

# HOUSE BILL No. 5723

August 13, 2014, Introduced by Reps. Schor and Slavens and referred to the Committee on Regulatory Reform.

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
(MCL 750.1 to 750.568) by adding sections 243f, 243g, 243h, 243i,  
and 243j; and to repeal acts and parts of acts.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        SEC. 243F. (1) AS USED IN THIS CHAPTER:

2        (A) "CLASS B FIREWORKS" MEANS TOY TORPEDOES, RAILWAY  
3        TORPEDOES, FIRECRACKERS OR SALUTES THAT DO NOT QUALIFY AS CLASS C  
4        FIREWORKS, EXHIBITION DISPLAY PIECES, AEROPLANE FLARES,  
5        ILLUMINATING PROJECTILES, INCENDIARY PROJECTILES, INCENDIARY  
6        GRENADES, SMOKE PROJECTILES OR BOMBS CONTAINING EXPELLING CHARGES  
7        BUT WITHOUT BURSTING CHARGES, FLASH POWDERS IN INNER UNITS NOT  
8        EXCEEDING 2 OUNCES EACH, FLASH SHEETS IN INTERIOR PACKAGES, FLASH  
9        POWDER OR SPREADER CARTRIDGES CONTAINING NOT MORE THAN 72 GRAINS

1 OF FLASH POWDER EACH, AND OTHER SIMILAR DEVICES.

2 (B) "CLASS C FIREWORKS" MEANS TOY SMOKE DEVICES, TOY CAPS  
3 CONTAINING NOT MORE THAN .25 GRAINS OF EXPLOSIVE MIXTURE, TOY  
4 PROPELLANT DEVICES, CIGARETTE LOADS, TRICK MATCHES, TRICK NOISE  
5 MAKERS, SMOKE CANDLES, SMOKE POTS, SMOKE GRENADES, SMOKE SIGNALS,  
6 HAND SIGNAL DEVICES, VERY SIGNAL CARTRIDGES, SPARKLERS, EXPLOSIVE  
7 AUTO ALARMS, AND OTHER SIMILAR DEVICES.

8 (C) "FIREWORKS" MEANS A DEVICE MADE FROM EXPLOSIVE OR  
9 FLAMMABLE COMPOSITIONS USED PRIMARILY FOR THE PURPOSE OF  
10 PRODUCING A VISIBLE DISPLAY OR AUDIBLE EFFECT, OR BOTH, BY  
11 COMBUSTION, DEFLAGRATION, OR DETONATION.

12 (2) EXCEPT AS PROVIDED IN SUBSECTION (3) AND SECTIONS 243G,  
13 243H, AND 243I, A PERSON, FIRM, PARTNERSHIP, OR CORPORATION SHALL  
14 NOT OFFER FOR SALE, EXPOSE FOR SALE, SELL AT RETAIL, KEEP WITH  
15 INTENT TO SELL AT RETAIL, POSSESS, GIVE, FURNISH, TRANSPORT, USE,  
16 EXPLODE, OR CAUSE TO EXPLODE ANY OF THE FOLLOWING:

17 (A) A BLANK CARTRIDGE, BLANK CARTRIDGE PISTOL, TOY CANNON,  
18 TOY CANE, OR TOY GUN IN WHICH EXPLOSIVES ARE USED.

19 (B) AN UNMANNED BALLOON THAT REQUIRES FIRE UNDERNEATH TO  
20 PROPEL IT AND IS NOT MOORED TO THE GROUND WHILE ALOFT.

21 (C) FIRECRACKERS, TORPEDOES, SKYROCKETS, ROMAN CANDLES,  
22 BOTTLE ROCKETS, WHISTLING CHASERS, ROCKETS ON STICKS, OR OTHER  
23 FIREWORKS OF SIMILAR CONSTRUCTION.

