

House File 2473

S-5200

1 Amend the amendment, S-5196, to House File 2473,
2 as amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 28, after line 38 by inserting:

5 <DIVISION _____
6 FIREWORKS

7 Sec. _____. Section 100.1, Code 2014, is amended by
8 adding the following new subsection:

9 NEW SUBSECTION. 8. To order the suspension of
10 the use of consumer fireworks, display fireworks, or
11 novelties, as described in section 727.2, if the fire
12 marshal determines that the use of such devices would
13 constitute a threat to public safety.

14 Sec. _____. Section 101A.1, subsection 3, Code 2014,
15 is amended to read as follows:

16 3. "*Explosive*" means any chemical compound, mixture
17 or device, the primary or common purpose of which is to
18 function by explosion with substantially instantaneous
19 release of gas and heat, unless such compound, mixture,
20 or device is otherwise specifically classified by
21 the United States department of transportation. The
22 term "*explosive*" includes all materials which are
23 classified as a class 1, division 1.1, 1.2, 1.3,
24 or 1.4 explosive by the United States department of
25 transportation, under 49 C.F.R. § 173.50, and all
26 materials classified as explosive materials under 18
27 U.S.C. § 841, and includes, but is not limited to,
28 dynamite, black powder, pellet powders, initiating
29 explosives, blasting caps, electric blasting caps,
30 safety fuse, fuse lighters, fuse igniters, squibs,
31 cordeau detonative fuse, instantaneous fuse, igniter
32 cord, igniters, smokeless propellant, cartridges for
33 propellant-actuated power devices, cartridges for
34 industrial guns, and overpressure devices, but does not
35 include "~~fireworks~~" as "consumer fireworks", "display
36 fireworks", or "novelties" as those terms are defined
37 in section 727.2 or ammunition or small arms primers
38 manufactured for use in shotguns, rifles, and pistols.
39 Commercial explosives are those explosives which
40 are intended to be used in commercial or industrial
41 operations.

42 Sec. _____. Section 331.301, Code 2014, is amended by
43 adding the following new subsection:

44 NEW SUBSECTION. 17. The board of supervisors may
45 by resolution suspend the use of consumer fireworks,
46 display fireworks, or novelties, as described in
47 section 727.2, if the board determines that the use
48 of such devices would constitute a threat to public
49 safety.

50 Sec. _____. Section 331.304, subsection 9, Code 2014,

1 is amended to read as follows:

2 9. The board, upon application, may grant permits
3 for the ~~display use~~ of display fireworks as provided
4 in section 727.2.

5 Sec. _____. Section 364.2, Code 2014, is amended by
6 adding the following new subsection:

7 NEW SUBSECTION. 6. A city council may by
8 resolution suspend the use of consumer fireworks,
9 display fireworks, or novelties, as described in
10 section 727.2, if the city council determines that the
11 use of such devices would constitute a threat to public
12 safety.

13 Sec. _____. Section 461A.42, subsection 2, Code 2014,
14 is amended to read as follows:

15 2. The use of consumer fireworks, display
16 fireworks, and novelties, as defined in section 727.2,
17 in state parks and preserves is prohibited except as
18 authorized by a permit issued by the department. The
19 commission shall establish, by rule adopted pursuant
20 to chapter 17A, a fireworks permit system which
21 authorizes the issuance of a limited number of permits
22 to qualified persons to use or display fireworks in
23 selected state parks and preserves.

24 Sec. _____. Section 727.2, Code 2014, is amended to
25 read as follows:

26 **727.2 Fireworks.**

27 1. For purposes of this section:

28 a. "Consumer fireworks" includes all consumer
29 fireworks enumerated in chapter 3 of the American
30 pyrotechnics association's standard 87-1, and that
31 comply with the labeling regulations promulgated by the
32 United States consumer product safety commission.

33 b. ~~The term "fireworks"~~ "Display fireworks" includes
34 any explosive composition, or combination of explosive
35 substances, or article prepared for the purpose of
36 producing a visible or audible effect by combustion,
37 explosion, deflagration, or detonation, and includes
38 blank cartridges, firecrackers, torpedoes, skyrockets,
39 roman candles, or other fireworks of like construction
40 and fireworks containing any explosive or flammable
41 compound, or other device containing any explosive
42 substance. ~~The term "fireworks"~~ "Display fireworks"
43 does not include goldstar-producing sparklers on wires
44 which contain no magnesium or chlorate or perchlorate,
45 flitter sparklers in paper tubes that do not exceed
46 one-eighth of an inch in diameter, toy snakes which
47 contain no mercury, or caps used in cap pistols
48 novelties or consumer fireworks enumerated in chapter
49 3 of the American pyrotechnics association's standard
50 87-1.

