

HOUSE RESEARCH

Bill Summary

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Subject: Regulating the sale and use of consumer fireworks

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Overview

This bill expands the list of legal consumer fireworks to include aerial and audible devices; changes the license fee process for consumer fireworks; limits regulations imposed on the sale of sparkling devices and novelties; and permits local units of government to prevent the sale and use of aerial and audible devices.

Section

1 **Regulation.** Strikes language in current law on fireworks, including the definition of fireworks.

Para. (a). Adds definitions for: “APA 87-1,” “aerial and audible devices,” “display fireworks,” “fireworks,” “novelties,” and “sparkling devices.”

Para. (b). Maintains the requirements in current law that “legal fireworks” may not be used on public property or purchased by persons younger than 18 years of age, and that persons selling legal items verify the purchaser’s age by photographic identification. Since the bill expands what consumer fireworks are legal, these restrictions are applied to a broader class of items.

Para. (c). Retains the cap on the annual license fee that local units of government may charge to retail sellers of novelties and aerial and audible devices at \$350. (The maximum fee for retailers of sparkling devices is \$100.) Authorizes local governments to charge a separate \$100 fee for each additional retail location a licensee operates. Requires the local authority having jurisdiction to grant or deny a license application within 14 days of receipt.

Section

Prohibits local units of government from imposing other fees on the retail or wholesale sale of novelties and aerial and audible devices. Preempts local regulation of sparkling devices and novelties.

Para. (d). Permits local units of government to regulate, restrict, or bar the sale and use of aerial and audible devices.

Para. (e). Provides that counties have the same authority as statutory cities to regulate the use of aerial and audible devices, display fireworks, sparkling devices, and novelties.

Para. (f). Restricts the use of aerial and audible devices to between June 1 and July 10.