

1.1 moves to amend H.F. No. 1774 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. [624.222] FIREWORKS; SALES; LIMITED PERSONAL USE;
1.4 AUTHORIZATION.

1.5 Subdivision 1. Limited personal use of fireworks; sales. (a) Notwithstanding
1.6 sections 624.20 to 624.221 and 624.23 to 624.25, 1.4G consumer fireworks may be used or
1.7 ignited for personal use only. Personal use of fireworks is not permitted on public property.

1.8 (b) A seller at retail may offer for sale, advertise, or sell at retail 1.4G fireworks,
1.9 as defined in Code of Federal Regulations, titles 16 and 49, for personal use. All 1.4G
1.10 fireworks held for sale under this section must carry the required federal warning label. A
1.11 retailer selling 1.4G fireworks under this section must post in a conspicuous location the
1.12 following warning in block letters not less than one inch in height: "FIREWORKS MAY
1.13 BE PURCHASED FOR PERSONAL USE ONLY UNDER MINNESOTA STATUTES,
1.14 SECTION 624.222." A seller at retail of 1.4G fireworks shall require each purchaser
1.15 of 1.4G fireworks for limited personal use to complete an application stating that the
1.16 purchaser:

- 1.17 (1) is 18 years of age or older verified by photographic identification;
- 1.18 (2) has received a copy of fireworks use safety information; and
- 1.19 (3) agrees to use the 1.4G fireworks only in Minnesota or another state where use is
1.20 permitted.

1.21 Subd. 2. Licensing of sales facilities. 1.4G fireworks shall be sold only from
1.22 facilities that are licensed by the state fire marshal and that meet the following criteria:

1.23 (1) the facility shall be limited in size to 10,000 square feet of selling area to which
1.24 the public may be admitted;

1.25 (2) aisles in the facility shall be a minimum of five feet wide, and kept free and
1.26 unobstructed at all times;

2.1 (3) there shall be one exit door for every 50 people permitted by maximum
2.2 occupancy requirements on the selling floor to which the public may be admitted, with
2.3 a minimum of three emergency exit doors in the facility;

2.4 (4) exit doors shall be metal and equipped with push-panic locks;

2.5 (5) exit doors shall be clearly marked with lighted exit signs with battery backups;

2.6 (6) the facility shall be a stand-alone building;

2.7 (7) the facility shall be equipped with an adequate number of smoke detectors in
2.8 both the retail and storage areas, and the smoke detectors shall be inspected and tested
2.9 annually and prior to the opening of the facility;

2.10 (8) storage areas shall be separated from areas to which the public may be admitted
2.11 by appropriately rated fire separation walls;

2.12 (9) the facility shall be located no closer than 50 feet from any facility selling or
2.13 dispensing gasoline, propane, or other flammable products;

2.14 (10) portable fire extinguishing equipment shall be located in the premises at
2.15 all times, with one fire extinguisher located every 75 feet of travel space. The fire
2.16 extinguishers shall be inspected and certified annually and prior to the opening of the
2.17 facility; and

2.18 (11) a 1.4G fireworks sales facility may not be located within 250 feet of another
2.19 1.4G fireworks sales facility, with priority being given on a first-come basis.

2.20 Subd. 3. **License applications; fees.** Applications for licenses to sell 1.4G fireworks
2.21 shall be submitted to the state fire marshal by January 15 of each year on forms prescribed
2.22 and provided by the state fire marshal. Licenses shall be issued no later than March 1
2.23 of each year. The license application shall be accompanied by an annual license fee of
2.24 \$5,000. The fire marshal shall deposit the fee in the general fund. There shall be an
2.25 annual inspection of the facility to ensure that all laws are followed. No license may be
2.26 issued to any convicted felons or to entities where a convicted felon owns five percent or
2.27 more of the equity.

2.28 Subd. 4. **Operational requirements.** The 1.4G fireworks sales facility shall be
2.29 exclusively dedicated to the sale of 1.4G fireworks and related items, and the facility
2.30 shall operate as follows:

2.31 (1) smoking may not be permitted in the facility;

2.32 (2) cigarettes or tobacco products, matches, lighters, or any other flame-producing
2.33 devices may not be permitted in the facility;

2.34 (3) minors may be not permitted in the facility unless accompanied by an adult, and
2.35 the minors must stay with the adult in the facility;

3.1 (4) all 1.4G fireworks sold in the facility must comply with the United States
3.2 Consumer Product Safety Commission standards;

3.3 (5) all facilities must carry at least \$2,000,000 in personal and product liability
3.4 insurance;

3.5 (6) all licensees shall annually review OSHA standards and guidelines regarding
3.6 retail sale of fireworks;

3.7 (7) 1.3G, commercial, Class B fireworks shall not be stored or located at the facility;

3.8 (8) a person under the influence of intoxicating liquor or drugs may not be admitted
3.9 to the facility, and liquor, beer, or wine may not be permitted in the facility;

3.10 (9) fireworks may not be ignited within 300 feet of a licensed 1.4G fireworks
3.11 sales facility;

3.12 (10) tents, temporary structures, and big box stores, such as discount stores or
3.13 grocery stores, may only sell consumer fireworks defined as "ground and handheld
3.14 sparkling devices" as defined in Code of Federal Regulations, titles 16 and 49;

3.15 (11) emergency evacuation plans shall be conspicuously posted in appropriate
3.16 locations within the facility;

3.17 (12) information on safe use of fireworks shall be distributed to all purchasers; and

3.18 (13) all 1.4G fireworks sales facilities shall be in full compliance with the
3.19 requirements set out in the current edition of the National Fire Protection Association
3.20 Standard 1124: Code for the Manufacture, Transportation, Storage and Retail Sales of
3.21 Fireworks and Pyrotechnic Articles as the requirements are not inconsistent with this
3.22 section.

3.23 Subd. 5. **Fireworks safety guidelines.** The state fire marshal shall disseminate
3.24 information on 1.4G fireworks safety designed to ensure that personal use and ignition of
3.25 1.4G fireworks each year follows best fireworks safety practices.

3.26 Subd. 6. **Violations; penalties.** (a) A person is guilty of a misdemeanor if the
3.27 person ignites, discharges, or uses consumer fireworks at a site other than:

3.28 (1) the property of the person; or

3.29 (2) the property of another who has given permission to use the consumer fireworks.

3.30 (b) A person is guilty of a gross misdemeanor if the person commits an offense
3.31 under paragraph (a) no later than five years after the date of the commission of a prior
3.32 offense under paragraph (a).

3.33 (c) A person commits a gross misdemeanor if the person recklessly, knowingly, or
3.34 intentionally uses consumer fireworks that result in serious bodily injury to a person.

3.35 (d) A person commits a felony if the person recklessly, knowingly, or intentionally
3.36 uses consumer fireworks that result in the death of a person.

4.1 (e) A person commits a felony if the person sells 1.4G fireworks without obtaining a
4.2 fireworks license under this section or inconsistent with this section.

4.3 **EFFECTIVE DATE.** This section is effective August 1, 2012, and applies to crimes
4.4 committed on or after that date."

4.5 Delete the title and insert:

4.6 "A bill for an act
4.7 relating to public safety; authorizing limited personal use of fireworks; requiring
4.8 notice of safety guidelines; providing for criminal penalties; proposing coding
4.9 for new law in Minnesota Statutes, chapter 624."