

REFERENCE TITLE: fireworks; aerals; licensure; penalties

State of Arizona
Senate
Fifty-seventh Legislature
First Regular Session
2025

SB 1284

Introduced by
Senator Gowan

AN ACT

AMENDING SECTIONS 36-1601, 36-1605, 36-1606, 36-1607, 36-1608 AND 36-1609,
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~~ 87-1A" means the American pyrotechnics association
7 standard ~~87-1~~ 87-1A, standard for construction and approval for
8 transportation of ~~fireworks, novelties and theatrical pyrotechnics,~~
9 ~~December 1, 2001~~ CONSUMER FIREWORKS 2018 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~~ 87-1A.

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~~ 87-1B.

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~~ 25/100 grains
33 of explosive compound are used if constructed so that the hand cannot come
34 in contact with the cap when in place for the explosion.

35 (ii) Toy pistol paper caps that contain less than ~~twenty-hundredths~~
36 20/100 grains of explosive mixture, or fixed ammunition or primers
37 therefor.

38 (iii) Federally deregulated novelty items that are known as
39 snappers, snap caps, party poppers, glow worms, snakes, toy smoke devices
40 and sparklers AS DEFINED IN APA 87-1A 3.2.1.

41 (iv) Permissible consumer fireworks.

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

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

7. "Permissible consumer fireworks":

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

(i) Ground ~~and handheld sparkling~~ devices, INDIVIDUAL AS DEFINED IN APA 87-1A 3.2.2, NOT INCLUDING FUSED FIRECRACKERS.

~~(ii) Cylindrical fountains.~~

~~(iii) Cone fountains.~~

~~(iv) Illuminating torches.~~

~~(v) Wheels.~~

~~(vi) Ground spinners.~~

~~(vii) Flitter sparklers.~~

~~(viii) Toy smoke devices.~~

~~(ix) Wire sparklers or dipped sticks.~~

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

(ii) CAKE AND COMBINATION DEVICES AS DEFINED IN APA 87-1A 3.2.4.

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

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

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

9. "WHOLESALER" MEANS ANY PERSON THAT IS ENGAGED IN THE BUSINESS OF SELLING PERMISSIBLE CONSUMER FIREWORKS TO PERMANENT OR TEMPORARY SEASONAL RETAILERS AT WHOLESALE.

1 Sec. 2. Section 36-1605, Arizona Revised Statutes, is amended to
2 read:

3 36-1605. Permitted uses; violations; civil penalties

4 A. This article does not prohibit:

5 1. The sale at wholesale by a resident wholesaler, dealer or jobber
6 of fireworks that are not prohibited by this article.

7 2. The sale of fireworks to bona fide wholesalers, dealers or
8 jobbers that are to be and are shipped directly out of ~~the~~ THIS state, if
9 the seller of fireworks under this paragraph maintains for a period of
10 five years and makes available on request to the office of the state fire
11 marshal or the local fire marshal, as applicable, the following
12 information:

13 (a) The name and address of each bona fide wholesaler, dealer or
14 jobber for which a shipment is to be and is made directly out of ~~the~~ THIS
15 state, including each wholesaler's, dealer's and jobber's applicable state
16 fireworks permit.

17 (b) An invoice for each sale for which a shipment is to be and is
18 made directly out of ~~the~~ THIS state that contains a detailed listing of
19 the products sold for the shipment that is to be and is made directly out
20 of ~~the~~ THIS state.

21 (c) A bill of lading for each shipment that is to be and is shipped
22 directly out of ~~the~~ THIS state that contains both of the following:

23 (i) The name and address of the out-of-state shipment destination.

24 (ii) The name of the private carrier making the out-of-state
25 delivery.

26 (d) A statement from each bona fide wholesaler, dealer or jobber
27 purchasing fireworks that are to be and are shipped directly out of ~~the~~
28 THIS state that contains both of the following:

29 (i) The purpose for which the fireworks that are to be and are
30 shipped directly out of ~~the~~ THIS state are to be used, including the
31 location where the fireworks will be used.

32 (ii) That the fireworks that are not permissible fireworks in this
33 state are for sale or use only outside of this state.

34 3. The use of fireworks by railroads or other transportation
35 agencies for signal purposes or illumination.

36 4. The sale or use of explosives for blasting or other legitimate
37 industrial purposes.

38 5. The use of fireworks or explosives, or both, by farmers, ~~—~~ AND
39 ranchers and their employees who are regulated under title 3, and by state
40 and federal employees who manage wildlife resources, to rally, drive or
41 otherwise disperse concentrations of wildlife for the purpose of
42 protecting property or wildlife, if the seller of fireworks for use under
43 this paragraph maintains for a period of five years and makes available on

request to the office of the state fire marshal or the local fire marshal, as applicable, all of the following information:

(a) The name and address of each person or business purchasing fireworks for use pursuant to this paragraph.

