

State of Arizona
Senate
Fifty-fourth Legislature
First Regular Session
2019

SENATE BILL 1348

AN ACT

AMENDING SECTIONS 36-1601, 36-1606 AND 36-1607, ARIZONA REVISED STATUTES;
RELATING TO FIREWORKS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 36-1601, Arizona Revised Statutes, is amended to
3 read:

4 36-1601. Definitions

5 In this article, unless the context otherwise requires:

6 1. "APA 87-1" means the American pyrotechnics association standard
7 87-1, standard for construction and approval for transportation of
8 fireworks, novelties and theatrical pyrotechnics, December 1, 2001
9 version.

10 2. "Consumer firework" means small firework devices that contain
11 restricted amounts of pyrotechnic composition designed primarily to
12 produce visible or audible effects by combustion and that comply with the
13 construction, chemical composition and labeling regulations prescribed in
14 49 Code of Federal Regulations parts 172 and 173, regulations of the
15 United States consumer product safety commission as prescribed in 16 Code
16 of Federal Regulations parts 1500 and 1507 and the APA 87-1.

17 3. "Display firework" means large firework devices that are
18 explosive materials intended for use in fireworks displays and designed to
19 produce visible or audible effects by combustion, deflagration or
20 detonation as prescribed by 49 Code of Federal Regulations part 172,
21 regulations of the United States consumer product safety commission as
22 prescribed in 16 Code of Federal Regulations parts 1500 and 1507 and the
23 APA 87-1.

24 4. "Fireworks":

25 (a) Means any combustible or explosive composition, substance or
26 combination of substances, or any article prepared for the purpose of
27 producing a visible or audible effect by combustion, explosion,
28 deflagration or detonation, that is a consumer firework or display
29 firework.

30 (b) Does not include:

31 (i) Toy pistols, toy canes, toy guns or other devices in which
32 paper caps containing not more than twenty-five hundredths grains of
33 explosive compound are used if constructed so that the hand cannot come in
34 contact with the cap when in place for the explosion.

35 (ii) Toy pistol paper caps that contain less than twenty-hundredths
36 grains of explosive mixture, or fixed ammunition or primers therefor.

37 (iii) Federally deregulated novelty items that are known as
38 snappers, snap caps, party poppers, glow worms, snakes, toy smoke devices
39 and sparklers.

40 (iv) Permissible consumer fireworks.

41 5. "Governing body" means the board of supervisors of a county as
42 to the area within the county but without the corporate limits of an
43 incorporated city or town and means the governing body of an incorporated
44 city or town as to the area within its corporate limits.

1 6. "NFPA 1124" means the national fire protection association code
2 for the manufacture, transportation, storage, and retail sales of
3 fireworks and pyrotechnic articles, 2013 edition as published in August
4 2012.

5 7. "Permissible consumer fireworks":

6 (a) Means the following types of consumer fireworks as defined by
7 the APA 87-1:

8 (i) Ground and handheld sparkling devices.

9 (ii) Cylindrical fountains.

10 (iii) Cone fountains.

11 (iv) Illuminating torches.

12 (v) Wheels.

13 (vi) Ground spinners.

14 (vii) Flitter sparklers.

15 (viii) Toy smoke devices.

16 (ix) Wire sparklers or dipped sticks.

17 (x) Multiple tube ground and handheld sparkling devices,
18 cylindrical fountains, cone fountains and illuminating torches
19 manufactured in accordance with section 3.5 of the APA 87-1.

20 (b) INCLUDES, IN A COUNTY WITH A POPULATION OF MORE THAN FIVE
21 HUNDRED THOUSAND PERSONS, ADULT SNAPPERS. FOR THE PURPOSES OF THIS
22 SUBDIVISION, "ADULT SNAPPER" MEANS A DEVICE THAT CONSISTS OF A PAPER
23 WRAPPED OR PLASTIC TUBE THAT DOES NOT CONTAIN A FUSE AND PRODUCES A SINGLE
24 REPORT AND MEETS ALL APPLICABLE REQUIREMENTS FOR FUSELESS FIRECRACKERS AS
25 DEFINED BY THE CONSUMER PRODUCT SAFETY COMMISSION AND THE AMERICAN
26 FIREWORKS SAFETY LABORATORY.

