

HOUSE BILL No. 5999

March 25, 2010, Introduced by Reps. Haugh, Kandrevas, Durhal, Switalski, Gregory, Sheltroun, Young, Melton, Slezak, Calley, Rick Jones, Roy Schmidt, Kennedy, Angerer, Nathan, Huckleberry, Hammel, Womack, Liss, Neumann, Meadows, Espinoza and Byrum and referred to the Committee on Appropriations.

A bill to revise, consolidate, and codify the laws relating to fireworks; to regulate the purchase, possession, sale, and use of fireworks; to establish a fireworks safety fund; to establish a fireworks safety fee; to provide for the transfer and expenditure of funds; to prescribe the powers and duties of certain state agencies; to provide for penalties and remedies; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "Michigan fireworks safety act".

3 Sec. 2. As used in this act:

4 (a) "Agricultural and wildlife fireworks" means fireworks
5 devices distributed to farmers, ranchers, and growers through a
6 wildlife management program administered by the United States

1 department of the interior or the department of natural resources
2 and environment of this state.

3 (b) "APA standard 87-1" means 2001 APA standard 87-1,
4 standard for construction and approval for transportation of
5 fireworks, novelties, and theatrical pyrotechnics, published by
6 the American pyrotechnics association of Bethesda, Maryland.

7 (c) "Articles pyrotechnic" means pyrotechnic devices for
8 professional use that are similar to consumer fireworks in
9 chemical composition and construction but not intended for
10 consumer use, that meet the weight limits for consumer fireworks
11 but are not labeled as such, and that are classified as UN0431 or
12 UN0432 under 49 CFR 172.101.

13 (d) "Bureau" means the bureau of fire services created under
14 section 1b of the fire prevention code, 1941 PA 207, MCL 29.1b.

15 (e) "Consumer fireworks" means fireworks devices that are
16 designed to produce visible effects by combustion and that are
17 required to comply with the construction, chemical composition,
18 and labeling regulations promulgated by the United States
19 consumer product safety commission under 16 CFR parts 1500 and
20 1507 and that are listed in APA standard 87-1.

21 (f) "Consumer fireworks certificate" or "certificate" means
22 a certificate issued under section 5.

23 (g) "Consumer fireworks retail sales facility" or "CFRSF"
24 means a permanent structure that is used primarily for the retail
25 display and sale of consumer fireworks and low-grade fireworks.

26 (h) "Display fireworks" means large fireworks devices that
27 are explosive materials intended for use in fireworks displays

1 and designed to produce visible or audible effects by combustion,
2 deflagration, or detonation, as provided in 16 CFR 1500 and 1507,
3 49 CFR 172, and APA standard 87-1.

4 (i) "Distributor" means a person who sells fireworks to
5 wholesalers and retailers for resale.

6 (j) "Explosive composition" means a chemical or mixture of
7 chemicals that produces an audible effect by deflagration or
8 detonation when ignited.

9 (k) "Firework" or "fireworks" means any composition or
10 device, except for a starting pistol, a flare gun, or a flare,
11 designed for the purpose of producing a visible or audible effect
12 by combustion, deflagration, or detonation. Fireworks consist of
13 consumer fireworks, low-grade fireworks, articles pyrotechnic,
14 display fireworks, and special effects.

15 (l) "Interstate wholesaler" means a person who is engaged in
16 interstate commerce selling fireworks.

17 (m) "Low-grade fireworks" means 1 or more of the following:

18 (i) Ground and handheld sparkling devices as that phrase is
19 defined under APA standard 87-1 3.1.

20 (ii) Novelties as defined under APA standard 87-1 3.2.

21 (iii) Toy caps as defined under APA standard 87-1 3.3.

22 (n) "Local unit of government" means a city, village,
23 township, or county.

24 (o) "Manufacturer" means a person engaged in the manufacture
25 of fireworks.

26 (p) "Minor" means an individual who is less than 18 years of
27 age.

1 (q) "NFPA" means the national fire protection association
2 headquartered at 1 Batterymarch Park, Quincy, MA.

3 (r) "NFPA 72" means the "National Fire Alarm Code", 2002
4 edition, developed by NFPA.

5 (s) "NFPA 101" means the "Life Safety Code", 2009 edition,
6 developed by NFPA.

7 (t) "NFPA 102" means the "Standard for Grandstands, Folding
8 and Telescopic Seating, Tents, and Membrane Structures", 2006
9 edition, developed by NFPA.