(b) A copy of one of the following types or categories of current licenses issued by the Arizona department of agriculture for each person or business purchasing fireworks for use pursuant to this paragraph:

(i) Dairy and milk license.

(ii) Egg and egg products license.

(iii) Feedlot license.

(iv) Citrus, fruit and vegetable license.

(v) Brand license.

(vi) Pesticide use license.

(c) A statement from each person or business purchasing fireworks for use pursuant to this paragraph that contains the purpose for which the fireworks are to be used, including the location where the fireworks will be used.

6. The sale of permissible consumer fireworks by a retail establishment if the retail establishment complies with the rules adopted pursuant to section 36-1609, **EXCEPT THAT PERMISSIBLE FIREWORKS MAY NOT BE SOLD IN TENTS, CANOPIES OR MEMBRANE STRUCTURES.**

7. The use of permissible consumer fireworks by the general public, unless the use is prohibited by a governing body of an incorporated city or town.

B. A person who fails to maintain or to make available on request information as required by subsection A, paragraph 2 of this section is subject to a civil penalty of ~~five hundred dollars~~ **\$500** per violation. A person who attempts to purchase fireworks that are to be and are shipped directly out of the state pursuant to subsection A, paragraph 2 of this section, other than permissible fireworks, for use in this state is subject to a civil penalty of ~~one hundred fifty dollars~~ **\$150** per violation. A seller of fireworks who attempts either to sell fireworks pursuant to subsection A, paragraph 2 of this section, other than permissible fireworks, for use in this state or to aid a purchaser in purchasing fireworks pursuant to subsection A, paragraph 2 of this section, other than permissible fireworks, for use in this state is subject to a civil penalty of ~~one thousand dollars~~ **\$1,000** per violation, and the office of the state fire marshal or the local fire marshal, as applicable, may prohibit the seller from selling permissible fireworks in this state or the applicable jurisdiction.

C. A person who fails to maintain or to make available on request records as required by subsection A, paragraph 5 of this section is subject to a civil penalty of ~~five hundred dollars~~ **\$500** per violation. A person who attempts to use fireworks purchased pursuant to subsection A,

1 paragraph 5 of this section for a use other than the use authorized
2 pursuant to subsection A, paragraph 5 of this section is subject to a
3 civil penalty of ~~one hundred fifty dollars~~ \$150 per violation. A seller
4 of fireworks under subsection A, paragraph 5 of this section who attempts
5 either to sell fireworks to a purchaser for use in this state other than
6 the use authorized by subsection A, paragraph 5 of this section or to aid
7 a purchaser in purchasing fireworks for use in this state other than as
8 authorized by subsection A, paragraph 5 of this section is subject to a
9 civil penalty of ~~one thousand dollars~~ \$1,000 per violation, and the office
10 of the state fire marshal or the local fire marshal, as applicable, may
11 prohibit the seller from selling permissible fireworks in this state or
12 the applicable jurisdiction.

13 Sec. 3. Section 36-1606, Arizona Revised Statutes, is amended to
14 read:

15 36-1606. Consumer fireworks regulation; state preemption;
16 further regulation of fireworks by local
17 jurisdiction

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

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

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

27 (b) Prohibit the sale of permissible consumer fireworks on days
28 other than April 25 through May 6, May 20 through July 6 and December 10
29 through January 3 of each year and two days before the first day of Diwali
30 through the third day of Diwali each year.

31 (c) Prohibit the use of permissible consumer fireworks on days
32 other than May 4 through May 6, June 24 through July 6 and December 26
33 through January 4 of each year and the second and third days of Diwali of
34 each year.

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

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

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

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

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

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

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

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

(c) Prohibit the use of permissible consumer fireworks on days other than June 24 through July 6 and December 26 through January 4 of each year. The use of permissible consumer fireworks may be prohibited during June 24 through July 6 and December 26 through January 4 of each year if a federal or state agency implements a stage one or higher fire restriction. Any prohibition during those dates is limited to only the dates when the stage one or higher fire restriction is in place.

