

**Senate File 62 - Introduced**

SENATE FILE 62

BY CHELGREN

**A BILL FOR**

1 An Act relating to the possession, sale, transfer, purchase,  
2 and use of fireworks, the disposition of fireworks sales tax  
3 receipts, providing penalties, and including effective date  
4 provisions.

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

DIVISION I

FIREWORKS REGULATION

1  
2  
3 Section 1. Section 100.1, subsection 4, paragraph b, Code  
4 2017, is amended to read as follows:

5 b. The storage, transportation, handling, and use of  
6 flammable liquids, combustibles, fireworks, and explosives;

7 Sec. 2. Section 100.1, Code 2017, is amended by adding the  
8 following new subsection:

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

14 Sec. 3. NEW SECTION. 100.19 **Consumer fireworks seller**  
15 **licensing — penalty — fund.**

16 1. As used in this section:

17 a. "APA 87-1" means the American pyrotechnics association  
18 standard 87-1, as published in December 2001.

19 b. "Community group" means a nonprofit entity that is open  
20 for membership to the general public which is exempt from  
21 federal income taxation pursuant to section 501(c)(3) of the  
22 Internal Revenue Code or a fraternal benefit society, as that  
23 term is defined in section 512B.3.

24 c. "First-class consumer fireworks" means the following  
25 consumer fireworks, as described in APA 87-1, chapter 3:

26 (1) Aerial shell kits and reloadable tubes.

27 (2) Chasers.

28 (3) Helicopter and aerial spinners.

29 (4) Firecrackers.

30 (5) Mine and shell devices.

31 (6) Missile-type rockets.

32 (7) Roman candles.

33 (8) Sky rockets and bottle rockets.

34 (9) Multiple tube devices under this paragraph "c" that are  
35 manufactured in accordance with APA 87-1, section 3.5.

1     *d.* "Retailer" means as defined in section 423.1.

2     *e.* "Second-class consumer fireworks" means the following  
3 consumer fireworks, as described in APA 87-1, chapter 3:

4     (1) Cone fountains.

5     (2) Cylindrical fountains.

6     (3) Flitter sparklers.

7     (4) Ground and hand-held sparkling devices, including  
8 multiple tube ground and hand-held sparkling devices that are  
9 manufactured in accordance with APA 87-1, section 3.5.

10    (5) Ground spinners.

11    (6) Illuminating torches.

12    (7) Toy smoke devices.

13    (8) Wheels.

14    (9) Wire or dipped sparklers.

15    2. *a.* The state fire marshal shall establish a consumer  
16 fireworks seller license. An application for a consumer  
17 fireworks seller license shall be made on a form provided  
18 by the state fire marshal. The state fire marshal shall  
19 adopt rules consistent with this section establishing minimum  
20 requirements for a retailer or community group to be issued a  
21 consumer fireworks seller license.

22    *b.* A person shall possess a consumer fireworks seller  
23 license under this section in order to sell consumer fireworks.

24    3. *a.* The state fire marshal shall establish a fee schedule  
25 for consumer fireworks seller licenses as follows:

26    (1) For a retailer who devotes fifty percent or more of  
27 the retailer's retail floor space to the sale or display of  
28 first-class consumer fireworks, an annual fee of eight hundred  
29 dollars.

30    (2) For a retailer who devotes less than fifty percent of  
31 the retailer's retail floor space to the sale or display of  
32 first-class consumer fireworks, an annual fee of four hundred  
33 dollars.

34    (3) For a community group that offers for sale, exposes for  
35 sale, or sells first-class consumer fireworks, an annual fee

1 of four hundred dollars.

2 (4) For a retailer or community group that offers for sale,  
3 exposes for sale, or sells second-class consumer fireworks,  
4 but not first-class consumer fireworks, an annual fee of one  
5 hundred dollars.

6 b. A license issued to a retailer or community group  
7 pursuant to paragraph "a", subparagraph (1), (2), or (3), shall  
8 allow the licensee to sell both first-class consumer fireworks  
9 and second-class consumer fireworks.

10 4. The state fire marshal shall adopt rules to do all of the  
11 following:

12 a. To establish standards for any retailer or community  
13 group offering for sale at retail any consumer fireworks, as  
14 described in APA 87-1, chapter 3, consistent with the national  
15 fire protection association standard 1124, published in the  
16 code for the manufacture, transportation, storage, and retail  
17 sales of fireworks and pyrotechnic articles, 2006 edition.