10 (u) "NFPA 1123" means the "Code for Fireworks Display", 2010
11 edition, developed by NFPA.

12 (v) "NFPA 1124" means the "Code for the Manufacture,
13 Transportation, Storage, and Retail Sales of Fireworks and
14 Pyrotechnic Articles", 2006 edition, developed by NFPA.

15 (w) "NFPA 1126" means the "Standard for the Use of
16 Pyrotechnics Before a Proximate Audience", 2006 edition,
17 developed by NFPA.

18 (x) "Permanent building or structure" is a building or
19 structure that is affixed to a foundation on a site and that has
20 fixed utility connections and that is intended to remain on the
21 site for more than 180 consecutive calendar days.

22 (y) "Person" means an individual, an association, an
23 organization, a limited liability company, or a corporation.

24 (z) "Pyrotechnic composition" means a mixture of chemicals
25 that produces a visible or audible effect by combustion rather
26 than deflagration or detonation, and that will not explode upon
27 ignition unless severely confined.

1 (aa) "Retailer" means a person who purchases consumer
2 fireworks and low-grade fireworks for resale to consumers.

3 (bb) "Special effects" means a combination of chemical
4 elements or chemical compounds capable of burning independently
5 of the oxygen of the atmosphere and designed and intended to
6 produce an audible, visual, mechanical, or thermal effect as an
7 integral part of a motion picture, radio, television, theatrical,
8 or opera production or live entertainment.

9 (cc) "State fire marshal" means the state fire marshal
10 appointed under section 1b of the fire prevention code, 1941 PA
11 207, MCL 29.1b.

12 (dd) "Wholesaler" means any person who sells consumer
13 fireworks and low-grade fireworks to a retailer or any other
14 person for resale and any person who sells articles pyrotechnics,
15 display fireworks, and special effects to a person licensed to
16 possess and use those devices.

17 Sec. 3. This act does not prohibit any of the following:

18 (a) A wholesaler, retailer, manufacturer, importer, or
19 distributor from selling, storing, using, transporting, or
20 distributing consumer fireworks and low-grade fireworks.

21 (b) The use of fireworks by railroads or other
22 transportation agencies for signal purposes or illumination.

23 (c) The use of agricultural or wildlife fireworks.

24 (d) The sale or use of blank cartridges for any of the
25 following:

26 (i) A show or play.

27 (ii) Signal or ceremonial purposes in athletics or sports.

1 (iii) Use by military organizations.

2 (e) The possession, sale, or disposal of fireworks
3 incidental to the public display of fireworks by wholesalers or
4 other persons who possess a permit to possess, store, and sell
5 explosives from the bureau of alcohol, tobacco, firearms, and
6 explosives of the United States department of justice.

7 (f) Interstate wholesalers from selling, storing, using,
8 transporting, or distributing fireworks.

9 Sec. 4. Except as provided in section 16, a local unit of
10 government shall not enact or enforce an ordinance or regulation
11 pertaining to or in any manner regulating the sale, storage,
12 transportation, or distribution of fireworks regulated under this
13 act.

14 Sec. 5. (1) A retailer, shipper, or wholesaler shall not
15 transport, store, distribute, or sell fireworks unless the
16 retailer, shipper, or wholesaler annually obtains and maintains a
17 consumer fireworks certificate from the bureau under this section
18 and pays a \$5,000.00 fee. A retailer, shipper, or wholesaler who
19 violates this subsection is guilty of a misdemeanor punishable by
20 a fine of not more than \$1,000.00. Each shipment made in
21 violation of this section is a separate violation.

22 (2) An application for a consumer fireworks certificate
23 under this section shall meet all of the following requirements:

24 (a) The application shall be submitted no later than March 1
25 of each year in which consumer fireworks are to be sold.

26 (b) The application shall list the name and address of each
27 location from which consumer fireworks are to be sold.

1 (c) The application shall be accompanied by a fee as
2 follows:

3 (i) Five thousand dollars for each CFRSF or location where
4 consumer fireworks will be sold or stored or vehicle in which
5 fireworks will be transported.

6 (ii) One hundred dollars for each CFRSF or location where
7 only low-grade fireworks will be sold, stored, or transported.

8 (iii) Five thousand dollars for a consumer fireworks
9 certificate issued to a wholesaler.

10 (3) A consumer fireworks certificate issued under this
11 section is valid from May 1 of the year in which it was issued
12 until April 30 of the year after it was issued. To renew a
13 consumer fireworks certificate, a retailer, shipper, or
14 wholesaler may renew a fireworks safety certificate by making
15 application in the same manner as provided under subsection (2).