24 (D) FIREWORKS CONTAINING AN EXPLOSIVE OR INFLAMMABLE  
25 COMPOUND OR A TABLET OR OTHER DEVICE COMMONLY USED AND SOLD AS  
26 FIREWORKS CONTAINING NITRATES, FULMINATES, CHLORATES, OXALATES,  
27 SULPHIDES OF LEAD, BARIUM, ANTIMONY, ARSENIC, MERCURY,

1 NITROGLYCERINE, PHOSPHORUS, OR A COMPOUND CONTAINING THESE OR  
2 OTHER MODERN EXPLOSIVES.

3 (3) A PERMIT IS NOT REQUIRED FOR ANY OF THE FOLLOWING:

4 (A) FLAT PAPER CAPS CONTAINING NOT MORE THAN .25 OF A GRAIN  
5 OF EXPLOSIVE CONTENT PER CAP, IN PACKAGES LABELED TO INDICATE THE  
6 MAXIMUM EXPLOSIVE CONTENT PER CAP.

7 (B) TOY PISTOLS, TOY CANNONS, TOY CANES, TOY TRICK NOISE  
8 MAKERS, AND TOY GUNS OF A TYPE APPROVED BY THE DIRECTOR OF THE  
9 DEPARTMENT OF STATE POLICE IN WHICH PAPER CAPS AS DESCRIBED IN  
10 SUBDIVISION (A) ARE USED AND THAT ARE SO CONSTRUCTED THAT THE  
11 HAND CANNOT COME IN CONTACT WITH THE CAP WHEN IN PLACE FOR THE  
12 EXPLOSION AND THAT ARE NOT DESIGNED TO BREAK APART OR BE  
13 SEPARATED SO AS TO FORM A MISSILE BY THE EXPLOSION.

14 (C) SPARKLERS CONTAINING NOT MORE THAN .0125 POUNDS OF  
15 BURNING PORTION PER SPARKLER.

16 (D) FLITTER SPARKLERS IN PAPER TUBES NOT EXCEEDING 1/8 INCH  
17 IN DIAMETER, CONE FOUNTAINS, AND CYLINDER FOUNTAINS.

18 (E) TOY SNAKES NOT CONTAINING MERCURY, IF PACKED IN  
19 CARDBOARD BOXES WITH NOT MORE THAN 12 PIECES PER BOX FOR RETAIL  
20 SALE AND IF THE MANUFACTURER'S NAME AND THE QUANTITY CONTAINED IN  
21 EACH BOX ARE PRINTED ON THE BOX; AND TOY SMOKE DEVICES.

22 (F) POSSESSION, TRANSPORTATION, SALE, OR USE OF SIGNAL  
23 FLARES OF A TYPE APPROVED BY THE DIRECTOR OF THE DEPARTMENT OF  
24 STATE POLICE, BLANK CARTRIDGES OR BLANK CARTRIDGE PISTOLS  
25 SPECIFICALLY FOR A SHOW OR THEATER, FOR THE TRAINING OR  
26 EXHIBITING OF DOGS, FOR SIGNAL PURPOSES IN ATHLETIC SPORTS, OR  
27 FOR USE BY MILITARY ORGANIZATIONS, AND ALL ITEMS DESCRIBED IN

1 SUBSECTION (2) USED BY RAILROADS FOR EMERGENCY SIGNAL PURPOSES.

2 (G) THE SALE OF FIREWORKS, PROVIDED THEY ARE TO BE SHIPPED  
3 DIRECTLY OUT OF STATE UNDER REGULATIONS OF THE UNITED STATES  
4 DEPARTMENT OF TRANSPORTATION COVERING THE TRANSPORTATION OF  
5 EXPLOSIVES AND OTHER DANGEROUS ARTICLES BY MOTOR, RAIL, AND  
6 WATER.

