

## HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 329

01/19/2017 Authored by Rarick, Smith, Daudt, Theis, Pierson and others  
The bill was read for the first time and referred to the Committee on Public Safety and Security Policy and Finance  
02/22/2017 Adoption of Report: Amended and re-referred to the Committee on Government Operations and Elections Policy  
03/07/2017 Adoption of Report: Placed on the General Register as Amended  
Read for the Second Time  
05/22/2017 Pursuant to Rule 4.20, returned to the Committee on Government Operations and Elections Policy

1.1 A bill for an act  
1.2 relating to public safety; regulating the manufacture, sale, and use of fireworks;  
1.3 amending Minnesota Statutes 2016, section 624.20, subdivision 1.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2016, section 624.20, subdivision 1, is amended to read:

1.6 Subdivision 1. **Regulation.** (a) As used in sections 624.20 to 624.25, ~~the term "fireworks"~~  
1.7 ~~means any substance or combination of substances or article prepared for the purpose of~~  
1.8 ~~producing a visible or an audible effect by combustion, explosion, deflagration, or detonation,~~  
1.9 ~~and includes blank cartridges, toy cannons, and toy canes in which explosives are used, the~~  
1.10 ~~type of balloons which require fire underneath to propel them, firecrackers, torpedoes,~~  
1.11 ~~skyrockets, Roman candles, daygo bombs, sparklers other than those specified in paragraph~~  
1.12 ~~(e), or other fireworks of like construction, and any fireworks containing any explosive or~~  
1.13 ~~inflammable compound, or any tablets or other device containing any explosive substance~~  
1.14 ~~and commonly used as fireworks.;~~

1.15 ~~(b) The term "fireworks" shall not include toy pistols, toy guns, in which paper caps~~  
1.16 ~~containing 25/100 grains or less of explosive compound are used and toy pistol caps which~~  
1.17 ~~contain less than 20/100 grains of explosive mixture.~~

1.18 ~~(c) The term also does not include wire or wood sparklers of not more than 100 grams~~  
1.19 ~~of mixture per item, other sparkling items which are nonexplosive and nonaerial and contain~~  
1.20 ~~75 grams or less of chemical mixture per tube or a total of 500 grams or less for multiple~~  
1.21 ~~tubes, snakes and glow worms, smoke devices, or trick noisemakers which include paper~~  
1.22 ~~streamers, party poppers, string poppers, snappers, and drop pops, each consisting of not~~  
1.23 ~~more than twenty-five hundredths grains of explosive mixture. The use of items listed in~~

~~this paragraph is not permitted on public property. This paragraph does not authorize the purchase of items listed in it by persons younger than 18 years of age. The age of a purchaser of items listed in this paragraph must be verified by photographic identification.~~

(1) "aerial and audible devices" means fireworks in a finished state, suitable for use by the public, listed in APA 87-1, sections 3.1.2, 3.1.3, and 3.5, and containing 75 grams or less of chemical mixture per tube for a total of 500 grams or less for multiple tubes in a device;

(2) "APA 87-1" means the American Pyrotechnic Association Standard 87-1 from the Standard for Construction and Approval for Transportation of Fireworks, Novelties, and Theatrical Pyrotechnics, 2001 Edition;

(3) "display fireworks" means firework devices in a finished state, exclusive of mere ornamentation, primarily intended for commercial displays that are designed to produce visible effects, audible effects, or both, by combustion, deflagration, or detonation. The term includes, but is not limited to, salutes containing more than 130 milligrams of explosive composition, aerial shells containing more than 40 grams of chemical composition exclusive of light charge, and other exhibition display items that exceed the limits contained in APA 87-1 for aerial and audible devices;

(4) "fireworks" means any device, other than sparkling devices, novelties, aerial and audible devices, or theatrical pyrotechnic articles that are intended to produce visible effects, audible effects, or both, by combustion, deflagration, or detonation. The term includes display fireworks;

(5) "novelties" means devices containing small amounts of pyrotechnic composition that are listed in APA 87-1, sections 3.2, 3.3, and 3.4. The term includes deregulated sparklers, snakes and glow worms, smoke devices, and trick noisemakers, including paper streamers, party poppers, string poppers, snappers, drop pops, each consisting of not more than 25/100 grains of explosive mixture; toy pistols, toy guns, in which paper caps containing 25/100 grains or less of explosive compound are used; and toy pistol caps that contain less than 20/100 grains of explosive mixture; and

(6) "sparkling devices" means ground-based or handheld devices that produce a shower of sparks that are listed in APA 87-1, sections 3.1.1 and 3.5. The term includes fountains, torches, wheels, ground spinners, flitter sparklers, toy smoke devices, and sparklers.

(b) Nothing in sections 624.20 to 624.25 authorizes the possession or use of sparkling devices or aerial and audible devices on public property or the purchase of these items by

persons younger than 18 years of age. A person selling sparkling devices or aerial and audible devices shall verify the age of a purchaser by photographic identification.

~~(d)~~ (c) A local unit of government may impose an annual license fee for the retail sale of ~~items authorized under paragraph (e)~~ sparkling devices and aerial and audible devices. The annual license fee of each retail seller that is in the business of selling only ~~the items authorized under paragraph (e)~~ sparkling devices or aerial and audible devices, or both, may not exceed \$350 for a single retail location, and the annual license of each other retail seller may not exceed \$100. A local unit of government may assess a fee, not to exceed \$100, to a licensee for each additional retail location that the licensee operates. A license application must require, at a minimum, the location of each retail location the licensee intends to operate. A licensee must display the license issued pursuant to this paragraph at each point of sale operated by the licensee. A local unit of government may not:

(1) impose any fee or charge, other than the fee authorized by this paragraph, on the wholesale or retail sale of ~~items authorized under paragraph (e)~~ sparkling devices and aerial and audible devices;

(2) prohibit or restrict the sale or display of ~~items for~~ sparkling devices, novelties, or aerial and audible devices from any permanent or temporary ~~retail sale authorized under paragraph (e)~~ structure that ~~comply~~ complies with National Fire Protection Association Standard 1124 (2003 2006 edition), except a local unit of government must require a retail seller to operate from a conforming permanent structure at each location where aerial and audible devices are sold for more than 60 days in a calendar year; ~~or~~

(3) impose on a retail seller any financial guarantee requirements, including bonding or insurance provisions, containing restrictions or conditions not imposed on the same basis on all other business licensees; or

(4) enact any ordinance, rule, or regulation that prohibits, limits, or restricts the wholesale or retail sale of novelties.

(d) This section does not preempt a town or home rule charter or statutory city from enacting and enforcing ordinances under the city charter or chapter 365, 368, 412, or 462, that regulate the conditions of sale or use for sparkling devices, aerial and audible devices, and display fireworks.

(e) For the purposes of regulating the conditions of sale or use for aerial and audible devices, display fireworks, sparkling devices, and novelties, a county has the same authority and power granted to a statutory city by paragraph (d) and chapter 412. If a home rule charter

- 4.1 or statutory city or town has enacted an ordinance, rule, or regulation under paragraph (d),
- 4.2 that ordinance, rule, or regulation prevails within the city or town.
- 4.3 **EFFECTIVE DATE.** This section is effective June 1, 2017.