16 (4) Not more than 30 days after an application is submitted
17 to the bureau under this section, the bureau shall issue or deny
18 issuance of a consumer fireworks certificate to the applicant
19 and, if issuance is denied, shall indicate to the applicant the
20 reason for denial.

21 (5) If the bureau denies issuance of a consumer fireworks
22 certificate under this section, the applicant may cure any defect
23 of the application within 20 days after the denial without paying
24 an additional fee. The bureau shall not unreasonably delay or
25 deny an application under this section.

26 (6) A consumer fireworks certificate is not transferable,
27 except to a subsequent owner or operator of a business at the

1 same location.

2 (7) A retailer shall not sell consumer fireworks at a
3 location for which a consumer fireworks certificate has not been
4 issued.

5 (8) A retailer who violates subsection (1) or (7) is guilty
6 of a misdemeanor punishable by imprisonment for not more than 2
7 years or a fine of not more than \$5,000.00 for each day the
8 violation continues, or both.

9 (9) The holder of a consumer fireworks certificate shall
10 prominently display the certificate in the appropriate CFRSF,
11 transportation vehicle, or warehouse, as applicable. A person who
12 violates this subsection is responsible for a civil fine of
13 \$100.00. Each day that the consumer fireworks certificate is not
14 displayed as provided under this subsection is a separate
15 violation.

16 (10) The bureau shall not issue a consumer fireworks
17 certificate to a person who is ineligible under section 12(4).

18 (11) The face of the consumer fireworks certificate shall
19 indicate whether it was issued for consumer fireworks or only
20 low-grade fireworks, or to a wholesaler

21 (12) Fees collected under this section shall be deposited in
22 the fireworks safety fund under section 15.

23 Sec. 6. Fireworks that are manufactured and shipped directly
24 out of state do not require a consumer fireworks certificate for
25 sale, possession, or transportation. However, this exception to
26 the consumer fireworks certificate requirement applies only to
27 fireworks transported by commercial carrier and does not apply to

1 household purchases by individual users. A signed statement that
2 the purchaser will transport the fireworks out of state is
3 insufficient to qualify for a consumer fireworks certificate
4 exception under this section.

5 Sec. 7. (1) A retailer shall only sell consumer fireworks
6 from a consumer fireworks retail sales facility that meets all of
7 the following criteria:

8 (a) A CFRSF shall comply with the requirements of this act
9 and with the requirements of NFPA 101 and NFPA 1124 that are not
10 in conflict with the provisions of this act.

11 (b) A CFRSF shall be equipped with an approved monitored
12 fire and intrusion alarm system. The fire alarm system shall
13 include smoke detection, manual pull boxes at each exit, and
14 notification devices in accordance with NFPA 72.

15 (c) Beginning 1 year after the effective date of this act, a
16 CFRSF shall be equipped with an approved fire suppression system
17 regardless of the size of the CFRSF in compliance with NFPA 1124.

18 (d) A CFRSF shall maintain public liability and product
19 liability insurance coverage of not less than \$2,000,000.00.

20 (e) Storage of fireworks at the site of a wholesaler or
21 dealer shall follow the distance requirements identified and in
22 compliance with NFPA 1123 and NFPA 1124 and required under
23 federal law.

24 (f) A CFRSF shall be located not less than 300 feet from
25 another CFRSF.

26 (g) The retail sales area of a CFRSF to which the public may
27 be admitted shall be not less than 3,000 or more than 12,000

1 square feet.

2 (2) A retailer who violates this section is liable for a
3 civil fine of not more than \$2,500.00 for each violation.

4 Sec. 8. (1) Low-grade fireworks shall only be sold from a
5 CFRSF or from another permanent building or structure.

6 (2) All low-grade fireworks sold in a permanent building or
7 structure other than a CFRSF shall satisfy the minimum standards
8 of the United States consumer product safety commission and shall
9 be tested and certified as described in section 9(b).

10 Sec. 9. A consumer fireworks retail sales facility operator
11 shall comply with the following criteria:

12 (a) All consumer fireworks and low-grade fireworks products
13 sold from a CFRSF shall satisfy the minimum standards of the
14 United States consumer product safety commission and shall be
15 tested, or certified, or both tested and certified by a third-
16 party testing agency recognized by the United States consumer
17 product safety commission.

18 (b) An individual less than 16 years of age shall not work
19 in a CFRSF.

