

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1457  
(Reference to Senate engrossed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Heading change

3 The chapter heading of title 23, chapter 11, Arizona Revised  
4 Statutes, is changed from "MUNICIPAL FIREFIGHTER CANCER REIMBURSEMENT" to  
5 "FIREFIGHTER HEALTH REIMBURSEMENT".

6 Sec. 2. Title 23, chapter 11, Arizona Revised Statutes, is amended  
7 by adding article 2, to read:

8 ARTICLE 2. FIRE DISTRICT FIREFIGHTER HEALTH CARE FUND

9 23-1711. Definitions

10 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

11 1. "COMMISSION" MEANS THE INDUSTRIAL COMMISSION OF ARIZONA.

12 2. "FIRE DISTRICT PAYOR" MEANS ANY OF THE FOLLOWING:

13 (a) A WORKERS' COMPENSATION INSURER THAT IS USED BY A FIRE DISTRICT.

14 (b) A SELF-INSURANCE POOL THAT IS APPROVED PURSUANT TO SECTION  
15 23-961 AND THAT IS USED BY A FIRE DISTRICT.

16 (c) A PUBLIC AGENCY POOL THAT IS ESTABLISHED PURSUANT TO SECTION  
17 11-952.01 AND THAT IS USED BY A FIRE DISTRICT.

18 3. "FIREFIGHTER" MEANS A FULL-TIME FIREFIGHTER WHO IS EMPLOYED BY A  
19 FIRE DISTRICT AND WHO WAS REGULARLY ASSIGNED TO HAZARDOUS DUTY.

20 4. "FUND" MEANS THE FIRE DISTRICT FIREFIGHTER HEALTH CARE FUND  
21 ESTABLISHED BY SECTION 23-1712.

22 23-1712. Fire district firefighter health care fund;  
23 transaction fee; administration; use of monies

24 A. THE FIRE DISTRICT FIREFIGHTER HEALTH CARE FUND IS ESTABLISHED  
25 CONSISTING OF MONIES DEPOSITED IN THE FUND PURSUANT TO SECTION 36-1611.

1 THE COMMISSION SHALL ADMINISTER THE FUND. MONIES IN THE FUND SHALL BE USED  
2 TO PARTIALLY REIMBURSE FIRE DISTRICT PAYORS FOR THE COMPENSATION AND  
3 BENEFITS PAID BY FIRE DISTRICT PAYORS TO FIREFIGHTERS UNDER SECTIONS  
4 23-901.09 AND 23-1105 FOR:

5 1. COMPENSATION FOR TEMPORARY PARTIAL DISABILITY, PERMANENT PARTIAL  
6 DISABILITY AND LOST EARNING CAPACITY AS PRESCRIBED IN SECTION 23-1044.

7 2. COMPENSATION FOR TEMPORARY TOTAL DISABILITY AND PERMANENT TOTAL  
8 DISABILITY AS PRESCRIBED IN SECTION 23-1045.

9 3. MEDICAL, SURGICAL AND HOSPITAL BENEFITS AS PRESCRIBED IN SECTION  
10 23-1062.

11 4. DEATH BENEFITS AS PRESCRIBED IN SECTION 23-1046.

12 B. THE COMMISSION MAY NOT USE MONIES IN THE FUND FOR EXPENSES  
13 RELATING TO CASE MANAGEMENT, VOCATIONAL REHABILITATION OR SIMILAR  
14 NONMEDICAL COSTS.

15 C. MONIES IN THE FUND ARE CONTINUOUSLY APPROPRIATED AND ARE EXEMPT  
16 FROM THE PROVISIONS OF SECTION 35-190 RELATING TO LAPSING OF  
17 APPROPRIATIONS, EXCEPT THAT ANY MONIES IN THE FUND THAT EXCEED \$7,500,000  
18 ON JUNE 30 OF EACH YEAR REVERT TO THE STATE GENERAL FUND.

19 D. THE COMMISSION SHALL ESTABLISH A TRANSACTION FEE BY RULE TO BE  
20 PAID BY PERSONS SELLING FIREWORKS PURSUANT TO TITLE 36, CHAPTER 13,  
21 ARTICLE 1. THE COMMISSION SHALL ADJUST THE FEE AS NECESSARY TO MINIMIZE  
22 THE REVERSION OF MONIES TO THE STATE GENERAL FUND PURSUANT TO SUBSECTION C  
23 OF THIS SECTION.

