

Representative Douglas R. Welton proposes the following substitute bill:

FIREWORKS AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Douglas R. Welton

Senate Sponsor: _____

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;
- ▶ prohibits selling firecrackers to a person under the age of 18; and
- ▶ prohibits a person under the age of 18 from purchasing, handling, or possessing

firecrackers.

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

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



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

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

28 **53-7-202. Definitions.**

29 As used in this part:

30 (1) "Agricultural and wildlife fireworks" means a class C dangerous explosive that:

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

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

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

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

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

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

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

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

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

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

46 (ii) (A) a skyrocket;

47 (B) a missile type rocket;

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

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

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

52 (iii) (A) a bottle rocket;

53 (B) a roman candle;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

86 (i) class C explosives;

87 (ii) class C dangerous explosives; and

88 (iii) class C common state approved explosives.

89 (b) "Fireworks" does not mean:

90 (i) exempt explosives;

91 (ii) class A explosives; or

92 (iii) class B explosives.

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

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

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

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

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

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

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

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

109 (b) exportation to other states.

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

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

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

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

117 (21) "Special effects" means a visual or audible effect caused by chemical mixtures
118 that produce a controlled, self-sustaining, and self-controlled exothermic chemical reaction that

119 results in heat, gas, sound, or light and may also create an illusion.

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

125 (23) "Trick noisemaker" includes a:

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

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

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

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

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

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

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

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

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

141 (C) is ignited by a squib.

142 (24) "Unclassified fireworks" means:

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

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

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

149 (25) "Wholesaler" means:

- 150 (a) a person who sells class C common state approved explosives to a retailer; or
- 151 (b) a person who sells class B explosives or class C dangerous explosives for display
- 152 use.

153 Section 2. Section **53-7-222** is amended to read:

154 **53-7-222. Restrictions on the sale or use of fireworks.**

155 (1) (a) Except as provided in Subsection (1)(b), class C dangerous explosives may not

156 be possessed, discharged, sold, or offered for retail sale.

157 (b) (i) The following persons may purchase, possess, or discharge class C dangerous

158 explosives:

159 (A) display operators and special effects operators who receive a license from the

160 division in accordance with Section **53-7-223** and approval from their local licensing authority

161 in accordance with Section **11-3-3.5**; and

162 (B) operators approved by the Division of Wildlife Resources or Department of

163 Agriculture and Food to discharge agricultural and wildlife fireworks.

164 (ii) Importers and wholesalers licensed under Section **53-7-224** may possess, sell, and

165 offer to sell class C dangerous explosives.

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

167 (3) (a) A person may not sell firecrackers to an individual under the age of 18.

168 (b) An individual under the age of 18 is prohibited from:

169 (i) purchasing firecrackers; and

170 (ii) handling or possessing firecrackers, unless accompanied by an adult.

171 Section 3. **Effective date.**

172 This bill takes effect on May 1, 2024.