

**FIREWORKS AMENDMENTS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Douglas R. Welton**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies the Fire Prevention and Fireworks Act.

**Highlighted Provisions:**

This bill:

- ▶ removes firecrackers from the list of Class C dangerous explosives.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

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

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

Section 1. Section **53-7-202** is amended to read:

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

As used in this part:

- (1) "Agricultural and wildlife fireworks" means a class C dangerous explosive that:
  - (a) uses sound or light when deployed; and
  - (b) is designated to prevent crop damage or unwanted animals from entering a



28 specified area.

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

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

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

35 (5) "Class C common state approved explosive" means a firework that:

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

37 (b) is not a Class C dangerous explosive.

38 (6) (a) "Class C dangerous explosive" means a class C explosive that is:

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

41 (ii) (A) a skyrocket;

42 (B) a missile type rocket;

43 (C) a single shot, or reloadable aerial shell; or

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

47 (iii) (A) a bottle rocket;

48 (B) a roman candle;

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

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

51 (b) A "class C dangerous explosive" does not mean exempt explosives.

52 (7) "Commercial cooking appliance fire suppression system":

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

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

58 (8) (a) "Display fireworks" means large firework devices that consist of explosive

59 materials that are intended for use in outdoor aerial fireworks displays to produce visible or  
60 audible effects by combustion, deflagration, or detonation.

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

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

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

68 (10) "Exempt explosive" means a model rocket, toy pistol cap, emergency signal flare,  
69 snake or glow worm, party popper, trick noisemaker, match, and wire sparkler under 12 inches  
70 in length.

71 (11) "Fire executive" means a fire chief, deputy fire chief, or other active member of a  
72 fire department or fire district who has been appointed by the elected officials of a municipality  
73 or county, by a fire district board, or by an established procedure within a volunteer fire service  
74 organization, to officially represent a fire department.

75 (12) "Fire extinguisher" means a portable or stationary device that discharges water,  
76 foam, gas, or other material to extinguish a fire.

77 (13) "Fire suppression system" means an automatic fire protection system that  
78 automatically detects fire and discharges a fire extinguishing agent onto or in the area of the  
79 fire.

80 (14) (a) "Fireworks" means:

- 81 (i) class C explosives;
- 82 (ii) class C dangerous explosives; and
- 83 (iii) class C common state approved explosives.

84 (b) "Fireworks" does not mean:

- 85 (i) exempt explosives;
- 86 (ii) class A explosives; or
- 87 (iii) class B explosives.

88 (15) "Flame effects" means the combustion of flammable solids, liquids, or gases to  
89 produce thermal, physical, visual, or audible phenomena before an audience.

90 (16) (a) "Flame effects operator" means a person licensed under Section 53-7-223 who,  
91 regarding flame effects, is responsible for:

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

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

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

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

101 (17) "Importer" means a person who brings class B or class C explosives into Utah for  
102 the general purpose of:

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

104 (b) exportation to other states.

105 (18) (a) "Pyrotechnic" means any composition or device manufactured or used to  
106 produce a visible or audible effect by combustion, deflagration, or detonation.

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

108 (19) "Retail seller" means a person who sells class C common state approved  
109 explosives to the public during the period authorized under Section 53-7-225.

110 (20) "Service" means the inspection, maintenance, repair, modification, testing, or  
111 cleaning of an automatic fire suppression system.

112 (21) "Special effects" means a visual or audible effect caused by chemical mixtures  
113 that produce a controlled, self-sustaining, and self-controlled exothermic chemical reaction that  
114 results in heat, gas, sound, or light and may also create an illusion.

115 (22) "Special effects operator" means a person licensed under Section 53-7-223 who is  
116 responsible for setting up, permits, overseeing assistants and support personnel, analyzing  
117 potential hazards, setting clearances, and discharging pyrotechnic devices, either indoor or  
118 outdoor, where the audience is allowed to be in closer proximity to the pyrotechnic devices  
119 than the audience separation distance generally required for display fireworks.

120 (23) "Trick noisemaker" includes a:

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

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

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

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

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

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

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

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

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

136 (C) is ignited by a squib.

137 (24) "Unclassified fireworks" means:

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

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

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

144 (25) "Wholesaler" means:

145 (a) a person who sells class C common state approved explosives to a retailer; or

146 (b) a person who sells class B explosives or class C dangerous explosives for display  
147 use.

148 **Section 2. Effective date.**

149 This bill takes effect on May 1, 2024.