

JAN 24 2003  
PUBLIC SAFETY

HOUSE FILE 59  
BY FALLON

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act legalizing the sale and use of fireworks, providing for  
2 exceptions and limitations on sales and use, and providing  
3 penalties.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 59

1 Section 1. Section 232.2, subsection 12, paragraph c, Code  
2 2003, is amended to read as follows:

3 c. The violation of section 123.47, 727.2F, 727.2G, or  
4 727.2H which is committed by a child.

5 Sec. 2. Section 727.2, Code 2003, is amended to read as  
6 follows:

7 727.2 FIREWORKS.

8 1. The term "fireworks" includes any explosive  
9 composition~~7-or-combination-of-explosive-substances7-or~~  
10 ~~article-prepared-for-the-purpose-of-producing-a-visible-or~~  
11 ~~audible-effect-by-combustion7-explosion7-deflagration7-or~~  
12 ~~detonation7-and-includes-blank-cartridges7-firecrackers7~~  
13 ~~torpedoes7-skyrockets7-roman-candles7-or-other-fireworks-of~~  
14 ~~like-construction-and-fireworks-containing-any-explosive-or~~  
15 ~~flammable-compound7-or-other-device-containing-any-explosive~~  
16 substance or other device containing an explosive substance.

17 The term "fireworks" does not include goldstar-producing  
18 sparklers on wires which contain no magnesium or chlorate or  
19 perchlorate, flitter sparklers in paper tubes that do not  
20 exceed one-eighth of an inch in diameter, toy snakes which  
21 contain no mercury, or caps used in cap pistols.

22 2. A person may use, or a licensed firm, copartnership, or  
23 corporation who-offers, or any other business entity  
24 authorized by law may offer for sale, exposes-for-sale7-sells  
25 at-retail7-or-uses-or-explodes any fireworks7-commits-a  
26 serious-misdemeanor permissible under sections 727.2A and  
27 727.2B. However~~7-the~~

28 3. The council of a city or a county board of supervisors  
29 may, upon application in writing, grant a permit for the  
30 display of fireworks not permissible under section 727.2A by  
31 municipalities, fair associations, amusement parks, and other  
32 organizations or groups of individuals approved by the city or  
33 the county board of supervisors when the fireworks display  
34 will be handled by a competent operator, but no such permit  
35 shall be required for the display of fireworks at the Iowa

1 state fairgrounds by the Iowa state fair board, at  
2 incorporated county fairs, or at district fairs receiving  
3 state aid. ~~Sales of fireworks for such display may be made  
4 for that purpose only.~~

5 ~~This section does not prohibit the sale by a resident,  
6 dealer, manufacturer, or jobber of such fireworks as are not  
7 prohibited by this section, or the sale of any kind of  
8 fireworks if they are to be shipped out of the state, or the  
9 sale or use of blank cartridges for a show or the theater, or  
10 for signal purposes in athletic sports or by railroads or  
11 trucks, for signal purposes, or by a recognized military  
12 organization.~~

13 ~~This section does not apply to any substance or composition  
14 prepared and sold for medicinal or fumigation purposes.~~

15 Sec. 3. NEW SECTION. 727.2A PERMISSIBLE FIREWORKS.

16 Permissible fireworks are the consumer fireworks enumerated  
17 in chapter 3 of the American pyrotechnics association inc.,  
18 standard 87-1, 1993 edition, and that comply with the labeling  
19 regulations promulgated by the United States consumer product  
20 safety commission effective on January 1, 1998.

21 Sec. 4. NEW SECTION. 727.2B EXAMINATION OF FIREWORKS.

22 If consumer fireworks are not permissible under section  
23 727.2A, the proposed seller must submit the fireworks to the  
24 state fire marshal for examination and approval prior to the  
25 sale of such fireworks. A person who violates this section  
26 commits a serious misdemeanor.

27 Sec. 5. NEW SECTION. 727.2C RESTRICTIONS ON IMPORTATION  
28 OF FIREWORKS.

29 A person who is not a licensed wholesaler or retailer shall  
30 not bring fireworks into this state. A person who violates  
31 this section commits a serious misdemeanor.

32 Sec. 6. NEW SECTION. 727.2D RETAIL SALES PERMITTED.

33 The retail sale of fireworks shall not take place before  
34 June 27 and after July 5 of any year. A person who violates  
35 this section commits a serious misdemeanor.

1     Sec. 7. NEW SECTION. 727.2E SALES PERMITS.

2     1. The state fire marshal shall issue permits for the sale  
3 of fireworks. No permit shall be issued to a person under  
4 eighteen years of age.

5     2. All permits shall be for the calendar year or any  
6 fraction thereof and shall expire on the thirty-first day of  
7 December of each year.