18 b. To require that a retailer or community group to be  
19 issued a license pursuant to this section provide proof of  
20 and maintain public liability insurance and product liability  
21 insurance with minimum per occurrence coverage of at least five  
22 million dollars.

23 c. To permit a retailer or community group issued a license  
24 pursuant to this section to sell consumer fireworks, as  
25 described in APA 87-1, chapter 3, at the following locations  
26 as specified:

27 (1) At a permanent building that meets the requirements of  
28 paragraph "a", between May 20 and July 6 and between December 10  
29 and January 3 each year, all dates inclusive.

30 (2) At a temporary structure that meets the requirements of  
31 paragraph "a" between June 13 and July 6 each year, both dates  
32 inclusive.

33 d. A retailer or community group shall not transfer consumer  
34 fireworks, as described in APA 87-1, chapter 3, to a person who  
35 is under eighteen years of age.

1 5. a. The state fire marshal shall adopt rules to provide  
2 that a person's consumer fireworks seller license may be  
3 revoked for the intentional violation of this section. The  
4 proceedings for revocation shall be held before the division  
5 of the state fire marshal, which may revoke the license or  
6 licenses involved as provided in paragraph "b".

7 b. (1) If, upon the hearing of the order to show cause,  
8 the division of the state fire marshal finds that the licensee  
9 intentionally violated this section, then the license or  
10 licenses under which the licensed retailer or community group  
11 sells first-class consumer fireworks or second-class consumer  
12 fireworks, shall be revoked.

13 (2) Judicial review of actions of the division of the  
14 state fire marshal may be sought in accordance with the terms  
15 of the Iowa administrative procedure Act, chapter 17A. If  
16 the licensee has not filed a petition for judicial review in  
17 district court, revocation shall date from the thirty-first  
18 day following the date of the order of the division of the  
19 state fire marshal. If the licensee has filed a petition for  
20 judicial review, revocation shall date from the thirty-first  
21 day following entry of the order of the district court, if  
22 action by the district court is adverse to the licensee.

23 (3) A new license shall not be issued to a person whose  
24 license has been revoked, or to the business in control of the  
25 premises on which the violation occurred if it is established  
26 that the owner of the business had actual knowledge of the  
27 violation resulting in the license revocation, for the period  
28 of one year following the date of revocation.

29 6. a. A consumer fireworks fee fund is created in the  
30 state treasury under the control of the state fire marshal.  
31 Notwithstanding section 12C.7, interest or earnings on  
32 moneys in the consumer fireworks fee fund shall be credited  
33 to the consumer fireworks fee fund. Moneys in the fund are  
34 appropriated to the state fire marshal to be used to fulfill  
35 the responsibilities of the state fire marshal for the

1 administration and enforcement of this section and section  
2 100.19A and to provide grants pursuant to paragraph "b". The  
3 fund shall include the fees collected by the state fire marshal  
4 under the fee schedule established pursuant to subsection 3  
5 and the fees collected by the state fire marshal under section  
6 100.19A for wholesaler registration.

7     *b.* The state fire marshal shall establish a local fire  
8 protection and emergency medical service providers grant  
9 program to provide grants to local fire protection service  
10 providers and local emergency medical service providers to  
11 establish or provide fireworks safety education programming  
12 to members of the public. The state fire marshal may also  
13 provide grants to local fire protection service providers and  
14 local emergency medical service providers for the purchase  
15 of necessary enforcement, protection, or emergency response  
16 equipment related to the sale and use of consumer fireworks in  
17 this state.

18     7. The state fire marshal shall adopt rules for the  
19 administration of this section.

20     8. A person who violates a provision of this section or a  
21 rule adopted pursuant to this section is guilty of a simple  
22 misdemeanor.

23     Sec. 4. NEW SECTION. 100.19A **Consumer fireworks wholesaler**  
24 **— registration — penalty.**

25     1. For purposes of this section:

26     *a.* "*Consumer fireworks*" means first-class consumer fireworks  
27 and second-class consumer fireworks, as those terms are defined  
28 in section 100.19.

29     *b.* "*Wholesaler*" means a person who engages in the business  
30 of selling or distributing consumer fireworks for the purpose  
31 of resale in this state.

