

HB0428S01 compared with HB0428

~~deleted text~~ shows text that was in HB0428 but was deleted in HB0428S01.

inserted text shows text that was not in HB0428 but was inserted into HB0428S01.

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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

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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

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

specified area.

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

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

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

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

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

(b) is not a Class C dangerous explosive.

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

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

(ii) (A) a skyrocket;

(B) a missile type rocket;

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

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

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

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grams of pyrotechnic composition; or

- (iii) (A) a bottle rocket;
- (B) a roman candle;
- (C) a rocket mounted on a wire or stick; or
- (D) a device containing a rocket described in this Subsection (6)(a)(iii).

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

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

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

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

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

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

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

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

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

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

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

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

(14) (a) "Fireworks" means:

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

(b) "Fireworks" does not mean:

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

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

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

- (i) storage, setup, operations, teardown, devices, equipment, overseeing assistants and support personnel, and preventing accidental discharge; and
- (ii) completion of the sequence of control system functions that release the fuel for ignition to cause combustion and create the flame effects.

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

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

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

- (a) resale or use within the state; or
- (b) exportation to other states.

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

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

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

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

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

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

(23) "Trick noisemaker" includes a:

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

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

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

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

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

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

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

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

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

(C) is ignited by a squib.

(24) "Unclassified fireworks" means:

(a) a pyrotechnic device that is used, given away, or offered for sale, that has not been

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tested, approved, and classified by the United States Department of Transportation;

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

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

(25) "Wholesaler" means:

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

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

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

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

(1) (a) Except as provided in Subsection (1)(b), class C dangerous explosives may not be possessed, discharged, sold, or offered for retail sale.

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

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

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

(ii) Importers and wholesalers licensed under Section 53-7-224 may possess, sell, and offer to sell class C dangerous explosives.

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

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

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

(i) purchasing firecrackers; and

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

Section ~~2~~3. **Effective date.**

This bill takes effect on May 1, 2024.