

Senate File 452 - Introduced

SENATE FILE 452
BY CELSI

A BILL FOR

1 An Act prohibiting the possession, sale, and use of consumer
2 fireworks, providing penalties, and including transition and
3 effective date provisions.

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

1 Section 1. Section 100.1, subsection 8, Code 2019, is
2 amended to read as follows:

3 8. To order the suspension of the use of ~~consumer fireworks,~~
4 display fireworks, or novelties, as described in [section 727.2](#),
5 if the fire marshal determines that the use of such devices
6 would constitute a threat to public safety.

7 Sec. 2. Section 331.301, subsection 17, Code 2019, is
8 amended to read as follows:

9 17. The board of supervisors may by ordinance or resolution
10 prohibit or limit the use of ~~consumer fireworks or display~~
11 fireworks, as described in [section 727.2](#), if the board
12 determines that the use of such devices would constitute a
13 threat to public safety or private property, or if the board
14 determines that the use of such devices would constitute a
15 nuisance to neighboring landowners.

16 Sec. 3. Section 364.2, subsection 6, Code 2019, is amended
17 to read as follows:

18 6. A city council may by ordinance or resolution prohibit
19 or limit the use of ~~consumer fireworks,~~ display fireworks, or
20 novelties, as described in [section 727.2](#).

21 Sec. 4. Section 461A.42, subsection 2, Code 2019, is amended
22 to read as follows:

23 2. The use of ~~consumer fireworks or display fireworks,~~
24 as defined in [section 727.2](#), in state parks and preserves is
25 prohibited except as authorized by a permit issued by the
26 department. The commission shall establish, by rule adopted
27 pursuant to [chapter 17A](#), a fireworks permit system which
28 authorizes the issuance of a limited number of permits to
29 qualified persons to use or display fireworks in selected state
30 parks and preserves.

31 Sec. 5. Section 727.2, subsection 1, paragraph a, Code 2019,
32 is amended to read as follows:

33 a. *"Consumer fireworks"* ~~includes~~ means first-class consumer
34 fireworks and second-class consumer fireworks, ~~as these~~
35 ~~terms are defined in [section 100.19, subsection 1](#) described~~

1 in chapter 3 of the American pyrotechnics association's
2 standard 87-1. "Consumer fireworks" does not include
3 novelties enumerated in chapter 3 of the American pyrotechnics
4 association's standard 87-1 or display fireworks enumerated in
5 chapter 4 of the American pyrotechnics association's standard
6 87-1.

7 Sec. 6. Section 727.2, subsection 3, Code 2019, is amended
8 by striking the subsection and inserting in lieu thereof the
9 following:

10 3. *Consumer fireworks.*

11 a. The possession, sale, and use of consumer fireworks is
12 prohibited.

13 b. A person who violates this subsection commits a simple
14 misdemeanor.

15 Sec. 7. Section 727.2, subsection 4, Code 2019, is amended
16 by striking the subsection.

17 Sec. 8. REPEAL. Sections 100.19 and 100.19A, Code 2019,
18 are repealed.

19 Sec. 9. TRANSITION PROVISIONS.

20 1. All licensure and registration fees collected under
21 sections 100.19 and 100.19A shall be prorated to June 30, 2019,
22 and that portion of the licensure or registration fee that
23 represents the remaining period of the licensee or registrant,
24 following June 30, 2019, shall be returned to the licensee or
25 registrant.

26 2. Upon repeal of the consumer fireworks fee fund created
27 in section 100.19, the state fire marshal shall transfer any
28 moneys remaining in the fund to the general fund of the state.

29 Sec. 10. EFFECTIVE DATE. This Act, being deemed of
30 immediate importance, takes effect upon enactment.

31 EXPLANATION

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

34 Current law permits retailers and community groups to obtain
35 a license to sell fireworks pursuant to Code section 100.19,

1 and permits persons to register as wholesalers for the purpose
2 of reselling consumer fireworks pursuant to Code section
3 100.19A. Current law prescribes limitations on the use of
4 consumer fireworks to specified dates, times, and locations.
5 Current law also allows cities and counties to prohibit or
6 limit the use of consumer fireworks by ordinance or resolution,
7 and allows the department of natural resources to issue permits
8 for the use of consumer fireworks in state parks and preserves.

9 This bill prohibits the possession, sale, and use of
10 consumer fireworks in Iowa. A person who violates the
11 bill commits a simple misdemeanor. A simple misdemeanor is
12 punishable by confinement for no more than 30 days or a fine of
13 at least \$65 but not more than \$625 or by both.

14 The bill makes conforming changes with respect to the
15 prohibition on consumer fireworks possession, sale, and use,
16 and includes transition provisions. The bill provides that
17 all licensure and registration fees collected by the state
18 fire marshal pursuant to repealed Code sections 100.19 and
19 100.19A shall be prorated, and the portion of such fees that
20 represent the remaining period of the licensee or registrant
21 shall be returned to the licensee or registrant. The bill also
22 provides that the state fire marshal shall, upon the repeal of
23 the consumer fireworks fee fund, transfer any remaining moneys
24 in the fund to the general fund of the state.

25 The bill takes effect upon enactment.