



Senate Fiscal Agency
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BILL



ANALYSIS

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Senate Bill 255 (as reported without amendment)
Sponsor: Senator Rick Jones
Committee: Regulatory Reform

(enacted version)

Date Completed: 5-24-13

RATIONALE

The Michigan Fireworks Safety Act was enacted in 2011 and took effect on January 1, 2012. The Act regulates the purchase, possession, sale, and use of certain consumer fireworks products. On February 1, 2012, the Director of the Department of Licensing and Regulatory Affairs (LARA) delegated responsibility for administering and enforcing the Act to the Michigan Bureau of Fire Services and the Office of the State Fire Marshal. One provision of the Act requires a permanent building or structure to be equipped with a fire suppression system in compliance with National Fire Protection Association (NFPA) Standard 1124. Evidently, the Michigan Building Code and NFPA 1124 are in conflict regarding a fire resistance rating standard. Consequently, on April 17, 2012, the State Fire Marshal and the Director of LARA's Bureau of Construction Codes issued a guideline specifying that NFPA 1124 will apply to a consumer fireworks retail sales (CFRS) facility, while Michigan's building, mechanical, electrical, and plumbing codes will apply in other circumstances that do not conflict with the Fireworks Safety Act. Some people believe that there should be a statutory provision authorizing that Act to supersede the Single State Construction Code Act when there is inconsistency or conflict between those two laws.

CONTENT

The bill would amend the Single State Construction Code Act to specify that any provision of the Act that is inconsistent or in conflict with the Michigan Fireworks Safety Act, relating to the retail sale of consumer fireworks and low-impact fireworks, would be superseded to the extent of the inconsistency or conflict.

MCL 125.1528

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The Michigan Fireworks Safety Act cites NFPA 1124 in a requirement regarding fire suppression systems. Among other things, NFPA 1124 requires that, in multiple-tenant buildings, a CFRS facility be separated from the other tenants by fire barriers having no openings and a fire resistance rating of not less than two hours. The Michigan Building Code, however, requires a three-hour fire-resistance rating. The State Fire Marshal and the Director of the Bureau of Construction Codes agreed that the two-hour standard in NFPA 1124 applies to multi-tenant buildings with a CFRS facility, while the State's codes will apply in certain circumstances in which they are not in conflict with the Fireworks Safety Act. The bill essentially would codify this administrative agreement and establish statutorily that the Single State Construction Code would be superseded by the Fireworks Safety Act to the extent the two statutes are inconsistent or in conflict.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Josh Sefton

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.