks -- Criminal penalty --**

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

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

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

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

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

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

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

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

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

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

272 (b) between the hours of 11 a.m. and 11 p.m. on:

273 (i) the Saturday that is within Diwali, commemorated under Subsection

274 [63G-1-401\(4\)\(m\)](#); or

275 (ii) the Saturday immediately following Diwali if Diwali does not include a Saturday;

276 and

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

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

283 ~~[(c)]~~ (d) between the hours of 11 a.m. and 11 p.m. on January 1; and

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

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

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

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

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

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

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

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

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

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

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

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

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

305 (6) If a municipal legislative body, the state forester, or a metro township legislative
306 body provides a map to a county identifying an area in which the discharge of fireworks is
307 prohibited due to a historical hazardous environmental condition under Subsection
308 [15A-5-202.5\(1\)\(b\)](#), the county shall, before June 1 of that same year:

309 (a) create a county-wide map, based on each map the county has received, indicating
310 each area within the county in which fireworks are prohibited under Subsection
311 [15A-5-202.5\(1\)\(b\)](#);

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

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

314 (ii) the state fire marshal; and

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

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

317 (a) a sign that:

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

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

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

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

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

323 [15A-5-202.5\(1\)\(b\)](#); and

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

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

326 **53-7-226. Violations -- Misdemeanor.**

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

328 (1) violates this part;

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

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

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

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

336 permit;

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

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

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

345 Section 8. Section **76-10-306** is amended to read:

346 **76-10-306. Explosive, chemical, or incendiary device and parts -- Definitions --**
347 **Persons exempted -- Penalties.**

348 (1) As used in this section:

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

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

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

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

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

365 (c) "Explosive, chemical, or incendiary parts" means any substances or materials or
366 combinations which have been prepared or altered for use in the creation of an explosive,

367 chemical, or incendiary device. These substances or materials include:

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

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

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

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

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

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

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

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

385 (d) any person possessing a valid license as an importer, wholesaler, display operator,
386 special effects operator, or flame effects operator under the provisions of Sections [11-3-3.5](#) and
387 [53-7-223](#); and

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

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

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

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

397 (b) injures another or attempts to injure another person or another person's property

398 through the use of an explosive, chemical, or incendiary device; or

399 (c) transports, possesses, distributes, or sells any explosive, chemical, or incendiary
400 device in a secure area established pursuant to Section 76-8-311.1, 76-8-311.3, 76-10-529, or
401 78A-2-203.

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

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

411 Section 9. **Effective date.**

412 This bill takes effect on May 1, 2024.