

# HB0536S01 compared with HB0536

~~{deleted text}~~ shows text that was in HB0536 but was deleted in HB0536S01.

inserted text shows text that was not in HB0536 but was inserted into HB0536S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Matt MacPherson proposes the following substitute bill:

## FIREWORKS REVISIONS

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: {}Matt MacPherson**

Senate Sponsor: {}\_\_\_\_\_

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### LONG TITLE

#### General Description:

This bill ~~{makes changes related to}~~concerns the sale ~~{and use}~~ of fireworks.

#### Highlighted Provisions:

This bill:

- ~~{~~ → ~~makes changes to the membership of the Utah Fire Prevention Board;~~
- ~~}~~ ▶ amends requirements related to sales of certain explosives;~~{~~
- ~~makes changes to the approved discharge dates of certain explosives;}~~ and
- ▶ makes technical and conforming changes.

#### Money Appropriated in this Bill:

None

#### Other Special Clauses:

None

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### Utah Code Sections Affected:

AMENDS:

~~{ 53-7-203, as last amended by Laws of Utah 2016, Chapter 186~~

~~‡ 53-7-225, as last amended by Laws of Utah 2023, Chapter 341~~

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

Section 1. Section ~~{53-7-203}~~53-7-225 is amended to read:

~~{ 53-7-203. Utah Fire Prevention Board -- Creation -- Members -- Terms -- Selection of chair and officers -- Quorum -- Meetings -- Compensation -- Division's duty to implement board rules.~~

~~—— (1) There is created within the division the Utah Fire Prevention Board.~~

~~—— (2) The board shall be nonpartisan and be composed of [11] 13 members appointed by the governor as follows:~~

~~—— (a) a licensed architect;~~

~~—— (b) a licensed engineer;~~

~~—— (c) a member of the Utah State Firemen's Association;~~

~~—— (d) the state forester or the state forester's designee;~~

~~—— (e) a member of the Utah State Fire Chiefs Association;~~

~~—— (f) a member of the Utah Fire Marshal's Association;~~

~~—— (g) a building inspector;~~

~~—— (h) a citizen appointed at large;~~

~~—— (i) a fire executive appointed from a full-time fire department in a county of the first class;~~

~~—— (j) a fire executive appointed from a full-time fire department in a county of the second class; [and]~~

~~—— (k) a fire executive appointed from a fire department in a county of the third, fourth, fifth, or sixth class[.];~~

~~—— (l) a display operator; and~~

~~—— (m) a retail seller who is licensed under Section 11-3-3.5.~~

~~—— (3) (a) Except as required by Subsection (3)(b), as terms of current board members expire, the governor shall appoint each new member or reappointed member to a four-year~~

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term:

~~—— (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.~~

~~—— (4) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.~~

~~—— (5) A member whose term has expired may continue to serve until a replacement is appointed pursuant to Subsection (3).~~

~~—— (6) The board shall select from [its] the board's members a chair and other officers as the board finds necessary.~~

~~—— (7) A majority of the members of the board is a quorum.~~

~~—— (8) The board shall hold regular semiannual meetings for the transaction of [its] the board's business at a time and place to be fixed by the board and shall hold other meetings as necessary for proper transaction of business.~~

~~—— (9) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:~~

~~—— (a) Section 63A-3-106;~~

~~—— (b) Section 63A-3-107; and~~

~~—— (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.~~

~~—— (10) The division shall implement rules made by the board under Section 53-7-503 and perform all other duties delegated by the board.~~

~~—— Section 2. Section **53-7-225** is amended to read:~~

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

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

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

~~(2) (a) [A] Except as provided in Subsection (2)(b), a person may sell class C common state approved explosives in the state { } as follows { } only on the following days { }:~~

~~[(a)] (i) beginning on June 24 and ending on { } July 25; { } { }~~

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~~{ (A) the first Saturday after July 24, if July 24 is not a Saturday; or~~

~~(B) July 25, if July 24 is a Saturday.~~

† [(b)] (ii) beginning on December 29 and ending on December 31; and

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

(b) The restrictions in Subsection (2)(a) do not apply to online sales.

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

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

(i) beginning on ~~{}~~July 2~~{}~~ July 3 and ending on ~~[~~July 5; and~~]~~

~~(A) the first Saturday after July 4, if July 4 is not a Saturday; or~~

~~(B) July 5, if July 4 is a Saturday;}~~ and ending on July 5; and

(ii) beginning on ~~{}~~July 22~~{}~~ July 23 and ending on ~~{}~~July 25; ~~{}~~

~~(A) the first Saturday after July 24, if July 24 is not a Saturday; or~~

~~(B) July 25, if July 24 is a Saturday.}~~

(b) (i) beginning at 11 a.m. on December 31 and ending at 1 a.m. on the following day;

or

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

(c) between the hours of 11 a.m. and 11 p.m. on January 1; and

(d) beginning at 11 a.m. on the Chinese New Year's eve and ending at 1 a.m. on the following day.

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

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

(b) in an area in which fireworks are prohibited under Subsection 15A-5-202.5(1)(b).

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

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

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

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

(ii) A municipality or metro township may prohibit:

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

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

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

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

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

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

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

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

(ii) the state fire marshal; and

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

(7) A retailer that sells fireworks shall display:

(a) a sign that:

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

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

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

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

(B) within an area in which fireworks are prohibited under Subsection 15A-5-202.5(1)(b); and

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

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

This bill takes effect on May 1, 2024.