24 E. THE COMMISSION SHALL ADOPT RULES PURSUANT TO TITLE 41, CHAPTER 6  
25 TO CARRY OUT THIS ARTICLE.

26 Sec. 3. Section 36-1601, Arizona Revised Statutes, is amended to  
27 read:

28 36-1601. Definitions

29 In this article, unless the context otherwise requires:

30 ~~1. "APA 87-1" means the American pyrotechnics association standard~~  
31 ~~87-1, standard for construction and approval for transportation of~~  
32 ~~fireworks, novelties and theatrical pyrotechnics, December 1, 2001 version.~~

1           1. "AERIAL DEVICES" MEANS DEVICES THAT ARE DESIGNED OR INTENDED TO  
2 RISE INTO THE AIR AND EXPLODE OR TO DETONATE IN THE AIR OR TO FLY ABOVE THE  
3 GROUND AND THAT ARE KNOWN AS FIRECRACKERS, BOTTLE ROCKETS, SKY ROCKETS,  
4 MISSILE-TYPE ROCKETS, HELICOPTERS, AERIAL SPINNERS, TORPEDOES, ROMAN  
5 CANDLES, MINE DEVICES, SHELL DEVICES AND AERIAL SHELL KITS OR RELOADABLE  
6 TUBES.

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

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

21           4. "Fireworks":

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

27           (b) Does not include:

28           (i) Toy pistols, toy canes, toy guns or other devices in which paper  
29 caps containing not more than ~~twenty-five hundredths~~ 25/100 grains of  
30 explosive compound are used if constructed so that the hand cannot come in  
31 contact with the cap when in place for the explosion.

1 (ii) Toy pistol paper caps that contain less than ~~twenty-hundredths~~  
2 **20/100** grains of explosive mixture, or fixed ammunition or primers  
3 therefor.

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

7 (iv) Permissible consumer fireworks.

8 5. "Governing body" means the board of supervisors of a county as to  
9 the area within the county but without the corporate limits of an  
10 incorporated city or town and means the governing body of an incorporated  
11 city or town as to the area within its corporate limits.

12 6. "NFPA 1124" means the national fire protection association code  
13 for the manufacture, transportation, storage, ~~and~~ retail sales of  
14 fireworks and pyrotechnic articles, 2013 edition as published in August  
15 2012.

16 7. "Permissible consumer fireworks":

17 (a) Means the following types of consumer fireworks ~~as defined by~~  
18 ~~the APA 87-1:~~

19 (i) Ground and handheld sparkling devices.

20 (ii) Cylindrical fountains.

21 (iii) Cone fountains.

22 (iv) Illuminating torches.

23 (v) Wheels.

24 (vi) Ground spinners.

25 (vii) Flitter sparklers.

26 (viii) Toy smoke devices.

27 (ix) Wire sparklers or dipped sticks.

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

1 (b) Includes: ~~—~~

2 (i) In a county with a population of more than five hundred thousand  
3 persons, adult snappers. For the purposes of this ~~subdivision~~ ITEM, "adult  
4 snapper" means a device that consists of a paper-wrapped or plastic tube  
5 that does not contain a fuse, ~~and~~ THAT produces a single report and THAT  
6 meets all applicable requirements for fuseless firecrackers as defined by  
7 the UNITED STATES consumer product safety commission and the American  
8 fireworks safety laboratory.

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

15 (ii) IN A COUNTY WITH A POPULATION OF LESS THAN FIVE HUNDRED  
16 THOUSAND PERSONS, AERIAL DEVICES.

17 8. "Person" includes an individual, partnership, firm or  
18 corporation.

19 9. "SPECIALTY RETAILER" MEANS A PERSON THAT OPERATES A PERMANENT  
20 RETAIL ESTABLISHMENT THAT MEETS ALL OF THE FOLLOWING:

21 (a) IS LOCATED WITHIN ONE THOUSAND FEET OF AN INTERSTATE HIGHWAY.

22 (b) SELLS NOT MORE THAN TWO MILLION GALLONS OF FUEL ANNUALLY.