27 ~~(b)~~ (c) Does not include anything that is designed or intended to
28 rise into the air and explode or to detonate in the air or to fly above
29 the ground, including firework items defined by the APA 87-1 and known as
30 firecrackers, bottle rockets, sky rockets, missile-type rockets,
31 helicopters, aerial spinners, torpedoes, roman candles, mine devices,
32 shell devices and aerial shell kits or reloadable tubes.

33 8. "Person" includes an individual, partnership, firm or
34 corporation.

35 Sec. 2. Section 36-1606, Arizona Revised Statutes, is amended to
36 read:

37 36-1606. Consumer fireworks regulation; state preemption;
38 further regulation of fireworks by local
39 jurisdiction

40 A. The sale and use of permissible consumer fireworks are of
41 statewide concern. The regulation of permissible consumer fireworks
42 pursuant to this article and their sale or use is not subject to further
43 regulation by a governing body, except as follows:

1 1. In a county with a population of more than five hundred thousand
2 persons, a city or town within its corporate limits or the county within
3 the unincorporated areas of the county may do all of the following:

4 (a) Regulate, consistent with the standards set forth in NFPA 1124,
5 the sale of permissible consumer fireworks within its corporate limits.

6 (b) Prohibit the sale of permissible consumer fireworks on days
7 other than **APRIL 25 THROUGH MAY 7**, May 20 through July 6 and December 10
8 through January 3 of each year **AND FIVE DAYS BEFORE THE FIRST DAY OF**
9 **DIWALI AND ENDING TWO DAYS AFTER THE LAST DAY OF DIWALI OF EACH YEAR.**

10 (c) Prohibit the use of permissible consumer fireworks on days
11 other than **APRIL 25 THROUGH MAY 7**, June 24 through July 6 and December 24
12 through January 3 of each year **AND FIVE DAYS BEFORE THE FIRST DAY OF**
13 **DIWALI AND ENDING TWO DAYS AFTER THE LAST DAY OF DIWALI OF EACH YEAR.**

14 (d) Prohibit on all days the use of permissible consumer fireworks
15 within a ~~one-mile~~ **ONE-MILE** radius of the border of preservation lands
16 owned by a city or town that has purchased more than fifteen thousand
17 acres of land for preservation purposes.

18 (e) **PROHIBIT ON ALL DAYS DURING A STAGE ONE OR HIGHER FIRE**
19 **RESTRICTION THE USE OF PERMISSIBLE CONSUMER FIREWORKS WITHIN A ONE-MILE**
20 **RADIUS OF THE BORDER OF ANY MUNICIPAL OR COUNTY MOUNTAIN PRESERVE, DESERT**
21 **PARK, REGIONAL PARK, DESIGNATED CONSERVATION AREA, NATIONAL FOREST OR**
22 **WILDERNESS AREA.**

23 2. In a county with a population of less than five hundred thousand
24 persons, a city or town within its corporate limits or the county within
25 the unincorporated areas of the county may do all of the following:

26 (a) Regulate, consistent with the standards set forth in NFPA 1124,
27 the sale of permissible consumer fireworks.

28 (b) Prohibit the sale of permissible consumer fireworks on days
29 other than May 20 through July 6 and December 10 through January 3 of each
30 year. The sale of permissible consumer fireworks may be prohibited on
31 days between May 20 through July 6 and December 10 through January 3 of
32 each year if a federal or state agency implements a stage one or higher
33 fire restriction. Any prohibition during those dates is limited to only
34 the dates when the stage one or higher fire restriction is in place.

35 (c) Prohibit the use of permissible consumer fireworks on days
36 other than June 24 through July 6 and December 24 through January 3 of
37 each year. The use of permissible consumer fireworks may be prohibited
38 during June 24 through July 6 and December 24 through January 3 of each
39 year if a federal or state agency implements a stage one or higher fire
40 restriction. Any prohibition during those dates is limited to only the
41 dates when the stage one or ~~greater~~ **HIGHER** fire restriction is in place.