8     3. Permits shall be conspicuously displayed in the permit  
9 holder's place of business along with a large sign that states  
10 the law concerning the sale, use, and possession of fireworks  
11 in this state.

12    4. A permit holder shall include a printed copy of the  
13 law concerning the sale, use, and possession of fireworks in  
14 this state with each purchase of fireworks.

15    5. The state fire marshal shall adopt rules in accordance  
16 with chapter 17A to regulate the sale and use of fireworks.

17     Sec. 8. NEW SECTION. 727.2F SALE TO A MINOR.

18    1. A person shall not sell fireworks to any person under  
19 twelve years of age.

20    2. A person shall not sell fireworks to any person under  
21 eighteen years of age unless that person is in the presence of  
22 a parent or guardian.

23    3. A person under eighteen years of age shall not  
24 purchase, or attempt to purchase, fireworks in violation of  
25 this section.

26    4. A person who violates this section commits a serious  
27 misdemeanor.

28     Sec. 9. NEW SECTION. 727.2G USE BY A MINOR.

29    1. A person shall not permit any person under eight years  
30 of age to possess or use fireworks.

31    2. A person shall not permit any person under twelve years  
32 of age to possess or use fireworks except when that person is  
33 in the presence of a parent or guardian.

34    3. A person who violates this section commits a serious  
35 misdemeanor.

1 Sec. 10. NEW SECTION. 727.2H USE OF FIREWORKS --  
2 RESTRICTIONS.

3 1. A person shall not ignite or discharge fireworks within  
4 six hundred feet of any church, hospital, mental health  
5 facility, school, or within one hundred feet of a structure  
6 where fireworks are stored, sold, or offered for sale.

7 2. A person shall not ignite or discharge any permissible  
8 articles of fireworks within or throw the same from a motor  
9 vehicle, boat, or structure.

10 3. A person shall not throw or place any ignited article  
11 of fireworks into or at a motor vehicle, boat, or structure,  
12 or at or near any person or group of people or at or near any  
13 animal.

14 4. A person shall not ignite or discharge fireworks within  
15 three hundred feet of any gasoline pump, gasoline filling  
16 station or any nonpermanent structure where fireworks are  
17 stored, sold, or offered for sale.

18 5. A violation of this section is punishable under chapter  
19 712.

20 EXPLANATION

21 This bill legalizes the sale and use of fireworks under  
22 certain circumstances. Under current law, only sparklers, toy  
23 snakes, and toy caps used in a cap gun may legally be sold to  
24 be used by members of the general public. The bill legalizes  
25 the sale to and use by the general public of those consumer  
26 fireworks that are enumerated in a document produced by the  
27 American pyrotechnic association and that comply with certain  
28 federal labeling regulations. Other fireworks may be sold if  
29 they are first submitted and approved by the state fire  
30 marshal.

31 The bill prohibits the sale of fireworks to a minor under  
32 the age of 12 and provides that a minor aged 12 to 17 must be  
33 in the presence of a parent or guardian to purchase fireworks.  
34 If a person sells fireworks to a minor in violation of these  
35 provisions, or a minor purchases or attempts to purchase

1 fireworks in violation of these provisions, the person commits  
2 a serious misdemeanor. The offense by a person under 18 years  
3 of age is specifically included within the definition of  
4 offenses which constitute a delinquent act under the juvenile  
5 justice code.

6 The bill prohibits the use or possession of fireworks by a  
7 minor under eight years of age. The bill also prohibits the  
8 use or possession of fireworks by a minor 12 to 17 years of  
9 age unless that minor is in the presence of a parent or  
10 guardian. A person who violates these provisions commits a  
11 serious misdemeanor and the offense is included as a  
12 delinquent act under the juvenile justice code.

13 The bill also prohibits the use of fireworks near a church,  
14 hospital, mental health facility, school, where fireworks are  
15 stored or sold, or near a gasoline pump or gasoline filling  
16 station. The bill also prohibits the discharge of fireworks  
17 within or thrown from or thrown at a motor vehicle, boat, or  
18 structure or at or near any person or animal. A violation of  
19 these provisions is punishable pursuant to Code chapter 712,  
20 which deals with arson.

21 The bill restricts the sale of fireworks to the period  
22 between June 27 and July 5 of any year.

23 The bill provides that the state fire marshal shall issue  
24 permits for the sale of fireworks and adopt rules to  
25 administer the sale and use of fireworks. Also, the permits  
26 must be conspicuously displayed in the permit holder's place  
27 of business along with a sign that states the law concerning  
28 the use, sale, and possession of fireworks in this state. A  
29 copy of the law must also be included by the permit holder  
30 with each fireworks purchase.

31 The bill does not restrict the sale of signals, flares, or  
32 blank cartridges, or apply to the military, national guard, or  
33 to law enforcement officers.

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