

SENATE BILL No. 562

October 14, 2015, Introduced by Senators HORN, ZORN, HANSEN and BIEDA and referred to the Committee on Regulatory Reform.

A bill to amend 2011 PA 256, entitled "Michigan fireworks safety act," by amending section 2 (MCL 28.452), as amended by 2012 PA 257.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 (a) "Agricultural and wildlife fireworks" means fireworks
3 devices distributed to farmers, ranchers, and growers through a
4 wildlife management program administered by the United States
5 ~~department~~**DEPARTMENT** of the ~~interior~~**INTERIOR** or the department of
6 natural resources of this state.

7 (b) "APA standard 87-1" means 2001 APA standard 87-1, standard
8 for construction and approval for transportation of fireworks,
9 novelties, and theatrical pyrotechnics, published by the American
10 ~~pyrotechnics association~~**PYROTECHNICS ASSOCIATION** of Bethesda,
11 Maryland.

12 (c) "Articles pyrotechnic" means pyrotechnic devices for

1 professional use that are similar to consumer fireworks in chemical
2 composition and construction but not intended for consumer use,
3 that meet the weight limits for consumer fireworks but are not
4 labeled as such, and that are classified as UN0431 or UN0432 under
5 49 CFR 172.101.

6 (d) "Citation" means ~~that term~~ **A CITATION** as described in
7 section 17a.

8 (e) "Commercial manufacturer" means a person engaged in the
9 manufacture of consumer fireworks.

10 (f) "Consumer fireworks" means fireworks devices that are
11 designed to produce visible effects by combustion, that are
12 required to comply with the construction, chemical composition, and
13 labeling regulations promulgated by the United States ~~consumer~~
14 ~~product safety commission~~ **CONSUMER PRODUCT SAFETY COMMISSION** under
15 16 CFR parts 1500 and 1507, and that are listed in APA standard 87-
16 1, 3.1.2, 3.1.3, or 3.5. Consumer fireworks ~~does~~ **DO** not include
17 low-impact fireworks.

18 (g) "Consumer fireworks certificate" means a certificate
19 issued under section 4.

20 (h) "Department" means the department of licensing and
21 regulatory affairs.

22 (i) "Display fireworks" means large fireworks devices that are
23 explosive materials intended for use in fireworks displays and
24 designed to produce visible or audible effects by combustion,
25 deflagration, or detonation, as provided in 27 CFR 555.11, 49 CFR
26 172, and APA standard 87-1, 4.1.

27 (j) "Firework" or "fireworks" means any composition or device,

1 except for a starting pistol, a flare gun, or a flare, designed for
2 the purpose of producing a visible or audible effect by combustion,
3 deflagration, or detonation. Fireworks consist of consumer
4 fireworks, low-impact fireworks, articles pyrotechnic, display
5 fireworks, and special effects.

6 (k) "Fireworks safety fund" means the fireworks safety fund
7 created in section 11.

8 (l) "Local unit of government" means a city, village, or
9 township.

10 (m) "Low-impact fireworks" means ground and handheld sparkling
11 devices as that phrase is defined under APA standard 87-1, 3.1,
12 3.1.1.1 to 3.1.1.8, and 3.5.

13 (n) "Minor" means an individual who is less than 18 years of
14 age.

15 (o) "NFPA" means the ~~national fire protection association~~
16 **NATIONAL FIRE PROTECTION ASSOCIATION** headquartered at 1
17 Battery March Park, Quincy, Massachusetts.

18 (p) "NFPA 1" means the uniform fire code, 2006 edition,
19 developed by NFPA.

20 (q) "NFPA 72" means the "National Fire Alarm Code", 2002
21 edition, developed by NFPA.

22 (r) "NFPA 101" means the "Life Safety Code", 2009 edition,
23 developed by NFPA.

24 (s) "NFPA 1123" means the "Code for Fireworks Display", 2010
25 edition, developed by NFPA.

26 (t) "NFPA 1124" means the "Code for the Manufacture,
27 Transportation, Storage, and Retail Sales of Fireworks and

1 Pyrotechnic Articles", 2006 edition, developed by NFPA.

2 (u) "NFPA 1126" means the "Standard for the Use of
3 Pyrotechnics Before a Proximate Audience", 2011 edition, developed
4 by NFPA.