32     2. The state fire marshal shall adopt rules to require all  
33 wholesalers to annually register with the state fire marshal.  
34 The state fire marshal may also adopt rules to regulate the  
35 storage or transfer of consumer fireworks by wholesalers and to

1 require wholesalers to maintain insurance.

2 3. The state fire marshal shall establish an annual  
3 registration fee of one thousand dollars for wholesalers  
4 of consumer fireworks within the state. Registration fees  
5 collected pursuant to this section shall be deposited in the  
6 consumer fireworks fee fund created in section 100.19.

7 4. A person who violates a provision of this section or a  
8 rule adopted pursuant to this section is guilty of a simple  
9 misdemeanor.

10 Sec. 5. Section 101A.1, subsection 3, Code 2017, is amended  
11 to read as follows:

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

34 Sec. 6. Section 331.301, Code 2017, is amended by adding the  
35 following new subsection:

1     NEW SUBSECTION. 17. The board of supervisors may by  
2 ordinance or resolution prohibit or limit the use of consumer  
3 fireworks or display fireworks, as described in section 727.2,  
4 if the board determines that the use of such devices would  
5 constitute a threat to public safety or private property, or  
6 if the board determines that the use of such devices would  
7 constitute a nuisance to neighboring landowners.

8     Sec. 7. Section 331.304, subsection 8, Code 2017, is amended  
9 to read as follows:

10     8. The board, upon application, may grant permits for the  
11 ~~display use of display~~ fireworks as provided in section 727.2.

12     Sec. 8. Section 364.2, Code 2017, is amended by adding the  
13 following new subsection:

14     NEW SUBSECTION. 6. A city council may by ordinance or  
15 resolution prohibit or limit the use of consumer fireworks,  
16 display fireworks, or novelties, as described in section 727.2.

17     Sec. 9. Section 461A.42, subsection 2, Code 2017, is amended  
18 to read as follows:

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

27     Sec. 10. Section 727.2, Code 2017, is amended to read as  
28 follows:

29     **727.2 Fireworks.**

30     1. Definitions. For purposes of this section:

31     a. "Consumer fireworks" includes first-class consumer  
32 fireworks and second-class consumer fireworks as those terms  
33 are defined in section 100.19, subsection 1.

34     b. The term "fireworks" "Display fireworks" includes any  
35 explosive composition, or combination of explosive substances,



1 or article prepared for the purpose of producing a visible  
 2 or audible effect by combustion, explosion, deflagration,  
 3 or detonation, and includes ~~blank cartridges, firecrackers,~~  
 4 ~~torpedoes, skyrockets, roman candles, or other fireworks of~~  
 5 ~~like construction and fireworks containing any explosive or~~  
 6 flammable compound, or other device containing any explosive  
 7 substance. ~~The term "fireworks"~~ "Display fireworks" does not  
 8 include ~~goldstar producing sparklers on wires which contain~~  
 9 ~~no magnesium or chlorate or perchlorate, flitter sparklers~~  
 10 ~~in paper tubes that do not exceed one-eighth of an inch in~~  
 11 ~~diameter, toy snakes which contain no mercury, or caps used~~  
 12 ~~in cap pistols~~ novelties or consumer fireworks enumerated in  
 13 chapter 3 of the American pyrotechnics association's standard  
 14 87-1.

15 c. "Novelties" includes all novelties enumerated in chapter  
 16 3 of the American pyrotechnics association's standard 87-1, and  
 17 that comply with the labeling regulations promulgated by the  
 18 United States consumer product safety commission.

19 2. Display fireworks.

20 a. A person, firm, partnership, or corporation who offers  
 21 for sale, exposes for sale, sells at retail, or uses or  
 22 explodes any display fireworks, commits a simple misdemeanor.  
 23 ~~In addition to any other penalties, the punishment imposed~~  
 24 ~~for a violation of [this section](#) shall include assessment~~  
 25 ~~of, punishable by~~ a fine of not less than two hundred fifty  
 26 dollars. However, ~~the~~ a city council of a city or a county  
 27 board of supervisors may, upon application in writing, grant a  
 28 permit for the display of display fireworks by municipalities,  
 29 fair associations, amusement parks, and other organizations  
 30 or groups of individuals approved by the city or the county  
 31 board of supervisors when the display fireworks ~~display~~ will  
 32 be handled by a competent operator, but no such permit shall  
 33 be required for the display of display fireworks at the Iowa  
 34 state fairgrounds by the Iowa state fair board, at incorporated  
 35 county fairs, or at district fairs receiving state aid. Sales

1 of display fireworks for such display may be made for that  
2 purpose only.