20 (c) An individual who has been convicted of a felony shall
21 not be permitted to hold any interest in a business licensed in
22 this state to sell consumer fireworks or low-grade fireworks, or
23 both.

24 (d) Not less than 1 management level employee of a CFRSF
25 shall have appropriate and approved training in the handling of
26 consumer fireworks. Appropriate and approved training shall be in
27 accordance with the guidelines promulgated by the bureau.

1 Certified management level employees of a CFRSF shall be
2 registered in a database managed by the bureau at each training.

3 (e) All CFRSFs shall be inspected by the state fire marshal
4 or an employee of the state fire marshal's office prior to
5 initial certification under this act and thereafter at least
6 annually before the prime fireworks sales season.

7 (f) A minor shall not be admitted to a CFRSF unless the
8 minor is accompanied by his or her parent or guardian. This age
9 requirement shall be verified by an operator's or chauffeur's
10 license issued under the Michigan vehicle code, 1949 PA 300, MCL
11 257.1 to 257.923, or a valid passport containing a photograph of
12 the individual.

13 (g) An individual shall not possess, purchase, or sell
14 consumer fireworks while under the influence of alcoholic liquor,
15 a controlled substance, or a combination of alcoholic liquor and
16 a controlled substance.

17 Sec. 10. A minor shall not purchase consumer fireworks or
18 low-grade fireworks.

19 Sec. 11. (1) A person shall not smoke in a building or
20 structure where low-grade fireworks are sold, in a CFRSF, or
21 within 50 feet of a CFRSF. A person who violates this section is
22 guilty of a misdemeanor punishable by imprisonment for not more
23 than 1 year or a fine of not more than \$1,000.00, or both.

24 (2) Signage stating the smoking prohibition described in
25 subsection (1) and its associated penalties shall be erected and
26 shall be of a number and type and placed in a proximity as
27 determined by rule promulgated under the fire prevention code,

1 1941 PA 207, MCL 29.1 to 29.33.

2 Sec. 12. (1) A user fee, known as the fireworks safety fee,
3 is imposed on retail transactions made in this state for consumer
4 fireworks and low-grade fireworks as provided in section 14.

5 (2) A person who acquires consumer fireworks or low-grade
6 fireworks in a retail transaction is liable for the fireworks
7 safety fee on the transaction and, except as otherwise provided
8 in this act, shall pay the fireworks safety fee to the retailer
9 as a separate added amount to the consideration in the
10 transaction. The retailer shall collect the fireworks safety fee
11 as an agent for the state.

12 (3) The fireworks safety fee shall be deposited in the
13 fireworks safety fund under section 15.

14 (4) A person who fails to collect or remit a fireworks
15 safety fee as required under this section is guilty of a
16 misdemeanor punishable by a fine of not more than \$10,000.00. In
17 addition, the person is ineligible to obtain a consumer fireworks
18 certificate for 1 year after conviction.

19 Sec. 13. (1) Except as provided in subsections (2) and (3),
20 the fireworks safety fee is determined by the gross retail income
21 from consumer fireworks and low-grade fireworks received by a
22 retail merchant in a retail unitary transaction of fireworks and
23 is imposed at the following rates:

24	FIREWORKS	GROSS RETAIL INCOME
25	SAFETY	FROM THE
26	FEE	RETAIL UNITARY

1	TRANSACTION			
2	\$ 0		less than	\$ 0.10
3	\$ 0.01	at least \$ 0.10	but less than	\$ 0.30
4	\$ 0.02	at least \$ 0.30	but less than	\$ 0.50
5	\$ 0.03	at least \$ 0.50	but less than	\$ 0.70
6	\$ 0.04	at least \$ 0.70	but less than	\$ 0.90
7	\$ 0.05	at least \$ 0.90	but less than	\$ 1.10

8 (2) On a retail unitary transaction in which the gross
 9 retail income received by the retail merchant is \$1.10 or more,
 10 the fireworks safety fee is 5% of that gross retail income.

11 (3) If the fireworks safety fee calculated under subsection
 12 (1) results in a fraction of 1/2 cent or more, the amount of the
 13 fireworks safety fee shall be rounded to the next additional
 14 cent.

15 Sec. 14. A retailer has a duty to remit the fireworks safety
 16 fee as described in section 13 to the department of treasury of
 17 this state, holds the fireworks safety fees collected in trust
 18 for the state until remitted to the state, and is personally
 19 liable for the payment of the fireworks safety fee money to this
 20 state.