5 (v) "Novelties" means that term as defined under APA standard
6 87-1, 3.2, 3.2.1, 3.2.2, 3.2.3, 3.2.4, and 3.2.5 and all of the
7 following:

8 (i) Toy plastic or paper caps for toy pistols in sheets,
9 strips, rolls, or individual caps containing not more than .25 of a
10 grain of explosive content per cap, in packages labeled to indicate
11 the maximum explosive content per cap.

12 (ii) Toy pistols, toy cannons, toy canes, toy trick
13 noisemakers, and toy guns in which toy caps as described in
14 subparagraph (i) are used, that are constructed so that the hand
15 cannot come in contact with the cap when in place for the
16 explosion, and that are not designed to break apart or be separated
17 so as to form a missile by the explosion.

18 (iii) Flitter sparklers in paper tubes not exceeding 1/8 inch
19 in diameter.

20 (iv) Toy snakes not containing mercury, if packed in cardboard
21 boxes with not more than 12 pieces per box for retail sale and if
22 the manufacturer's name and the quantity contained in each box are
23 printed on the box; and toy smoke devices.

24 (w) "Permanent building or structure" ~~is~~ **MEANS** a building or
25 structure that is affixed to a foundation on a site that has fixed
26 utility connections and that is intended to remain on the site for
27 more than 180 consecutive calendar days.

1 (x) "Person" means an individual, agent, association,
2 charitable organization, company, limited liability company,
3 corporation, labor organization, legal representative, partnership,
4 unincorporated organization, or any other legal or commercial
5 entity.

6 (y) "Retailer" means a person who sells consumer fireworks or
7 low-impact fireworks for resale to an individual for ultimate use.

8 (z) "Retail location" means a facility listed under NFPA 1124,
9 7.1.2.

10 (aa) "Rule" means that term as defined in section 7 of the
11 administrative procedures act of 1969, 1969 PA 306, MCL 24.207,
12 that was promulgated by the department.

13 (bb) "Serious impairment of a body function" means that term
14 as defined in section 58c of the Michigan vehicle code, 1949 PA
15 300, MCL 257.58c.

16 (cc) "Serious violation" means a violation of this act, an
17 order issued under this act, or a rule promulgated or adopted by
18 reference under this act for which a substantial probability exists
19 that death or serious impairment of a body function to a person
20 other than the violator may result unless the violator did not and
21 could not, with the exercise of reasonable diligence, know of the
22 presence of the violation.

23 **(DD) "SKY LANTERN" MEANS AN UNMANNED, SELF-CONTAINED LUMINARY**
24 **DEVICE THAT USES A BALLOON TO BECOME AIRBORNE AND THAT WHILE**
25 **AIRBORNE HAS AN OPEN FLAME OR OTHER HEAT SOURCE.**

26 **(EE)** ~~(dd)~~ "Special effects" means a combination of chemical
27 elements or chemical compounds capable of burning independently of

1 the oxygen of the atmosphere and designed and intended to produce
2 an audible, visual, mechanical, or thermal effect as an integral
3 part of a motion picture, radio, television, theatrical, or opera
4 production or live entertainment.

5 (FF) ~~(ee)~~—"State fire marshal" means the state fire marshal
6 appointed under section 1b of the fire prevention code, 1941 PA
7 207, MCL 29.1b.

8 (GG) ~~(ff)~~—"Warehouse" means a permanent building or structure
9 used primarily for the storage of consumer fireworks or low-impact
10 fireworks.

11 (HH) ~~(gg)~~—"Wholesaler" means any person who sells consumer
12 fireworks or low-impact fireworks to a retailer or any other person
13 for resale. Wholesaler does not include a person who sells only
14 display fireworks or special effects.

15 Enacting section 1. This amendatory act takes effect 90 days
16 after the date it is enacted into law.

17 Enacting section 2. This amendatory act does not take effect
18 unless Senate Bill No. 563

19 of the 98th Legislature is enacted into law.