

(SENATE AUTHORS: JUNGBAUER)

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02/09/2011	198	Introduction and first reading Referred to Judiciary and Public Safety See SF1694

A bill for an act
relating to public safety; providing for display and consumer fireworks; amending
Minnesota Statutes 2010, sections 624.20, subdivision 1; 624.21; 624.22,
subdivision 2; repealing Minnesota Statutes 2010, section 624.20, subdivision 2.

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

Section 1. Minnesota Statutes 2010, section 624.20, subdivision 1, is amended to read:

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

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

(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;~~ "Fireworks" means devices, other than ground-based and handheld sparkling devices, novelties, or theatrical pyrotechnic articles, which are intended to produce visible effects, audible effects, or both by combustion, deflagration, or detonation and include the following:

(1) "display fireworks," which means firework devices in a finished state, exclusive of mere ornamentation, primarily intended for commercial displays which are designed to produce visible effects, audible effects, or both by combustion, deflagration, or detonation, including but 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 the APA 87-1 Standard for consumer fireworks and does not include any toy pistols, toy guns, paper caps, sparklers, or novelties; and

(2) "consumer fireworks," which 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.

(d) "Sparkling devices" means ground-based or handheld devices that produce a shower of sparks and are listed in APA 87-1, Sections 3.1.1 and 3.5, and include fountains, torches, wheels, ground spinners, flutter sparklers, toy smoke devices, and sparklers.

(e) "Novelties" means a device containing small amounts of pyrotechnic composition and are listed in APA 87-1, Sections 3.2, 3.3, and 3.4, and include sparklers, 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, 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.

~~(f) The use of items listed in this paragraph is under paragraphs (c), clause (2), (d), and (e) are not permitted on public property. This paragraph does~~ Paragraphs (c), clause (2), (d), and (e) do not authorize the purchase of items listed in it under these paragraphs by persons younger than 18 years of age. The age of a purchaser of items listed ~~in this paragraph~~ under these paragraphs must be verified by photographic identification.

~~(d) (g) A local unit of government may impose an annual license fee for the retail sale of items authorized under paragraph (c) consumer fireworks. The annual license fee of each retail seller that is in the business of selling only the items authorized under paragraph (c) may not exceed \$350, and the annual license of each other retail seller may not exceed \$100~~ consumer fireworks shall not exceed \$350. A permit shall not be required

nor shall a local unit of government impose an annual license fee for the retail sale of sparkling devices or novelties. A local unit of government may not:

(1) impose any fee ~~or charge~~, other than the fee authorized ~~by this paragraph, on the retail sale of items authorized under~~ in this paragraph (c);

(2) ~~prohibit or restrict the~~ charge any fee for, or impose any restrictions on storage, sale, use, transport, set up, or display of ~~items~~ consumer fireworks, sparkling devices, or novelties for permanent or temporary retail sale ~~authorized under paragraph (c)~~ from any structure whatsoever that ~~comply~~ complies with National Fire Protection Association Standard 1124 (~~2003~~ 2006 edition); or

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

Sec. 2. Minnesota Statutes 2010, section 624.21, is amended to read:

624.21 SALE, POSSESSION, AND USE OF FIREWORKS ~~PROHIBITED~~.

~~Except as otherwise provided in sections 624.20 to 624.25, It shall be unlawful~~ lawful for any person to store, transport, offer for sale, expose for sale, set set up, or display at retail or wholesale, possess, advertise, use, or explode any consumer fireworks, sparkling devices, or novelties in compliance with the provisions of sections 624.20 to 624.25. ~~This section shall not be construed to prohibit~~ The possession, use, or explosion of fireworks by an engineer licensed pursuant to sections 326.02 and 326.03 or a person under the engineer's direct supervision when undertaking acoustical testing; or sales at wholesale to those persons holding valid permits for a fireworks display from a governmental subdivision of the state; or sales outside the state or sales to licensed professional engineers for acoustical testing purposes only, shall be lawful.

Sec. 3. Minnesota Statutes 2010, section 624.22, subdivision 2, is amended to read:

Subd. 2. **Operator certification requirements.** (a) An applicant to be a supervising operator of a fireworks display of display fireworks shall meet the requirements of this subdivision before the applicant is certified by the state fire marshal.

(b) An applicant must be at least 21 years old.

(c) An applicant must have completed a written examination, administered or approved by the state fire marshal, and achieved a passing score of at least 70 percent. The state fire marshal must be satisfied that achieving a passing score on the examination satisfactorily demonstrates the applicant's knowledge of statutes, codes, and nationally recognized standards concerning safe practices for the discharge and display of fireworks.

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4.1 (d) An applicant shall apply in writing to the state fire marshal by completing and
4.2 signing an application form provided by the state fire marshal.

4.3 (e) An applicant shall submit evidence of experience, which must include active
4.4 participation as an assistant or operator in the performance of at least five fireworks
4.5 displays, at least one of which must have occurred in the current or preceding year.

4.6 Sec. 4. **REPEALER.**

4.7 Minnesota Statutes 2010, section 624.20, subdivision 2, is repealed.