7 SEC. 243G. (1) THE LEGISLATIVE BODY OF A CITY, VILLAGE, OR  
8 TOWNSHIP, UPON APPLICATION IN WRITING, ON FORMS PROVIDED BY THE  
9 BUREAU OF FIRE SERVICES CREATED IN SECTION 1B OF THE FIRE  
10 PREVENTION CODE, 1941 PA 207, MCL 29.1B, MAY GRANT A PERMIT FOR  
11 THE USE OF FIREWORKS OTHERWISE PROHIBITED BY SECTION 243F, WITHIN  
12 THE CITY, VILLAGE, OR TOWNSHIP, MANUFACTURED FOR OUTDOOR PEST  
13 CONTROL OR AGRICULTURAL PURPOSES, OR FOR PUBLIC DISPLAY BY  
14 MUNICIPALITIES, FAIR ASSOCIATIONS, AMUSEMENT PARKS, OR OTHER  
15 ORGANIZATIONS OR GROUPS OF INDIVIDUALS APPROVED BY THE CITY,  
16 VILLAGE, OR TOWNSHIP AUTHORITY, IF THE APPLICABLE PROVISIONS OF  
17 THIS ACT ARE COMPLIED WITH. THE PERMITS MUST BE ON FORMS PROVIDED  
18 BY THE BUREAU OF FIRE SERVICES. AFTER A PERMIT HAS BEEN GRANTED,  
19 SALES, POSSESSION, OR TRANSPORTATION OF FIREWORKS FOR THE  
20 PURPOSES DESCRIBED IN THE PERMIT ONLY MAY BE MADE. A PERMIT  
21 GRANTED UNDER THIS SUBSECTION IS NOT TRANSFERABLE AND SHALL NOT  
22 BE ISSUED TO AN INDIVIDUAL UNDER THE AGE OF 18 YEARS.

23 (2) THE LEGISLATIVE BODY OF A CITY, VILLAGE, OR TOWNSHIP,  
24 UPON APPLICATION IN WRITING, MAY GRANT A PERMIT, ON FORMS  
25 PROVIDED BY THE BUREAU OF FIRE SERVICES, TO A RESIDENT WHOLESALE  
26 DEALER OR JOBBER TO HAVE IN HIS OR HER POSSESSION WITHIN THE  
27 CITY, VILLAGE, OR TOWNSHIP, FIREWORKS OTHERWISE PROHIBITED BY

1 SECTION 243F, FOR SALE ONLY TO HOLDERS OF PERMITS AS PROVIDED IN  
2 THIS SECTION. A PERMIT GRANTED UNDER THIS SUBSECTION IS NOT  
3 TRANSFERABLE, NOR SHALL A PERMIT BE ISSUED TO AN INDIVIDUAL UNDER  
4 THE AGE OF 18 YEARS.

5 (3) BEFORE A PERMIT FOR A PYROTECHNIC DISPLAY IS ISSUED, THE  
6 PERSON APPLYING FOR THE PERMIT SHALL FURNISH PROOF OF FINANCIAL  
7 RESPONSIBILITY BY A BOND OR INSURANCE IN AN AMOUNT, CHARACTER,  
8 AND FORM CONSIDERED NECESSARY BY THE LOCAL GOVERNING AUTHORITY TO  
9 SATISFY CLAIMS FOR DAMAGES TO PROPERTY OR PERSONAL INJURIES  
10 ARISING OUT OF AN ACT OR OMISSION ON THE PART OF THE PERSON OR AN  
11 AGENT OR EMPLOYEE OF THE PERSON, AND TO PROTECT THE PUBLIC.

12 (4) A PERMIT SHALL NOT BE ISSUED UNDER THIS ACT TO A  
13 NONRESIDENT PERSON FOR CONDUCT OF A PYROTECHNIC DISPLAY IN THIS  
14 STATE UNTIL THE PERSON HAS APPOINTED IN WRITING A RESIDENT MEMBER  
15 OF THE BAR OF THIS STATE OR A RESIDENT AGENT TO BE THE LEGAL  
16 REPRESENTATIVE UPON WHOM ALL PROCESS IN AN ACTION OR PROCEEDING  
17 AGAINST THE PERSON MAY BE SERVED.