21 Sec. 15. (1) The fireworks safety fund is created within the
 22 state treasury.

23 (2) The state treasurer may receive money or other assets
 24 from any source for deposit into the fund. The state treasurer
 25 shall direct the investment of the fund. The state treasurer
 26 shall credit to the fund interest and earnings from fund
 27 investments.

1 (3) Money in the fund at the close of the fiscal year shall
2 remain in the fund and shall not lapse to the general fund.

3 (4) The bureau shall expend money deposited in the fund to
4 carry out the purposes of this act and the fire prevention code,
5 1941 PA 207, MCL 29.1 to 29.33.

6 Sec. 16. (1) The bureau shall promulgate rules under the
7 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
8 24.328, to administer this act, including, but not limited to,
9 all of the following:

10 (a) Create uniform applications and other forms for
11 dissemination to and use by local units of government under this
12 act.

13 (b) Establish the criteria to be used by local units of
14 government and fire chiefs in deciding whether to grant or deny a
15 certificate or a permit under this act.

16 (c) Procedures for the collection of application fees and
17 fireworks safety fees.

18 (d) Enforcement of regulatory duties.

19 (e) Plan for the enforcement of age limitations.

20 (f) Establish the criteria used by local units of government
21 for granting permits for supervised public displays of fireworks.

22 (g) Establish the fee for a permit under subdivision (b),
23 which shall be deposited to the fireworks safety fund created
24 under section 15.

25 (h) Subject to section 17, delegate authority and
26 responsibility to local fire officials as it considers necessary
27 to enforce this act under section 2b of the fire prevention code,

1 1941 PA 207, MCL 29.2b.

2 (2) Rules promulgated under this section shall provide that
3 an application for a permit under subsection (1)(b) shall
4 include, at a minimum, all of the following:

5 (a) The name of the operator who will detonate the display
6 fireworks or special effects.

7 (b) A brief summary of the operator's experience sufficient
8 to establish that the operator is competent to officiate the
9 public display of fireworks and detonate the display fireworks or
10 special effects.

11 (c) The application fee as determined by the bureau.

12 (3) An application for a permit under subsection (1)(b)
13 shall be received, along with the applicable fee, not less than
14 30 days before the public display of fireworks is to take place.

15 (4) Fees collected with permit applications under subsection
16 (1)(g) shall be deposited in the fireworks safety fund under
17 section 15.

18 (5) Rules promulgated under this section shall conform to
19 the following codes developed by the national fire protection
20 association, except for any code provision that conflicts with
21 this act:

22 (a) NFPA 1123.

23 (b) NFPA 1124.

24 (c) NFPA 1126.

25 Sec. 17. (1) If authority and responsibility are transferred
26 to local fire officials under section 2b of the fire prevention
27 code, 1941 PA 207, MCL 29.2b, funding to perform the delegated

1 operations shall be transferred to the local unit of government
2 that performs the operation in a ratio of 80% local funding: 20%
3 state funding.

4 (2) The state fire marshal's office shall pay the funds to
5 the local units of government to the extent described in
6 subsection (1).

7 (3) The bureau shall enter into a contract with local fire
8 officials performing enforcement of this act. The contract shall
9 clearly state the authority and responsibilities delegated to the
10 local fire officials for enforcing this act.

11 Sec. 18. A person who has 1 or more convictions for
12 violating this act shall not officiate, or be granted a permit to
13 officiate, a public display of fireworks for at least 1 year
14 after his or her latest conviction for a violation of this act.

15 Sec. 19. (1) A person shall only produce or transport, or
16 produce and transport, a firework that is a new explosive and
17 that is either a division 1.3 or division 1.4 explosive if the
18 person first meets the requirements of 49 CFR 173.56(2)(j).

19 (2) As used in this section:

20 (a) "Division 1.3 explosive" means that term as defined in
21 49 CFR 173.50.

22 (b) "Division 1.4 explosive" means that term as defined in
23 49 CFR 173.50.

24 (c) "New explosive" means that term as defined in 49 CFR
25 173.56.

26 Sec. 20. The state fire marshal shall create and maintain,
27 or cause to be created and maintained, an internet website that

1 has as its purpose the protection of the residents of this state
2 who purchase, use, or transport fireworks. The website shall
3 maintain a list of every person or entity that is issued a
4 consumer fireworks certificate.

