

SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION

S.F. No. 1885

(SENATE AUTHORS: HOUSLEY)

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OFFICIAL STATUS
Introduction and first reading
Referred to Judiciary and Public Safety Finance and Policy

- 1.1 A bill for an act
- 1.2 relating to commerce; authorizing limited personal use of fireworks; requiring an
- 1.3 affidavit of safety guidelines; providing for criminal penalties; proposing coding
- 1.4 for new law in Minnesota Statutes, chapter 624.
- 1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.6 Section 1. **[624.222] FIREWORKS; LIMITED PERSONAL USE;**
- 1.7 **AUTHORIZATION.**
- 1.8 Subdivision 1. **Limited personal use of fireworks.** Notwithstanding sections 624.20
- 1.9 to 624.25, 1.4G consumer fireworks may be used or ignited for personal use only. A seller
- 1.10 at retail may offer for sale, advertise, or sell at retail 1.4G fireworks, as defined in Code of
- 1.11 Federal Regulations, titles 16 and 49, for personal use. All 1.4G fireworks held for sale
- 1.12 under this section must carry the required federal warning label. Personal use of fireworks
- 1.13 is not permitted on public property. Anyone selling 1.4G fireworks under this section must
- 1.14 post in a conspicuous location the following warning in block letters not less than one inch
- 1.15 in height: "FIREWORKS MAY BE PURCHASED FOR PERSONAL USE ONLY UNDER
- 1.16 MINNESOTA STATUTES, SECTION 624.222." A seller at retail of 1.4G fireworks shall
- 1.17 require each purchaser of 1.4G fireworks for limited personal use to complete an application
- 1.18 stating that:
- 1.19 (1) the purchaser is 18 years of age or older verified by a photograph identification;
- 1.20 (2) the purchaser has received a copy of fireworks use safety information;
- 1.21 (3) the purchaser agrees to use the 1.4G fireworks in Minnesota or another state where
- 1.22 use is permitted only; and

2.1 (4) the purchaser agrees to supervise and be responsible for any use of the 1.4G fireworks.

2.2 Subd. 2. **Licensing of sales facilities.** 1.4G fireworks shall be sold only from facilities
2.3 that are licensed by the state fire marshal and that meet the following criteria:

2.4 (1) the facility must be limited in size to 10,000 square feet of selling area to which the
2.5 public may be admitted;

2.6 (2) aisles in the facility shall be a minimum of five feet wide, and kept free and
2.7 unobstructed at all times;

2.8 (3) there must be one exit door for every 50 people permitted by maximum occupancy
2.9 requirements on the selling floor to which the public may be admitted, with a minimum of
2.10 three emergency exit doors in the facility;

2.11 (4) exit doors shall be metal and equipped with push-panic locks;

2.12 (5) exit doors shall be clearly marked with lighted exit signs with battery backups;

2.13 (6) the facility must be a stand-alone building;

2.14 (7) the facility shall be equipped with an adequate number of smoke detectors in both
2.15 the retail and storage areas for which smoke detectors shall be inspected and tested annually
2.16 and prior to the opening of the facility;

2.17 (8) storage areas shall be separated from areas to which the public may be admitted by
2.18 appropriately rated fire separation walls;

2.19 (9) the facility shall be located no closer than 50 feet from any facility selling or
2.20 dispensing gasoline, propane, or other flammable products;

2.21 (10) portable fire extinguishing equipment shall be located in the premises at all times,
2.22 with one fire extinguisher located every 75 feet of travel space. The fire extinguishers shall
2.23 be inspected and certified annually and prior to the opening of the facility; and

2.24 (11) no 1.4G fireworks sales facility shall be located within 250 feet of another 1.4G
2.25 fireworks sales facility, with priority being given on a first-come basis.

2.26 Subd. 3. **License applications; fees.** Applications for licenses to sell 1.4G fireworks
2.27 shall be submitted to the state fire marshal by January 15 of each year on forms prescribed
2.28 and provided by the state fire marshal. Licenses shall be issued no later than March 1 of
2.29 each year. The license application shall be accompanied by an annual license fee of \$5,000.
2.30 The fire marshal shall deposit the fee in the general fund. There shall be an annual inspection
2.31 of the facility to ensure that all rules are followed. No license may be issued to a convicted
2.32 felon or to an entity where a convicted felon owns five percent or more of the equity.

