

661—235.4 (101A) Issuance of commercial explosive business license. A commercial explosive business license shall be issued only if all of the following conditions have been satisfied:

235.4(1) All items required on the application have been completed, and any items the fire marshal deems necessary to verify have been verified and found to be true.

235.4(2) For purposes of this rule, “responsible person” means an individual who has the power to direct the management and policies of the applicant pertaining to explosive materials. Generally, “responsible person” includes partners, sole proprietors, site managers, corporate officers, directors and majority shareholders.

235.4(3) No responsible person or manager of the business for which commercial explosive licensure is sought nor any person who will have, at any time, possession of explosives in the course of employment with the prospective business licensee:

- a.* Has been convicted of a felony or any offense involving explosives or firearms;
- b.* Has been previously disqualified from being licensed to handle explosives in this or any other state. The fire marshal may grant a license to a person previously disqualified if the fire marshal is satisfied that the condition or conditions that led to the disqualification have been corrected;
- c.* Is an unlawful user of or is addicted to controlled substances;
- d.* Has been adjudged mentally incompetent at any time by any court, been committed by any court to any mental institution, received inpatient treatment for any mental illness in the past three years, or received treatment by a health care professional for a serious mental illness or disorder which impairs a person’s capacity to function normally and safely, both toward themselves and others.

235.4(4) The business has at least one responsible person or employee licensed as an individual blaster.