5 Sec. 21. (1) A person shall not ignite, discharge, or use
6 consumer fireworks or low-grade fireworks on public property,
7 school property, church property, or the property of another
8 person without that organization's or person's express permission
9 to use those fireworks on those premises. Except as otherwise
10 provided in this subsection, a person who violates this
11 subsection is responsible for a state civil infraction and may be
12 ordered to pay a civil fine of not more than \$500.00. A person
13 who commits a second or subsequent violation of this subsection
14 within 5 years of a prior violation of this subsection is guilty
15 of a misdemeanor punishable by imprisonment for not more than 30
16 days or a fine of not more than \$1,000.00, or both.

17 (2) A minor shall not possess, purchase, or offer for sale
18 consumer fireworks or low-grade fireworks. Except as otherwise
19 provided in this subsection, a person who violates this
20 subsection is responsible for a state civil infraction and may be
21 ordered to pay a civil fine of not more than \$500.00 for each day
22 that the violation occurred.

23 (3) Except as otherwise provided in this subsection, a
24 person shall not ignite, discharge, or use consumer fireworks
25 after 12 midnight and before 10 a.m. However, on a legal holiday,
26 a person shall not ignite, discharge, or use consumer fireworks
27 between 1 a.m. and 9 a.m. of the same day. A person who violates

1 this subsection is responsible for a state civil infraction and
2 may be ordered to pay a civil fine of not more than \$500.00 for
3 each day that the violation occurred. However, a person who
4 commits a second or subsequent violation of this subsection
5 within 5 years of a prior violation of this subsection is guilty
6 of a misdemeanor punishable by imprisonment for not more than 30
7 days or a fine of not more than \$500.00 for each day that the
8 violation occurred, or both.

9 (4) Unless otherwise provided in this act, if a person
10 violates this act, the person is guilty of a crime as follows:

11 (a) Except as otherwise provided in this section, a
12 misdemeanor punishable by imprisonment for not more than 30 days
13 or a fine of not more than \$1,000.00, or both.

14 (b) If the violation causes damage to the property of
15 another person, a misdemeanor punishable by imprisonment for not
16 more than 90 days or a fine of not more than \$5,000.00, or both.

17 (c) If the violation causes serious impairment of a body
18 function of another person, a felony punishable by imprisonment
19 for not more than 1 year or a fine of not more than \$5,000.00, or
20 both. As used in this subdivision, "serious impairment of a body
21 function" means that term as defined in section 58c of the
22 Michigan vehicle code, 1949 PA 300, MCL 257.58c.

23 (d) If the violation causes the death of another person, a
24 felony punishable by imprisonment for not more than 5 years or a
25 fine of not more than \$10,000.00, or both.

26 Sec. 22. A wholesaler shall maintain a resident agent who
27 resides in this state and who has a physical address in this

1 state. A post office box is not a physical address for purposes
2 of this section.

3 Sec. 23. In addition to any other penalty imposed for the
4 violation of this act, a person who is found guilty of a
5 violation of this act shall be required to reimburse the
6 appropriate governmental agency for the costs of storing seized
7 fireworks that the governmental agency confiscated for a
8 violation of this act. This reimbursement shall be in a form and
9 at a time as required by the state fire marshal and as otherwise
10 required by law.

11 Sec. 24. (1) A governmental agency that identifies a
12 facility or firework that is in violation of this act, or person
13 who is in possession of a firework in violation of this act,
14 shall secure the firework and immediately notify the bureau of
15 the suspected violation. The bureau shall investigate the
16 suspected violation for compliance with this act within a
17 reasonable time.

18 (2) If the bureau determines that a violation of this act
19 has occurred, the bureau may seize the firework as evidence of
20 the violation. Evidence seized under this section shall be stored
21 pending disposition of any criminal or civil proceedings arising
22 from a violation of this act at the expense of the person, if the
23 person is found guilty, responsible, or liable for the violation.

24 Sec. 25. (1) Fireworks are solely regulated under this act.
25 Fireworks seized for a suspected violation of this act shall be
26 stored in compliance with this act and rules promulgated under
27 this act.

1 (2) Following final disposition of a conviction for
2 violating this act, the seizing agency shall destroy fireworks
3 retained as evidence in that prosecution. However, if the
4 fireworks are determined to constitute hazardous waste as that
5 term is defined in section 11103 of the natural resources and
6 environmental protection act, 1994 PA 451, MCL 324.11103, the
7 fireworks shall be disposed of by the department of natural
8 resources and environment as required under part 111 of the
9 natural resources and environmental protection act, 1994 PA 451,
10 MCL 324.11101 to 324.11304.

11 Enacting section 1. Chapter XXXIX of the Michigan penal
12 code, 1931 PA 328, MCL 750.243a to 750.243e, is repealed.