1 c. "Novelties" includes all novelties enumerated in
2 chapter 3 of the American pyrotechnics association's
3 standard 87-1, and that comply with the labeling
4 regulations promulgated by the United States consumer
5 product safety commission.

6 2. A person, firm, partnership, or corporation who
7 offers for sale, exposes for sale, sells at retail,
8 or uses or explodes any display fireworks, commits
9 a simple misdemeanor. ~~In addition to any other~~
10 ~~penalties, the punishment imposed for a violation of~~
11 ~~this section shall include assessment of, punishable~~
12 ~~by a fine of not less than two hundred fifty dollars.~~
13 However, ~~the a city council of a city or a county~~
14 board of supervisors may, upon application in writing,
15 grant a permit for the display of display fireworks by
16 municipalities, fair associations, amusement parks,
17 and other organizations or groups of individuals
18 approved by the city or the county board of supervisors
19 when the display fireworks display will be handled
20 by a competent operator, but no such permit shall be
21 required for the display of display fireworks at the
22 Iowa state fairgrounds by the Iowa state fair board,
23 at incorporated county fairs, or at district fairs
24 receiving state aid. Sales of display fireworks for
25 such display may be made for that purpose only.

26 3. a. A person who uses or explodes display
27 fireworks while the use of such devices is suspended
28 by a resolution adopted by the county or city in which
29 the firework is used commits a simple misdemeanor,
30 punishable by a fine of not less than two hundred fifty
31 dollars.

32 b. A person who uses or explodes display fireworks
33 while the use of such devices is suspended by an order
34 of the state fire marshal commits a simple misdemeanor,
35 punishable by a fine of not less than two hundred fifty
36 dollars.

37 4. a. A person who is at least eighteen years of
38 age or a firm, partnership, or corporation may possess
39 or transfer, offer for sale, expose for sale, or sell
40 at retail to a person who is eighteen years of age or
41 older novelties or consumer fireworks. A person who
42 is eighteen years of age or older may use or explode
43 novelties or consumer fireworks.

44 b. A person, firm, partnership, or corporation who
45 transfers or sells novelties or consumer fireworks to
46 a person who is less than eighteen years of age commits
47 a simple misdemeanor, punishable by a fine of not less
48 than two hundred fifty dollars. A person who is less
49 than eighteen years of age who purchases, possesses,
50 uses, or explodes novelties or consumer fireworks

1 commits a simple misdemeanor, punishable by a fine of
2 not less than two hundred fifty dollars.

3 c. (1) A person who uses or explodes novelties
4 or consumer fireworks while the use of such devices
5 is suspended by a resolution adopted by the county or
6 city in which the firework is used commits a simple
7 misdemeanor, punishable by a fine of not less than two
8 hundred fifty dollars.

9 (2) A person who uses or explodes novelties or
10 consumer fireworks while the use of such devices is
11 suspended by an order of the state fire marshal commits
12 a simple misdemeanor, punishable by a fine of not less
13 than two hundred fifty dollars.

14 3. 5. a. This section does not prohibit the sale
15 by a resident, dealer, manufacturer, or jobber of such
16 fireworks as are not prohibited by this section, or
17 the sale of any kind of fireworks if they are to be
18 shipped out of the state, or the sale or use of blank
19 cartridges for a show or the theater, or for signal
20 purposes in athletic sports or by railroads or trucks,
21 for signal purposes, or by a recognized military
22 organization.

23 b. This section does not apply to any substance
24 or composition prepared and sold for medicinal or
25 fumigation purposes.

26 c. This section does not apply to
27 goldstar-producing sparklers on wires which contain no
28 magnesium or chlorate or perchlorate, flitter sparklers
29 in paper tubes that do not exceed one-eighth of an inch
30 in diameter, toy snakes which contain no mercury, or
31 caps used in cap pistols.

32 Sec. ____. EFFECTIVE UPON ENACTMENT. This division
33 of this Act, being deemed of immediate importance,
34 takes effect upon enactment.>

35 2. By renumbering as necessary.

JAKE CHAPMAN