

House File 326 - Introduced

HOUSE FILE 326

BY FORBES

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 2023, 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 16, Code 2023, is
8 amended to read as follows:

9 16. 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 2023, 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 414.1, subsection 1, paragraph f, Code 2023,
22 is amended by striking the paragraph.

23 Sec. 5. Section 461A.42, subsection 2, Code 2023, is amended
24 to read as follows:

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

33 Sec. 6. Section 727.2, subsection 1, paragraph a, Code 2023,
34 is amended to read as follows:

35 a. "*Consumer fireworks*" ~~includes~~ means first-class consumer

1 fireworks and second-class consumer fireworks, as ~~these~~
2 ~~terms are defined in section 100.19, subsection 1~~ described
3 in chapter 3 of the American pyrotechnics association's
4 standard 87-1. "Consumer fireworks" does not include
5 novelties enumerated in chapter 3 of the American pyrotechnics
6 association's standard 87-1 or display fireworks enumerated in
7 chapter 4 of the American pyrotechnics association's standard
8 87-1.

9 Sec. 7. Section 727.2, subsection 3, Code 2023, is amended
10 by striking the subsection and inserting in lieu thereof the
11 following:

12 3. *Consumer fireworks.*

13 a. The possession, sale, and use of consumer fireworks is
14 prohibited.

15 b. A person who violates this subsection commits a simple
16 misdemeanor.

17 Sec. 8. Section 727.2, subsection 4, Code 2023, is amended
18 by striking the subsection.

19 Sec. 9. REPEAL. Sections 100.19, 100.19A, and 335.2A, Code
20 2023, are repealed.

21 Sec. 10. TRANSITION PROVISIONS.

22 1. All licensure and registration fees collected under
23 sections 100.19 and 100.19A shall be prorated to June 30, 2023,
24 and that portion of the licensure or registration fee that
25 represents the remaining period of the licensee or registrant,
26 following June 30, 2023, shall be returned to the licensee or
27 registrant.

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

31 Sec. 11. EFFECTIVE DATE. This Act, being deemed of
32 immediate importance, takes effect upon enactment.

33

EXPLANATION

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

1 This bill prohibits the possession, sale, and use of
2 consumer fireworks in Iowa.

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

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

24 A person who violates the bill commits a simple misdemeanor.
25 A simple misdemeanor is punishable by confinement for no more
26 than 30 days and a fine of at least \$105 but not more than \$855
27 or by both.

28 The bill takes effect upon enactment.