18 (5) THE LOCAL GOVERNING AUTHORITY SHALL RULE ON THE  
19 COMPETENCY AND QUALIFICATIONS OF OPERATORS OF PYROTECHNIC  
20 DISPLAYS, AS THE OPERATOR HAS FURNISHED IN HIS OR HER APPLICATION  
21 FORM, AND ON THE TIME, PLACE, AND SAFETY ASPECTS OF THE DISPLAYS  
22 BEFORE GRANTING PERMITS.

23 SEC. 243H. TRANSPORTATION OF FIREWORKS INTRASTATE SHALL BE  
24 MADE ONLY WITH THE PERMITS PROVIDED FOR IN THIS ACT AND AS  
25 FOLLOWS:

26 (A) IN ACCORDANCE WITH UNITED STATES DEPARTMENT OF  
27 TRANSPORTATION REGULATIONS FOR TRANSPORTATION OF EXPLOSIVES AND

1 OTHER DANGEROUS ARTICLES BY MOTOR, RAIL, AND WATER, INCLUDING  
 2 SPECIFICATIONS FOR SHIPPING CONTAINERS.

3 (B) IN NONPASSENGER CARRYING VEHICLES, IN CHARGE OF A  
 4 COMPETENT DRIVER NOT LESS THAN 18 YEARS OF AGE, THAT ARE EQUIPPED  
 5 WITH A 15-POUND CARBON DIOXIDE OR A 10-POUND DRY CHEMICAL FIRE  
 6 EXTINGUISHER; AND IN OR NEAR WHICH SMOKING IS PROHIBITED WHILE  
 7 LOADING, UNLOADING, OR TRANSPORTING FIREWORKS.

8 SEC. 243I. (1) FIREWORKS KEPT AT THE SITE OF A WHOLESALER,  
 9 DEALER, OR JOBBER, EXCEPT FOR A RETAILER WHO HAS GOODS ON HAND  
 10 FOR SALE TO THE PUBLIC IN A SUPERVISED DISPLAY AREA, SHALL BE  
 11 STORED IN A 1-STORY, NONCOMBUSTIBLE BUILDING WITHOUT A BASEMENT,  
 12 WHICH BUILDING IS WEATHER RESISTANT, WELL VENTILATED, AND  
 13 EQUIPPED WITH A STRONG DOOR KEPT SECURELY LOCKED EXCEPT WHEN OPEN  
 14 FOR BUSINESS.

15 (2) THE LOCATION OF A STORAGE BUILDING UNDER SUBSECTION (1)  
 16 MUST BE APPROVED BY THE LOCAL GOVERNING AUTHORITY HAVING  
 17 JURISDICTION AND BE LOCATED NOT LESS THAN THE FOLLOWING DISTANCES  
 18 FROM INHABITED BUILDINGS, PASSENGER RAILROADS, AND PUBLIC  
 19 HIGHWAYS ACCORDING TO THE NUMBER OF POUNDS OF FIREWORKS STORED,  
 20 ROUNDED TO THE NEAREST  
 21 POUND:

22	NET WEIGHT OF	DISTANCE FROM		DISTANCE FROM	
23	FIREWORKS	PASSENGER RAILWAYS		INHABITED BUILDINGS	
24		AND PUBLIC HIGHWAYS			
25		CLASS C	CLASS B	CLASS C	CLASS B
26		FIREWORKS	FIREWORKS	FIREWORKS	FIREWORKS

