

House File 2186 - Introduced

HOUSE FILE 2186

BY MASCHER

A BILL FOR

1 An Act prohibiting the sale and use of fireworks, and making
2 penalties applicable.

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

1 Section 1. Section 100.1, subsection 4, paragraph b, Code
2 2018, is amended to read as follows:

3 b. The storage, transportation, handling, and use of
4 flammable liquids, combustibles, ~~fireworks~~, and explosives;

5 Sec. 2. Section 100.1, subsection 8, Code 2018, is amended
6 by striking the subsection.

7 Sec. 3. Section 101A.1, subsection 3, Code 2018, is amended
8 to read as follows:

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

31 Sec. 4. Section 331.301, subsection 17, Code 2018, is
32 amended by striking the subsection.

33 Sec. 5. Section 331.304, subsection 8, Code 2018, is amended
34 to read as follows:

35 8. The board, upon application, may grant permits for the

1 ~~use of~~ display of fireworks as provided in [section 727.2](#).

2 Sec. 6. Section 364.2, subsection 6, Code 2018, is amended
3 by striking the subsection.

4 Sec. 7. Section 461A.42, subsection 2, Code 2018, is amended
5 to read as follows:

6 2. The use of ~~consumer fireworks or display~~ fireworks,
7 as defined in [section 727.2](#), in state parks and preserves is
8 prohibited except as authorized by a permit issued by the
9 department. The commission shall establish, by rule adopted
10 pursuant to [chapter 17A](#), a fireworks permit system which
11 authorizes the issuance of a limited number of permits to
12 qualified persons to use or display fireworks in selected state
13 parks and preserves.

14 Sec. 8. Section 727.2, Code 2018, is amended by striking the
15 section and inserting in lieu thereof the following:

16 **727.2 Fireworks.**

17 1. The term "*fireworks*" includes any explosive composition,
18 or combination of explosive substances, or article prepared
19 for the purpose of producing a visible or audible effect
20 by combustion, explosion, deflagration, or detonation, and
21 includes blank cartridges, firecrackers, torpedoes, skyrockets,
22 roman candles, or other fireworks of like construction and
23 fireworks containing any explosive or flammable compound, or
24 other device containing any explosive substance. The term
25 "*fireworks*" does not include goldstar-producing sparklers on
26 wires which contain no magnesium or chlorate or perchlorate,
27 flitter sparklers in paper tubes that do not exceed one-eighth
28 of an inch in diameter, toy snakes which contain no mercury, or
29 caps used in cap pistols.

30 2. A person, firm, partnership, or corporation who offers
31 for sale, exposes for sale, sells at retail, or uses or
32 explodes any fireworks, commits a simple misdemeanor. In
33 addition to any other penalties, the punishment imposed for
34 a violation of this section shall include assessment of a
35 fine of not less than two hundred fifty dollars. However,

1 the council of a city or a county board of supervisors may,
2 upon application in writing, grant a permit for the display
3 of fireworks by municipalities, fair associations, amusement
4 parks, and other organizations or groups of individuals
5 approved by the city or the county board of supervisors when
6 the fireworks display will be handled by a competent operator,
7 but no such permit shall be required for the display of
8 fireworks at the Iowa state fairgrounds by the Iowa state fair
9 board, at incorporated county fairs, or at district fairs
10 receiving state aid. Sales of fireworks for such display may
11 be made for that purpose only.

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

20 b. This section does not apply to any substance or
21 composition prepared and sold for medicinal or fumigation
22 purposes.

23 Sec. 9. REPEAL. Sections 100.19 and 100.19A, Code 2018,
24 are repealed.

25

EXPLANATION

26 The inclusion of this explanation does not constitute agreement with
27 the explanation's substance by the members of the general assembly.

28 This bill prohibits the sale and use of fireworks.

29 Current law allows a person to obtain a license to sell
30 consumer fireworks in the state, in accordance with rules
31 established by the state fire marshal. The state fire marshal
32 is required to enforce all laws and rules related to the
33 regulation of fireworks. A person may possess or use specified
34 fireworks subject to certain limitations. However, counties
35 and cities may prohibit or limit the use of fireworks by

1 ordinance or resolution.

2 The bill removes provisions applicable to the state fire
3 marshal relating to the regulation of fireworks. The bill
4 repeals Code sections 100.19 and 100.19A, relating to the
5 licensure and registration of consumer fireworks sellers and
6 wholesalers.

7 The bill removes provisions allowing counties and cities
8 to prohibit or limit the use of fireworks by ordinance or
9 resolution.

10 The bill removes provisions allowing a person to possess
11 and use certain fireworks. The bill prohibits a person, firm,
12 partnership, or corporation from selling, exposing for sale,
13 selling at retail, or using or exploding any firework, as
14 defined in the bill. The bill provides, however, that a county
15 board of supervisors or the department of natural resources may
16 grant a permit for the display of fireworks if such display
17 will be handled by a competent operator.

18 A person who violates the bill commits a simple misdemeanor.
19 A simple misdemeanor is punishable by confinement for no more
20 than 30 days or a fine of at least \$65 but not more than \$625 or
21 by both. In addition, a person who violates the bill shall be
22 subject to an assessment of at least \$250.