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

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

12 3. Consumer fireworks and novelties.

13 a. A person or a firm, partnership, or corporation may  
14 possess, use, or explode consumer fireworks in accordance with  
15 this subsection and subsection 4.

16 b. A person, firm, partnership, or corporation who sells  
17 consumer fireworks to a person who is less than eighteen years  
18 of age commits a simple misdemeanor, punishable by a fine of  
19 not less than two hundred fifty dollars. A person who is less  
20 than eighteen years of age who purchases consumer fireworks  
21 commits a simple misdemeanor, punishable by a fine of not less  
22 than two hundred fifty dollars.

23 c. (1) A person who uses or explodes consumer fireworks  
24 or novelties while the use of such devices is prohibited or  
25 limited by an ordinance adopted by the county or city in which  
26 the fireworks are used commits a simple misdemeanor, punishable  
27 by a fine of not less than two hundred fifty dollars.

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

33 4. Limitations.

34 a. A person shall not use or explode consumer fireworks on  
35 days other than June 24 through July 6 and December 24 through

1 January 3 of each year, all dates inclusive.

2 b. A person shall not use or explode consumer fireworks at  
3 times other than between the hours of 9:00 a.m. and 10:00 p.m.,  
4 except that on the following dates consumer fireworks shall not  
5 be used at times other than between the hours specified:

6 (1) Between the hours of 9:00 a.m. and 11:00 p.m. on July  
7 4 and the Saturdays and Sundays immediately preceding and  
8 following July 4.

9 (2) Between the hours of 9:00 a.m. on December 31 and 12:30  
10 a.m. on the immediately following day.

11 (3) Between the hours of 9:00 a.m. and 11:00 p.m. on the  
12 Saturdays and Sundays immediately preceding and following  
13 December 31.

14 c. A person shall not use consumer fireworks on real  
15 property other than that person's real property or on the real  
16 property of a person who has consented to the use of consumer  
17 fireworks on that property.

18 d. A person who violates this subsection commits a simple  
19 misdemeanor. A court shall not order imprisonment for  
20 violation of this subsection.

21 ~~3-~~ 5. Applicability.

22 a. This section does not prohibit the sale by a resident,  
23 dealer, manufacturer, or jobber of such fireworks as are  
24 not prohibited by this section, or the sale of any kind of  
25 fireworks if they are to be shipped out of the state, or the  
26 sale or use of blank cartridges for a show or the theater,  
27 or for signal purposes in athletic sports or by railroads  
28 or trucks, for signal purposes, or by a recognized military  
29 organization.

30 b. This section does not apply to any substance or  
31 composition prepared and sold for medicinal or fumigation  
32 purposes.

33 c. Unless specifically provided otherwise, this section does  
34 not apply to novelties.

35

DIVISION II

1 CONSUMER FIREWORKS SALES TAX

2 Sec. 11. Section 97A.11A, Code 2017, is amended to read as  
3 follows:

4 **97A.11A Supplemental state appropriation.**

5 1. a. Beginning with the fiscal year commencing July 1,  
6 2013, and ending June 30 of the fiscal year during which the  
7 board determines that the system's funded ratio of assets  
8 to liabilities is at least eighty-five percent, there is  
9 appropriated from the general fund of the state for each fiscal  
10 year to the retirement fund described in [section 97A.8](#), an  
11 amount equal to five million dollars.

12 ~~2.~~ b. Moneys appropriated by the state pursuant to this  
13 ~~section~~ subsection shall not be used to reduce the normal rate  
14 of contribution by the state below seventeen percent.

15 2. Beginning the first day of the calendar quarter following  
16 the effective date of this Act, the department of revenue shall  
17 transfer from the general fund of the state to the retirement  
18 fund described in section 97A.8, an amount equal to the portion  
19 of the sales tax receipts collected and remitted on or after  
20 the effective date of this Act upon the sale of consumer  
21 fireworks pursuant to section 423.2, subsection 11, paragraph  
22 "b", subparagraph (8).