1	POUNDS	FEET	FEET	FEET	FEET
2	100 OR LESS	25	200	50	200
3	101 TO 200	30	200	60	200
4	201 TO 400	35	200	70	200
5	401 TO 600	40	200	80	208
6	601 TO 800	45	200	90	252
7	801 TO 1,000	50	200	100	292
8	1,001 TO 2,000	58	230	115	459
9	2,001 TO 3,000	62	296	124	592
10	3,001 TO 4,000	65	352	130	704
11	4,001 TO 5,000	68	400	135	800
12	5,001 TO 6,000	70	441	139	882
13	6,001 TO 8,000	73	509	140	1,018
14	8,001 TO 10,000	75	565	150	1,129
15	10,001 TO 15,000	80	668	159	1,335
16	15,001 TO 20,000	83	745	165	1,490
17	20,001 TO 30,000	87	863	174	1,725
18	30,001 TO 40,000	90	953	180	1,906
19	40,001 TO 50,000	93	1,030	185	2,060
20	50,001 TO 60,000	95	1,095	189	2,190
21	60,001 TO 80,000	98	1,205	195	2,410
22	80,001 TO 100,000	100	1,300	200	2,600
23	100,001 TO 150,000	105	1,488	209	2,975
24	151,001 TO 200,000	108	1,638	215	3,275
25	200,001 OR MORE	110	1,765	220	3,530

26           (3) A PERSON SHALL NOT CAUSE OR ALLOW SMOKING, MATCHES, OPEN  
 27 FLAMES, SPARK-PRODUCING DEVICES, OR FIREARMS INSIDE OF OR WITHIN  
 28 50 FEET OF A BUILDING USED FOR THE STORAGE OF FIREWORKS. A PERSON

1 SHALL NOT STORE COMBUSTIBLE MATERIALS WITHIN 50 FEET OF A  
2 BUILDING USED FOR THE STORAGE OF FIREWORKS.

3 (4) THE INTERIOR OF A BUILDING USED FOR THE STORAGE OF  
4 FIREWORKS SHALL BE KEPT CLEAN AND FREE FROM DEBRIS AND EMPTY  
5 CONTAINERS. A PERSON SHALL NOT USE A BUILDING USED FOR THE  
6 STORAGE OF FIREWORKS FOR THE STORAGE OF ANY METAL TOOLS OR ANY  
7 COMMODITY OTHER THAN FIREWORKS.

8 (5) A PERSON SHALL NOT PROVIDE A BUILDING USED FOR THE  
9 STORAGE OF FIREWORKS WITH HEAT OR LIGHTS, EXCEPT THAT IF LIGHTS  
10 ARE NECESSARY, AN ELECTRIC SAFETY FLASHLIGHT OR SAFETY LANTERN  
11 MUST BE USED.

12 (6) A BUILDING USED FOR THE STORAGE OF FIREWORKS MUST BEAR  
13 LETTERING ON EACH SIDE AND TOP IN LETTERS NOT LESS THAN 4 INCHES  
14 HIGH, THE WORDS "EXPLOSIVES-KEEP FIRE AWAY".

15 (7) A BUILDING USED FOR THE STORAGE OF FIREWORKS MUST BE  
16 UNDER THE SUPERVISION OF A COMPETENT PERSON, WHO IS NOT LESS THAN  
17 18 YEARS OF AGE.

18 (8) IN ADDITION TO THE REQUIREMENTS OF SUBSECTION (2),  
19 SALUTES THAT DO NOT QUALIFY AS CLASS C FIREWORKS ARE CONSIDERED  
20 TO BE HAZARDOUS MATERIAL AND MUST BE STORED IN ACCORDANCE WITH  
21 RULES FOR THE STORAGE AND HANDLING OF HAZARDOUS MATERIAL  
22 PROMULGATED UNDER SECTION 3C OF THE FIRE PREVENTION CODE, 1941 PA  
23 207, MCL 29.3C.

24 SEC. 243J. A PERSON THAT VIOLATES A PROVISION OF SECTIONS  
25 243F TO 243I OR THAT VIOLATES THE TERMS OF A PERMIT ISSUED UNDER  
26 THOSE SECTIONS IS GUILTY OF A MISDEMEANOR.

27 Enacting section 1. The Michigan fireworks safety act, 2011



1 PA 256, MCL 28.451 to 28.471, is repealed.