23 (c) OBTAINS AT LEAST FIFTEEN PERCENT OF THE RETAIL ESTABLISHMENT'S  
24 SALES FROM PRODUCTS THAT ARE SUBJECT TO THE TRANSACTION PRIVILEGE TAX UNDER  
25 THE RETAIL CLASSIFICATION PURSUANT TO SECTION 42-5061.

26 Sec. 4. Section 36-1606, Arizona Revised Statutes, is amended to  
27 read:

28 36-1606. Consumer fireworks regulation; state preemption;  
29 further regulation of fireworks by local  
30 jurisdiction; exceptions

31 A. The sale and use of permissible consumer fireworks are of  
32 statewide concern. EXCEPT AS PROVIDED IN SUBSECTION D OF THIS SECTION, the  
33 regulation of permissible consumer fireworks pursuant to this article and

1 their sale or use is not subject to further regulation by a governing body,  
2 except as follows:

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

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

8 (b) EXCEPT AS PROVIDED IN SUBSECTION D OF THIS SECTION, prohibit the  
9 sale of permissible consumer fireworks on days other than April 25 through  
10 May 6, May 20 through July 6 and December 10 through January 3 of each year  
11 and two days before the first day of Diwali through the third day of Diwali  
12 each year.

13 (c) Prohibit the use of permissible consumer fireworks on days other  
14 than May 4 through May 6, June 24 through July 6 and December 24 through  
15 January 3 of each year and the second and third days of Diwali of each  
16 year.

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

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

26 (f) Prohibit on all days the use of permissible consumer fireworks  
27 between the hours of 11:00 p.m. and 8:00 a.m., except:

28 (i) Between the hours of 11:00 p.m. on December 31 of each year  
29 through 1:00 a.m. on January 1 of each year.

30 (ii) Between the hours of 11:00 p.m. on July 4 of each year through  
31 1:00 a.m. on July 5 of each year.

1           2. In a county with a population of less 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.

6           (b) EXCEPT AS PROVIDED IN SUBSECTION D OF THIS SECTION, prohibit the  
7 sale of permissible consumer fireworks on days other than May 20 through  
8 July 6 and December 10 through January 3 of each year. The sale of  
9 permissible consumer fireworks may be prohibited on days between May 20  
10 through July 6 and December 10 through January 3 of each year if a federal  
11 or state agency implements a stage one or higher fire restriction. Any  
12 prohibition during those dates is limited to only the dates when the stage  
13 one or higher fire restriction is in place.

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

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

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

29           (f) Prohibit on all days the use of permissible consumer fireworks  
30 between the hours of 11:00 p.m. and 8:00 a.m., except:

31           (i) Between the hours of 11:00 p.m. on December 31 of each year  
32 through 1:00 a.m. on January 1 of each year.

1 (ii) Between the hours of 11:00 p.m. on July 4 of each year through  
2 1:00 a.m. on July 5 of each year.

3 B. A governing body that chooses to regulate, consistent with the  
4 requirements set forth in NFPA 1124 and subsection A of this section, the  
5 sale or use of permissible consumer fireworks may not require any  
6 additional signage requirements for the sale or use of permissible consumer  
7 fireworks other than those signage requirements stipulated in NFPA 1124,  
8 except that additional signage that is eight and one-half inches by eleven  
9 inches in size, that is on cardstock paper in landscape orientation, that  
10 lists the days of that year that are described in subsection A, ~~paragraphs~~  
11 ~~PARAGRAPH 1 and 2~~ of this section relating to the time frame surrounding  
12 Diwali and that contains the following language on a contrasting background  
13 may be posted by the retail sales display of permissible consumer  
14 fireworks:

15 State of Arizona

16 Consumer Fireworks Regulations

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

18 The use of permissible consumer fireworks  
19 as defined under state law is allowed:

20 May 4 - May 6, June 24 - July 6 and December 24 - January 3

21 The sale of permissible consumer fireworks  
22 as defined under state law is allowed:

23 April 25 - May 6, May 20 - July 6 and December 10 - January 3

24 All other fireworks are prohibited, except  
25 as authorized by local fire department permit.

26 The sale and use of novelties known as snappers (pop-its),  
27 party poppers, glow worms, snakes, toy smoke devices and  
28 sparklers are permitted at all times.