23 Sec. 12. Section 423.2, subsection 11, paragraph b, Code  
24 2017, is amended by adding the following new subparagraph:

25 NEW SUBPARAGRAPH. (8) (a) Beginning the first day of the  
26 calendar quarter following the effective date of this Act,  
27 transfer to the department of public safety peace officers'  
28 retirement, accident, and disability system described in  
29 section 97A.8, an amount equal to the portion of the sales tax  
30 receipts collected and remitted on or after the effective date  
31 of this Act upon the sale of consumer fireworks by persons  
32 licensed to sell consumer fireworks pursuant to sections 100.19  
33 and 100.19A, that remains after the transfers required in  
34 subparagraphs (1) through (7) of this paragraph "b".

35 (b) For purposes of this subparagraph (8), "consumer

1 *fireworks* means first-class consumer fireworks and second-class  
2 consumer fireworks, as those terms are defined in section  
3 100.19.

4 DIVISION III  
5 RULEMAKING

6 Sec. 13. EMERGENCY RULES. The state fire marshal shall  
7 adopt emergency rules under section 17A.4, subsection 3, and  
8 section 17A.5, subsection 2, paragraph "b", to implement  
9 the provisions of this Act and the rules shall be effective  
10 immediately upon filing unless a later date is specified in the  
11 rules. Any rules adopted in accordance with this section shall  
12 also be published as a notice of intended action as provided  
13 in section 17A.4.

14 DIVISION IV  
15 EFFECTIVE DATE

16 Sec. 14. EFFECTIVE UPON ENACTMENT. This Act, being deemed  
17 of immediate importance, takes effect upon enactment.

18 EXPLANATION

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

21 This bill relates to the regulation of fireworks.

22 The bill provides that the state fire marshal has the duty to  
23 enforce all laws, and rules of the department of public safety  
24 concerned with the storage, transportation, handling, and use  
25 of fireworks.

26 Current law provides that a person, firm, partnership, or  
27 corporation who offers for sale, exposes for sale, sells at  
28 retail, or uses or explodes any fireworks, commits a simple  
29 misdemeanor. Current law, however, also provides that a county  
30 board of supervisors or the department of natural resources may  
31 grant a permit for the display of fireworks if the fireworks  
32 display will be handled by a competent operator. Current  
33 law further provides that the term "fireworks" includes any  
34 explosive composition, or combination of explosive substances,  
35 or article prepared for the purpose of producing a visible

1 or audible effect by combustion, explosion, deflagration,  
2 or detonation, including blank cartridges, firecrackers,  
3 torpedoes, skyrockets, roman candles, or other fireworks of  
4 like construction and fireworks containing any explosive or  
5 flammable compound, or other device containing any explosive  
6 substance with limited exceptions.

7 The bill maintains these restrictions for display fireworks  
8 and provides that the term "display fireworks" shall not  
9 include novelties or consumer fireworks. The bill provides  
10 definitions for the terms "novelties" and "consumer fireworks".

11 The bill requires that the state fire marshal establish  
12 a consumer fireworks seller license, and requires possession  
13 of such a license to legally sell consumer fireworks in this  
14 state. The state fire marshal is required to establish a fee  
15 schedule for consumer fireworks seller licenses. The bill  
16 establishes two classes of consumer fireworks and requires  
17 an \$800 annual licensing fee for a retailer who devotes 50  
18 percent or more of the retailer's retail floor space to the  
19 sale or display of first-class consumer fireworks. Retailers  
20 who devote less than 50 percent of the retailer's retail  
21 floor space to the sale or display of first-class consumer  
22 fireworks are required to pay an annual licensing fee of \$400.  
23 A community group that sells first-class consumer fireworks  
24 is required to pay an annual licensing fee of \$400. The  
25 bill requires an annual licensing fee of \$100 for retailers  
26 or community groups that sell only second-class consumer  
27 fireworks.

28 The bill requires that the state fire marshal adopt rules  
29 to establish standards for licensed retailers and community  
30 groups to offer consumer fireworks for sale in accordance with  
31 specified industry standards. The bill also requires that  
32 retailers and community groups provide proof of and maintain  
33 public liability and product liability insurance. Under the  
34 bill, the state fire marshal is required to adopt rules to  
35 permit licensed retailers and community groups to sell consumer

1 fireworks at conforming permanent buildings between May 20 and  
2 July 6 and between December 10 and January 3 each year and at  
3 conforming temporary structures from June 13 to July 6 each  
4 year.