42 (d) Prohibit on all days the use of permissible consumer fireworks
43 within a ~~one-mile~~ **ONE-MILE** radius of the border of preservation lands
44 owned by a city or town that has purchased more than fifteen thousand
45 acres of land for preservation purposes.

1 (e) PROHIBIT ON ALL DAYS THE USE OF PERMISSIBLE CONSUMER FIREWORKS
2 WITHIN A ONE-MILE RADIUS OF THE BORDER OF ANY MUNICIPAL OR COUNTY MOUNTAIN
3 PRESERVE, DESERT PARK, REGIONAL PARK, DESIGNATED CONSERVATION AREA,
4 NATIONAL FOREST OR WILDERNESS AREA.

5 B. A governing body that chooses to regulate, consistent with the
6 requirements set forth in NFPA 1124 and subsection A of this section, the
7 sale or use of permissible consumer fireworks may not require any
8 additional signage requirements for the sale or use of permissible
9 consumer fireworks other than those signage requirements stipulated in
10 NFPA 1124, except that additional signage that is eight and one-half
11 inches by eleven inches in size, that is on cardstock paper in landscape
12 orientation, ~~and~~ that contains the following language AND THAT LISTS THE
13 DAYS OF THAT YEAR THAT ARE DESCRIBED IN SUBSECTION A, PARAGRAPHS 1 AND 2
14 OF THIS SECTION RELATING TO THE TIME FRAME SURROUNDING DIWALI, on a
15 contrasting background may be posted by the retail sales display of
16 permissible consumer fireworks:

17 State of Arizona

18 Consumer Fireworks Regulations

19 Arizona Revised Statutes section 36-1601, et al.

20 The use of permissible consumer fireworks

21 as defined under state law is allowed:

22 APRIL 25 - MAY 7, June 24 - July 6 and December 24 - January 3

23 The sale of permissible consumer fireworks

24 as defined under state law is allowed:

25 APRIL 25 - MAY 7, May 20 - July 6 and December 10 - January 3

26 All other fireworks are prohibited, except

27 as authorized by local fire department permit.

28 The sale and use of novelties known as snappers (pop-its),

29 party poppers, glow worms, snakes, toy smoke devices and

30 sparklers are permitted at all times.

31 Permissible consumer fireworks may not be sold to

32 persons under sixteen years of age.

33 Check with your local fire department for additional

34 regulations and dates before using.

35 C. This article does not prohibit the imposition by ordinance of
36 further regulations and prohibitions by a governing body on the sale, use
37 and possession of fireworks other than permissible consumer fireworks. A
38 governing body may not allow or authorize the sale, use or possession of
39 any fireworks in violation of this article.

40 Sec. 3. Section 36-1607, Arizona Revised Statutes, is amended to
41 read:

42 36-1607. Seizure; enforcement

43 A. The Arizona highway patrol or any sheriff or other peace officer
44 shall seize, remove or cause to be removed, at the expense of the owner,

1 all fireworks or combustibles offered or exposed for sale, stored or
2 possessed in violation of this article.

3 B. IN ADDITION TO THE PERSONS SPECIFIED IN SUBSECTION A OF THIS
4 SECTION, A FIRE MARSHAL WORKING FOR OR CONTRACTED WITH A CITY, TOWN, FIRE
5 DISTRICT OR COUNTY MAY SEIZE, REMOVE OR CAUSE TO BE REMOVED ALL FIREWORKS
6 FOR SALE OR OFFERED FOR SALE IN THE FIRE MARSHAL'S JURISDICTION. THE
7 CITY, TOWN, FIRE DISTRICT OR COUNTY MAY IMPOSE A FINE ON THE OWNER OF THE
8 FIREWORKS THAT AT A MINIMUM COVERS THE COST OF THE ENFORCEMENT OF THIS
9 SUBSECTION.

10 C. A PERSON THAT HAS FIREWORKS CONFISCATED MORE THAN TWO TIMES IN A
11 FIVE-YEAR PERIOD IS PROHIBITED FROM SELLING PERMISSIBLE CONSUMER FIREWORKS
12 IN THIS STATE FOR THE THREE SUCCEEDING YEARS FOLLOWING THE MOST RECENT
13 VIOLATION.