

State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 1505

03/13/2013 Authored by Hackbarth and Dill

The bill was read for the first time and referred to the Committee on Public Safety Finance and 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 2012, section 624.20, subdivision 1.

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

1.5 Section 1. Minnesota Statutes 2012, 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~~
1.7 ~~"fireworks" means any substance or combination of substances or article prepared~~
1.8 ~~for the purpose of producing a visible or an audible effect by combustion, explosion,~~
1.9 ~~deflagration, or detonation, and includes blank cartridges, toy cannons, and toy canes in~~
1.10 ~~which explosives are used, the type of balloons which require fire underneath to propel~~
1.11 ~~them, firecrackers, torpedoes, skyrocketes, Roman candles, daygo bombs, sparklers other~~
1.12 ~~than those specified in paragraph (c), or other fireworks of like construction, and any~~
1.13 ~~fireworks containing any explosive or inflammable compound, or any tablets or other~~
1.14 ~~device containing any explosive substance and commonly used as fireworks.:~~

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

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

1.21 (3) "display fireworks" means firework devices in a finished state, exclusive of mere
1.22 ornamentation, primarily intended for commercial displays that are designed to produce
1.23 visible effects, audible effects, or both, by combustion, deflagration, or detonation.

1.24 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. The term does not include any toy pistols, toy guns, paper caps, sparkling devices, or novelties;

(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 a device containing small amounts of pyrotechnic composition that is 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) The term "fireworks" shall not include toy pistols, toy guns, in which paper caps containing 25/100 grains or less of explosive compound are used and toy pistol caps which contain less than 20/100 grains of explosive mixture. Nothing in sections 624.20 to 624.25 authorizes the possession or use of novelties, 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 novelties, sparkling devices, or aerial and audible devices shall verify the age of a purchaser by photographic identification.

(c) The term also does not include wire or wood sparklers of not more than 100 grams of mixture per item, other sparkling items which are nonexplosive and nonaerial and contain 75 grams or less of chemical mixture per tube or a total of 500 grams or less for multiple tubes, snakes and glow worms, smoke devices, or trick noisemakers which include paper streamers, party poppers, string poppers, snappers, and drop pops, each consisting of not 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.

~~(d)~~ (c) A local unit of government may impose an annual license fee for the retail sale of ~~items authorized under paragraph (e)~~ aerial and audible devices. The fee must be set at a reasonable amount based on the public safety issues and inspections associated with these devices. ~~The annual license fee of each retail seller that is in the business of selling only the items authorized under paragraph (e) may not exceed \$350, and the annual license of each other retail seller may not exceed \$100.~~ A local unit of government may not:

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

(2) impose any permit, license, fee, or charge on the retail or wholesale sale of sparkling devices or novelties;

~~(2)~~ (3) prohibit or restrict the sale or display of items for novelties, sparkling devices, 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); ~~or~~

~~(3)~~ (4) 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

(5) enact any ordinance, rule, or regulation that prohibits, limits, or restricts the wholesale or retail sale of sparkling devices or 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 chapters 365, 368, 412 or 462, that regulate the conditions of use for aerial and audible devices and display fireworks. An ordinance to regulate use must be reasonable and must not prohibit all use in the jurisdiction, except as provided in paragraph (f).

(e) For the purposes of regulating the conditions of 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 chapter 412 and paragraph (d). If a home rule charter or statutory city or town has enacted an ordinance, rule, or regulation under paragraph (d), that ordinance, rule, or regulation prevails within the city or town.

(f) Aerial and audible devices may only be sold or used in the state from June 1 to July 7 of any year.

EFFECTIVE DATE. This section is effective June 1, 2013.