

SENATE
STATE OF MINNESOTA
NINETIETH SESSION

S.F. No. 235

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DATE	D-PG	OFFICIAL STATUS
01/19/2017	364	Introduction and first reading
		Referred to Judiciary and Public Safety Finance and Policy
03/22/2018	6908a	Comm report: To pass as amended and re-refer to Local Government
03/26/2018	6949a	Comm report: To pass as amended
		Rule 21, referred to Rules and Administration

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~~

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

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

2.7 (2) "consumer fireworks" means small fireworks devices that are designed to produce
2.8 visible effects, audible effects, or both by combustion that are required to comply with the
2.9 construction, chemical composition, and labeling regulations adopted by the United States
2.10 Consumer Product Safety Commission under Code of Federal Regulations, title 16, parts
2.11 1500 and 1507 (2014), and that are listed in APA 87-1, 3.1.2, 3.1.3, or 3.5. Consumer
2.12 fireworks do not include sparkling devices, novelties, toy caps, or model rockets;

2.13 (3) "display fireworks" means firework devices in a finished state, exclusive of mere
2.14 ornamentation, primarily intended for commercial displays that are designed to produce
2.15 visible effects, audible effects, or both, by combustion, deflagration, or detonation. The
2.16 term includes, but is not limited to, salutes containing more than 130 milligrams of explosive
2.17 composition, aerial shells containing more than 40 grams of chemical composition exclusive
2.18 of light charge, and other exhibition display items that exceed the limits contained in APA
2.19 87-1 for aerial and audible devices;

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

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

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

3.1 (b) Nothing in sections 624.20 to 624.25 authorizes the possession or use of sparkling
 3.2 devices or consumer fireworks on public property or the purchase of these items by persons
 3.3 younger than 18 years of age. A person selling sparkling devices or consumer fireworks
 3.4 shall verify the age of a purchaser by photographic identification.

3.5 ~~(d)~~ (c) A local unit of government may impose an annual license sales permit fee for
 3.6 the retail sale of items authorized under paragraph (e) consumer fireworks. The annual
 3.7 license permit fee of each retail seller that is in the business of selling only the items
 3.8 authorized under paragraph (e) consumer fireworks may not exceed \$350 for a single retail
 3.9 location, and the annual license permit of each other retail seller may not exceed \$100. A
 3.10 local unit of government may assess a fee, not to exceed \$100, to a permittee for each
 3.11 additional retail location that the permittee operates. A permit application must require, at
 3.12 a minimum, the location of each retail location the permittee intends to operate. A permittee
 3.13 must display the permit issued pursuant to this paragraph at each point of sale operated by
 3.14 the permittee. A local unit of government may not:

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

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

3.19 ~~(2)~~ (3) prohibit or restrict the sale or display of items for sparkling devices, novelties,
 3.20 or consumer fireworks from any permanent or temporary retail sale authorized under
 3.21 paragraph (e) structure that comply complies with National Fire Protection Association
 3.22 Standard 1124 (2003 2006 edition); or

3.23 ~~(3)~~ (4) impose on a retail seller any financial guarantee requirements, including bonding
 3.24 or insurance provisions, containing restrictions or conditions not imposed on the same basis
 3.25 on all other business licensees; or

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

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

3.31 (e) For the purposes of regulating the conditions of use for consumer fireworks and
 3.32 display fireworks, a county has the same authority and power granted to a statutory city by
 3.33 paragraph (d) and chapter 412. If a home rule charter or statutory city or town has enacted

- 4.1 an ordinance, rule, or regulation under paragraph (d), that ordinance, rule, or regulation
- 4.2 prevails within the city or town.
- 4.3 **EFFECTIVE DATE.** This section is effective June 1, 2018.