29 Permissible consumer fireworks may not be sold to  
30 persons under sixteen years of age.

31 Check with your local fire department for additional  
32 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.

6 D. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION:

7 1. A COUNTY MAY PROHIBIT THE SALE OF AERIAL DEVICES, EXCEPT THAT A  
8 SPECIALTY RETAILER MAY SELL PERMISSIBLE CONSUMER FIREWORKS EVERY DAY OF THE  
9 YEAR IN EACH COUNTY OF THIS STATE, INCLUDING AERIAL DEVICES IN COUNTIES  
10 WITH A POPULATION OF LESS THAN FIVE HUNDRED THOUSAND PERSONS.

11 2. THE LIMITS ON THE SALE OF PERMISSIBLE CONSUMER FIREWORKS  
12 PRESCRIBED IN THIS SECTION DO NOT APPLY TO A SPECIALTY RETAILER.

13 Sec. 5. Section 36-1608, Arizona Revised Statutes, is amended to  
14 read:

15 36-1608. Violations; civil penalty; classification

16 A. A person ~~violating a provision~~ WHO USES CONSUMER FIREWORKS IN  
17 VIOLATION of this article is subject to a civil penalty of ~~one thousand~~  
18 ~~dollars~~ \$1,000.

19 B. A PERSON WHO SELLS CONSUMER FIREWORKS IN VIOLATION OF THIS  
20 ARTICLE IS SUBJECT TO A CIVIL PENALTY OF \$2,500.

21 ~~B.~~ C. A person who uses fireworks or permissible consumer fireworks  
22 on preservation lands owned by a city or town that has purchased more than  
23 fifteen thousand acres of land for preservation purposes is guilty of a  
24 class 1 misdemeanor and shall pay a fine of at least ~~one thousand dollars~~  
25 \$1,000.

26 Sec. 6. Title 36, chapter 13, article 1, Arizona Revised Statutes,  
27 is amended by adding section 36-1611, to read:

28 36-1611. Transaction fee; collection

29 A. IN ADDITION TO ANY STATE AND LOCAL TRANSACTION PRIVILEGE TAX, A  
30 PERSON WHO SELLS CONSUMER FIREWORKS PURSUANT TO THIS ARTICLE SHALL PAY THE  
31 TRANSACTION FEE ESTABLISHED PURSUANT TO SECTION 23-1712.

32 B. THE FEE SHALL BE PAID TO THE DEPARTMENT OF REVENUE FOR DEPOSIT IN  
33 THE FIRE DISTRICT FIREFIGHTER HEALTH CARE FUND ESTABLISHED BY SECTION

1 23-1712. UNLESS THE CONTEXT OTHERWISE REQUIRES, TITLE 42, CHAPTER 5,  
2 ARTICLE 1 GOVERNS THE ADMINISTRATION OF THE FEE IMPOSED BY THIS SECTION,  
3 EXCEPT THAT:

4 1. A SEPARATE LICENSE IS NOT REQUIRED FOR THE FEE IMPOSED BY THIS  
5 SECTION. THE FEE SHALL BE REPORTED AND PAID ON FORMS PRESCRIBED BY THE  
6 DEPARTMENT OF REVENUE.

7 2. A SEPARATE BOND IS NOT REQUIRED OF EMPLOYEES OF THE DEPARTMENT OF  
8 REVENUE IN ADMINISTERING THE FEE.

9 3. THE FEE IMPOSED BY THIS SECTION MAY BE INCLUDED WITHOUT  
10 SEGREGATION IN ANY NOTICE AND LIEN FILED FOR UNPAID TRANSACTION PRIVILEGE  
11 TAXES.

12 4. THE FEE IMPOSED BY THIS SECTION MAY NOT BE INCLUDED IN COMPUTING  
13 THE TAX BASE, GROSS PROCEEDS OF SALES OR GROSS INCOME FROM THE FIREWORKS  
14 FOR THE PURPOSES OF TITLE 42, CHAPTER 5 AND IS NOT SUBJECT TO ANY  
15 TRANSACTION PRIVILEGE, SALES, USE OR OTHER SIMILAR TAX LEVIED BY A CITY,  
16 TOWN, OR SPECIAL TAXING DISTRICT."

17 Amend title to conform

DAVID LIVINGSTON

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