

House Engrossed

fireworks; use; overnight hours; prohibition

State of Arizona  
House of Representatives  
Fifty-fifth Legislature  
First Regular Session  
2021

# HOUSE BILL 2623

AN ACT

AMENDING SECTION 36-1606, 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 36-1606, Arizona Revised Statutes, is amended to  
3 read:

4 36-1606. Consumer fireworks regulation; state preemption;  
5 further regulation of fireworks by local  
6 jurisdiction

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

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

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

16 (b) Prohibit the sale of permissible consumer fireworks on days  
17 other than April 25 through May 6, May 20 through July 6 and December 10  
18 through January 3 of each year.

19 (c) Prohibit the use of permissible consumer fireworks on days  
20 other than May 4 through May 6, June 24 through July 6 and December 24  
21 through January 3 of each year.

22 (d) Prohibit on all days the use of permissible consumer fireworks  
23 within a one-mile radius of the border of preservation lands owned by a  
24 city or town that has purchased more than fifteen thousand acres of land  
25 for preservation purposes.

26 (e) Prohibit on all days during a stage one or higher fire  
27 restriction the use of permissible consumer fireworks within a one-mile  
28 radius of the border of any municipal or county mountain preserve, desert  
29 park, regional park, designated conservation area, national forest or  
30 wilderness area.

31 (f) PROHIBIT ON ALL DAYS THE USE OF PERMISSIBLE CONSUMER FIREWORKS  
32 BETWEEN THE HOURS OF 10:00 P.M. AND 8:00 A.M.

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

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

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

1 (c) Prohibit the use of permissible consumer fireworks on days  
2 other than June 24 through July 6 and December 24 through January 3 of  
3 each year. The use of permissible consumer fireworks may be prohibited  
4 during June 24 through July 6 and December 24 through January 3 of each  
5 year if a federal or state agency implements a stage one or higher fire  
6 restriction. Any prohibition during those dates is limited to only the  
7 dates when the stage one or higher fire restriction is in place.

8 (d) Prohibit on all days the use of permissible consumer fireworks  
9 within a one-mile radius of the border of preservation lands owned by a  
10 city or town that has purchased more than fifteen thousand acres of land  
11 for preservation purposes.

12 (e) Prohibit on all days the use of permissible consumer fireworks  
13 within a one-mile radius of the border of any municipal or county mountain  
14 preserve, desert park, regional park, designated conservation area,  
15 national forest or wilderness area.

16 (f) PROHIBIT ON ALL DAYS THE USE OF PERMISSIBLE CONSUMER FIREWORKS  
17 BETWEEN THE HOURS OF 10:00 P.M. AND 8:00 A.M.

18 B. A governing body that chooses to regulate, consistent with the  
19 requirements set forth in NFPA 1124 and subsection A of this section, the  
20 sale or use of permissible consumer fireworks may not require any  
21 additional signage requirements for the sale or use of permissible  
22 consumer fireworks other than those signage requirements stipulated in  
23 NFPA 1124, except that additional signage that is eight and one-half  
24 inches by eleven inches in size, that is on cardstock paper in landscape  
25 orientation and that contains the following language on a contrasting  
26 background may be posted by the retail sales display of permissible  
27 consumer fireworks:

28 State of Arizona  
29 Consumer Fireworks Regulations  
30 Arizona Revised Statutes section 36-1601, et al.  
31 The use of permissible consumer fireworks  
32 as defined under state law is allowed:  
33 May 4 - May 6, June 24 - July 6 and December 24 - January 3  
34 The sale of permissible consumer fireworks  
35 as defined under state law is allowed:  
36 April 25 - May 6, May 20 - July 6 and December 10 - January 3  
37 All other fireworks are prohibited, except  
38 as authorized by local fire department permit.  
39 The sale and use of novelties known as snappers (pop-its),  
40 party poppers, glow worms, snakes, toy smoke devices and  
41 sparklers are permitted at all times.  
42 Permissible consumer fireworks may not be sold to  
43 persons under sixteen years of age.  
44 Check with your local fire department for additional  
45 regulations and dates before using.

1           C. This article does not prohibit the imposition by ordinance of  
2 further regulations and prohibitions by a governing body on the sale, use  
3 and possession of fireworks other than permissible consumer fireworks. A  
4 governing body may not allow or authorize the sale, use or possession of  
5 any fireworks in violation of this article.