3.1 Subd. 4. **Operational requirements.** The 1.4G fireworks sales facility shall be
3.2 exclusively dedicated to the sale of 1.4G fireworks and related items. The facility shall
3.3 operate in accordance with the following rules:

3.4 (1) no smoking may be permitted in the facility;

3.5 (2) no cigarettes or tobacco products, matches, lighters, or any other flame-producing
3.6 devices may be permitted in the facility;

3.7 (3) no minors may be permitted in the facility unless accompanied by an adult, and the
3.8 minors must stay with the adult in the facility;

3.9 (4) all 1.4G fireworks sold in the facility must comply with the United States Consumer
3.10 Product Safety Commission standards;

3.11 (5) all facilities must carry at least \$2,000,000 in personal and product liability insurance;

3.12 (6) all licensees must annually review OSHA standards and guidelines regarding retail
3.13 sale of fireworks;

3.14 (7) no 1.3G fireworks or illegal explosives shall be stored or located at the facility;

3.15 (8) no person under the influence of intoxicating liquor or drugs may be admitted to the
3.16 facility, and no liquor, beer, or wine may be permitted in the facility;

3.17 (9) no fireworks may be ignited within 300 feet of a licensed 1.4G fireworks sales facility;

3.18 (10) tents, temporary structures and big box stores, such as discount retail stores or
3.19 grocery stores, shall only sell consumer fireworks defined as ground and handheld sparkling
3.20 devices;

3.21 (11) emergency evacuation plans must be conspicuously posted in appropriate locations
3.22 within the facility;

3.23 (12) information on safe use of fireworks must be distributed to all purchasers; and

3.24 (13) all 1.4G fireworks sales facilities shall be in full compliance with the requirements
3.25 set out in the National Fire Protection Association Standard 1124, 2006 Edition: Code for
3.26 the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic
3.27 Articles as such requirements are not inconsistent with the provisions of this section.

3.28 Subd. 5. **Exemption for novelty items.** Sale of novelty items, which include but are not
3.29 limited to snake or glow worms, smoke devices containing five grams or less of pyrotechnic
3.30 composition, party poppers, snappers, drop pops, and sparklers, is exempt from the licensing
3.31 requirements in subdivisions 2 and 3 and the operational requirements in subdivision 4. A

4.1 seller at retail of novelty items shall require each purchaser of novelty items for limited
4.2 personal use to complete an application stating that the purchaser:

4.3 (1) is 18 years of age or older verified by photographic identification;

4.4 (2) has received a copy of fireworks use safety information; and

4.5 (3) agrees to supervise and be responsible for any use of novelty items by minors.

4.6 Subd. 6. **Fireworks safety guidelines.** The state fire marshal shall disseminate
4.7 information on 1.4G fireworks safety designed to ensure that personal use and ignition of
4.8 1.4G fireworks each year follows best fireworks safety practices.

4.9 Subd. 7. **Penalties.** (a) A person who ignites, discharges, or uses consumer fireworks at
4.10 a site other than the following is guilty of a petty misdemeanor:

4.11 (1) the property of the person; or

4.12 (2) the property of another who has given permission to use the consumer fireworks.

4.13 (b) A person is guilty of a misdemeanor if the person commits an offense under paragraph
4.14 (a) not later than five years after the date of the commission of a prior offense.

4.15 (c) A person is guilty of a gross misdemeanor if the person recklessly, knowingly, or
4.16 intentionally uses consumer fireworks that result in serious bodily injury to a person.

4.17 (d) A person is guilty of a felony if the person recklessly, knowingly, or intentionally
4.18 uses consumer fireworks that result in the death of a person.

4.19 (e) A person is guilty of a felony if the person sells 1.4G fireworks without obtaining a
4.20 fireworks license pursuant to or inconsistent with the provisions of this section.

4.21 (f) A person is guilty of a felony if the person knowingly fails to collect or remit the
4.22 public safety fees due under subdivision 3.