5 The bill also provides for the revocation of a consumer  
6 fireworks seller license for the intentional violation of  
7 licensing requirements. The bill establishes procedures  
8 for the revocation of such licenses and procedures for  
9 review for such revocations. The bill also establishes a  
10 consumer fireworks fee fund under the control of the state  
11 fire marshal. The fund shall consist of the fees collected  
12 for the licensing of retailers and community groups and the  
13 registration of wholesalers. The fund is required to be used  
14 for administration and enforcement of the state fire marshal's  
15 consumer fireworks related duties and to provide grants to  
16 local fire protection and emergency medical service providers.

17 The bill requires that the state fire marshal adopt rules  
18 to require that wholesalers of consumer fireworks annually  
19 register with the state fire marshal and allows the state fire  
20 marshal to adopt rules related to wholesaler insurance and the  
21 storage and transfer of consumer fireworks by wholesalers. The  
22 state fire marshal is also required to establish an annual  
23 \$1,000 wholesaler registration fee to be deposited in the  
24 consumer fireworks fee fund.

25 Under the bill, a violation of a licensing or registration  
26 provision established in Code or by rule is considered a simple  
27 misdemeanor. A simple misdemeanor is punishable by confinement  
28 for no more than 30 days or a fine of at least \$65 but not more  
29 than \$625, or by both.

30 The bill provides that a person or a firm, partnership, or  
31 corporation may possess consumer fireworks as provided in the  
32 bill. The bill provides that a person, firm, partnership, or  
33 corporation who sells any consumer firework to a person who  
34 is less than 18 years of age commits a simple misdemeanor.  
35 A person who is less than 18 years of age who purchases any

1 consumer fireworks commits a simple misdemeanor. A simple  
2 misdemeanor is generally punishable by confinement for no more  
3 than 30 days or a fine of at least \$65 but not more than \$625 or  
4 by both, but the bill provides for a fine of at least \$250.

5 The bill provides that the state fire marshal may order the  
6 suspension of the use of consumer fireworks, display fireworks,  
7 or novelties if the fire marshal determines that the use of  
8 such devices would constitute a threat to public safety. The  
9 bill provides that a person who violates such an order by the  
10 fire marshal commits a simple misdemeanor, punishable by a fine  
11 of at least \$250.

12 The bill provides that a county board of supervisors may  
13 adopt an ordinance or resolution to prohibit or limit the  
14 use of consumer fireworks or display fireworks if the use of  
15 such devices would constitute a threat to public safety or  
16 a nuisance. The bill also provides that a city council may  
17 adopt an ordinance or resolution to prohibit or limit the use  
18 of consumer fireworks, display fireworks, or novelties if the  
19 use of such devices would constitute a threat to public safety  
20 or a nuisance to landowners. The bill provides that a person  
21 who uses fireworks when the use is prohibited or limited by an  
22 ordinance in the city or county in which the devices are used  
23 commits a simple misdemeanor, punishable by a fine of at least  
24 \$250.

25 The bill also provides certain restrictions on the use or  
26 explosion of consumer fireworks. The bill prohibits the use  
27 or explosion of consumer fireworks on days other than June  
28 24 through July 6 and December 24 through January 3 of each  
29 year. The bill prohibits the use or explosion of consumer  
30 fireworks at a time other than between the hours of 9:00 a.m.  
31 and 10:00 p.m. of those days, except as specified in the  
32 bill. The bill further prohibits the use of fireworks by a  
33 person on the real property of another person unless the owner  
34 of the real property has consented to such use. Under the  
35 bill, a violation of these restrictions is considered a simple



1 misdemeanor, provided, however, that a court shall not order  
2 imprisonment for such a violation.

3     The bill requires the department of revenue to transfer an  
4 amount equal to the portion of the sales tax receipts collected  
5 from the sale of consumer fireworks to the department of public  
6 safety peace officers' retirement, accident, and disability  
7 system described in Code section 97A.8.

8     The bill requires the state fire marshal to adopt emergency  
9 rules to implement the provisions of the bill, which shall be  
10 effective immediately upon filing.

11     The bill takes effect upon enactment.