

## **FIREWORKS REGULATION**

**House Bill 4310**

**Sponsor: Rep. Justine Barns**

**House Bill 4311**

**Sponsor: Rep. Sharon Gire**

**Committee: Judiciary**

**Complete to 9-20-91**

### **A SUMMARY OF HOUSE BILLS 4310 and 4311 AS INTRODUCED 2-15-91**

The bills would revise sections of the Michigan Penal Code that regulate the sale and use of fireworks. House Bill 4311 (MCL 750.243a) would replace the current definitions for different classes of fireworks with definitions of the specific items (such as party poppers) which the bill would excuse from its general ban on fireworks. It also would limit sales of sparklers, fountains, snakes, and smoke devices to adults, and require adult supervision for their use. Sale, storage, or use of some fireworks would continue to be allowed under local permit; House Bill 4310 (MCL 750.243b et al.) would address the permit process and fireworks storage requirements, require fireworks shipments from out-of-state to be accompanied by a certificate from the state fire marshal, and set penalties for violation. Neither bill could take effect unless both were enacted. A more detailed explanation follows.

The law at present defines two classes of fireworks, Class B and Class C, and imposes different storage requirements for each ; it also requires a local permit to sell, store, or use fireworks other than certain specified items such as toy caps, trick noisemakers, sparklers, fountains, and snakes. Those items, although included in the definition of Class C fireworks, are themselves undefined. House Bill 4311 would replace the classification system with definitions of the specific items which could be sold or used without a permit obtained from the local unit of government. A permit would not be required to purchase, possess, use, sell, store or transport toy caps, toy pistols, party poppers, or snappers. A permit would not be required for sales to adults of sparklers, cone and cylinder fountains, toy snakes, smoke devices, booby traps, trick matches, cigarette loads, blanks, or approved railroad emergency signal devices; these items could be used only with adult supervision. The advertisement, sale, transport, storage, possession, or use of any other fireworks would require a permit.

The process for obtaining a fireworks permit would be much as it is now; municipalities would issue local permits using forms provided by the state fire marshal. However, House Bill 4310 would extend permit-issuing authority to counties and delete provisions allowing use permits to be issued for pyrotechnic displays by fair associations, amusement parks, or other organizations or groups of individuals approved by the local municipality. Use permits would be limited to fireworks used for outdoor pest control, agricultural purposes, or public display by local governments--all uses allowed under permit

now. A wholesaler's permit would be valid for one year from the date of issue (the law is at present silent on the duration of such a permit).

New under House Bill 4310 would be provisions requiring a certificate from the state fire marshal in order to ship fireworks from out-of-state directly to a Michigan consumer. Application would have to be made at least 45 days before the proposed shipment. The fire marshal would issue the certificate after determining that the shipment would comply with the law's requirements. A certificate would cost \$500 and be valid for one year. Beginning October 1, 1991, the fee would be adjusted annually based on the Detroit Consumer Price Index. Each package in a fireworks shipment would have to bear the nonresident shipper's certificate number; unlabeled or uncertified shipments could be confiscated. The state fire marshal could revoke a certificate if there was reasonable cause to believe that a shipper's sales or shipments were in violation of the law. A certificate would not be required for shipments directly to the state fire marshal. The bill would prohibit a nonresident from shipping fireworks for which a permit was required to someone who did not hold a permit.

House Bill 4310 would delete current transportation and storage requirements; fireworks for which a permit was required would have to be transported and sorted according to National Fire Protection Association (NFPA) standards. Pyrotechnic displays and fireworks manufacture also would have to meet NFPA standards. The minor fireworks (poppers, sparklers, etc.) for which a permit would not be required would have to be stored and displayed according to rules promulgated by the state fire marshal. The storage location of fireworks would have to be approved by the local governing body.

It would be a felony, punishable by up to five years in prison and/or a maximum fine of \$10,000, to sell, possess, use, or transport without a permit firecrackers containing more than 130 milligrams of explosive composition. Other fireworks violations would continue to be misdemeanors.

Municipalities would not be precluded from regulating fireworks in a manner not inconsistent with statute.