

## State of Minnesota

## HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. **1774**

01/24/2012 Authored by Kriesel; Vogel; Anderson, S.; Westrom; Kiel and others

The bill was read for the first time and referred to the Committee on Public Safety and Crime Prevention Policy and Finance

02/27/2012 Adoption of Report: Pass as Amended and re-referred to the Committee on Commerce and Regulatory Reform

03/15/2012 Adoption of Report: Pass as Amended and Read Second Time

1.1 A bill for an act  
1.2 relating to public safety; authorizing personal use of fireworks; amending  
1.3 Minnesota Statutes 2010, sections 624.20, subdivision 1; 624.22, subdivision 2;  
1.4 624.25.

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

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

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

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

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

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

2.1 including but not limited to salutes containing more than 130 milligrams of explosive  
2.2 composition, aerial shells containing more than 40 grams of chemical composition  
2.3 exclusive of light charge and other exhibition display items that exceed the limits  
2.4 contained in the APA 87-1 Standard for consumer fireworks and does not include any toy  
2.5 pistols, toy guns, paper caps, sparklers, or novelties.

2.6 (4) "Fireworks" means any device intended to produce visible effects, audible  
2.7 effects, or both by combustion, deflagration, or detonation, and includes display fireworks.  
2.8 Fireworks does not include sparkling devices, novelties, theatrical pyrotechnic articles,  
2.9 or consumer fireworks.

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

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

2.20 ~~(b) The term "fireworks" shall not include toy pistols, toy guns, in which paper caps~~  
2.21 ~~containing 25/100 grains or less of explosive compound are used and toy pistol caps~~  
2.22 ~~which contain less than 20/100 grains of explosive mixture. The use of sparkling devices,~~  
2.23 ~~novelties, or consumer fireworks is not permitted on public property.~~

2.24 ~~(c) The term also does not include wire or wood sparklers of not more than 100~~  
2.25 ~~grams of mixture per item, other sparkling items which are nonexplosive and nonaerial~~  
2.26 ~~and contain 75 grams or less of chemical mixture per tube or a total of 500 grams or less~~  
2.27 ~~for multiple tubes, snakes and glow worms, smoke devices, or trick noisemakers which~~  
2.28 ~~include paper streamers, party poppers, string poppers, snappers, and drop pops, each~~  
2.29 ~~consisting of not more than twenty-five hundredths grains of explosive mixture. The use~~  
2.30 ~~of items listed in this paragraph is not permitted on public property. This paragraph does~~  
2.31 ~~not authorize the purchase of items listed in it by persons younger than 18 years of age.~~  
2.32 ~~The age of a purchaser of items listed in this paragraph must be verified by photographic~~  
2.33 ~~identification.~~

2.34 ~~(d) (c) A local unit of government may impose an annual license fee for the retail~~  
2.35 ~~sale of items authorized under paragraph (c) consumer fireworks. The annual license~~  
2.36 ~~fee of each retail seller that is in the business of selling only the items authorized under~~

3.1 ~~paragraph (c)~~ consumer fireworks may not exceed \$350, and the annual license of each  
 3.2 other retail seller selling consumer fireworks may not exceed \$100. A local unit of  
 3.3 government may not:

3.4 (1) impose any fee or charge, other than the fee authorized by this paragraph, on the  
 3.5 wholesale or retail sale of items authorized under paragraph (c) consumer fireworks;

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

3.8 (3) prohibit or restrict the sale or display of items for authorized under paragraph  
 3.9 (b) from any permanent or temporary retail sale authorized under paragraph (c) that  
 3.10 comply structure that complies with National Fire Protection Association Standard 1124  
 3.11 (2003 edition); ~~or~~

3.12 ~~(3)~~ (4) impose on a retail seller any financial guarantee requirements, including  
 3.13 bonding or insurance provisions, containing restrictions or conditions not imposed on the  
 3.14 same basis on all other business licensees; or

3.15 (5) enact any ordinance, rule, or regulation that prohibits, limits, or restricts the  
 3.16 wholesale or retail sale of sparkling devices and novelties.

3.17 **EFFECTIVE DATE.** This section is effective June 1, 2012, and applies to crimes  
 3.18 committed on or after that date.

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

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

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

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

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

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

3.34 **EFFECTIVE DATE.** This section is effective June 1, 2012.

4.1 Sec. 3. Minnesota Statutes 2010, section 624.25, is amended to read:

4.2 **624.25 VIOLATION.**

4.3 Any person violating the provisions of sections 624.20 to 624.24 may be sentenced  
4.4 as follows:

4.5 (1) if the violation involves explosive fireworks in an amount of 35 pounds gross  
4.6 container weight or more, to imprisonment for not more than one year, or to payment of  
4.7 a fine of not more than \$3,000, or both;

4.8 (2) if the violation involves explosive fireworks in an amount of less than 35 pounds  
4.9 gross container weight, to imprisonment for not more than 90 days, or to payment of a  
4.10 fine of not more than \$1,000, or both; ~~and~~

4.11 (3) if the violation involves any amount of fireworks other than explosive fireworks,  
4.12 to imprisonment for not more than 90 days, or to payment of a fine of not more than  
4.13 \$1,000, or both;

4.14 (4) if the violation involves consumer fireworks under section 624.20, paragraph (b),  
4.15 to payment of a maximum fine of \$300; and

4.16 (5) if the violation involves consumer fireworks under section 624.20, paragraph  
4.17 (b), and the person has a conviction for a violation under this clause or clause (4) within  
4.18 the past five years of the date of the violation, to imprisonment of not more than 90 days  
4.19 or to payment of a fine of not more than \$1,000, or both.

4.20 **EFFECTIVE DATE.** This section is effective June 1, 2012, and applies to crimes  
4.21 committed on or after that date.