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

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

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

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

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

B. A governing body that chooses to regulate, consistent with the requirements set forth in NFPA 1124 and subsection A of this section, the sale or use of permissible consumer fireworks may not require any additional signage requirements for the sale or use of permissible consumer fireworks other than those signage requirements stipulated in

NFPA 1124, except that additional signage that is eight and one-half inches by eleven inches in size, that is on cardstock paper in landscape orientation, that lists the days of that year that are described in subsection A, paragraph 1 of this section relating to the time frame surrounding Diwali and that contains the following language on a contrasting background may be posted by the retail sales display of permissible consumer fireworks:

State of Arizona

Consumer Fireworks Regulations

Arizona Revised Statutes section 36-1601, et al.

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

May 4 - May 6, June 24 - July 6 and December 26 - January 4

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

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

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

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

Permissible consumer fireworks may not be sold to persons under ~~sixteen~~ EIGHTEEN years of age.

Check with your local fire department for additional regulations and dates before using.

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

Sec. 4. Section 36-1607, Arizona Revised Statutes, is amended to read:

36-1607. Seizure; enforcement

A. The OFFICE OF THE STATE FIRE MARSHAL, THE Arizona highway patrol, ~~or~~ any sheriff or other peace officer OR A MUNICIPAL OR COUNTY FIRE MARSHAL shall seize, remove or cause to be removed, at the expense of the owner, all fireworks or combustibles offered or exposed for sale, stored or possessed in violation of this article.

B. In addition to the persons specified in subsection A of this section, a fire marshal working for or contracted with a city, town, fire district or county may seize, remove or cause to be removed all fireworks THAT ARE for sale, ~~or~~ offered for sale, OR STORED OR POSSESSED IN VIOLATION OF THIS ARTICLE AND THAT ARE in the fire marshal's jurisdiction. The city, town, fire district or county may impose a fine on the owner of

the fireworks that at a minimum covers the cost of ~~the enforcement of~~
ENFORCING this subsection.

C. A person that has fireworks confiscated more than two times in a five-year period is prohibited from selling permissible consumer fireworks in this state for the three succeeding years following the most recent violation. THIS SUBSECTION APPLIES TO A WHOLESALER AND INCLUDES THE REVOCATION OF A WHOLESALER'S REGISTRATION PURSUANT TO SECTION 36-1609, SUBSECTION C.

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

36-1608. Violations; civil penalties; classification

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

B. A PERSON WHO SELLS FIREWORKS IN VIOLATION OF THIS ARTICLE IS SUBJECT TO A CIVIL PENALTY OF \$5,000.

~~B.~~ C. A person who uses fireworks or permissible consumer fireworks on preservation lands owned by a city or town that has purchased more than fifteen thousand acres of land for preservation purposes is guilty of a class 1 misdemeanor and shall pay a fine of at least ~~one thousand dollars~~ \$5,000.

Sec. 6. Section 36-1609, Arizona Revised Statutes, is amended to read:

36-1609. Office of the state fire marshal; adoption of code; sale of permissible consumer fireworks; annual licensure and registration; fees; minimum age

A. The office of the state fire marshal shall adopt rules pursuant to title 41, chapter 6 to carry out this article, including a rule that adopts the national fire protection association code for the manufacture, transportation, storage and retail sales of fireworks and pyrotechnic articles, 2013 edition as published in August, 2012. A person who sells permissible consumer fireworks to the public shall comply with those rules relating to the storage of consumer fireworks and relating to the retail sales of consumer fireworks before selling permissible consumer fireworks to the public.

B. A PERSON SHALL ANNUALLY OBTAIN A LICENSE FROM THE OFFICE OF THE STATE FIRE MARSHAL TO SELL PERMISSIBLE CONSUMER FIREWORKS. THE LOCATION FROM WHICH THE PERMISSIBLE CONSUMER FIREWORKS ARE SOLD SHALL COMPLY WITH NFPA 1124 RELATING TO THE STORAGE OF CONSUMER FIREWORKS AND TO THE RETAIL SALES OF CONSUMER FIREWORKS BEFORE SELLING THE PERMISSIBLE CONSUMER FIREWORKS TO THE PUBLIC. THE STATE FIRE MARSHAL SHALL ESTABLISH THE ANNUAL LICENSING FEE IN RULE. A PERSON WHO IS REQUIRED TO BE LICENSED PURSUANT TO THIS SUBSECTION AND WHO RECEIVES THREE VIOLATIONS IN A

1 THIRTY-SIX-MONTH PERIOD MAY NOT HOLD A LICENSE ISSUED PURSUANT TO THIS
2 SUBSECTION FOR FIVE YEARS.

3 C. A WHOLESALER THAT IS ENGAGED IN OFFERING PERMISSIBLE CONSUMER
4 FIREWORKS TO PERMANENT OR TEMPORARY SEASONAL RETAILERS AT WHOLESALE SHALL
5 ANNUALLY REGISTER WITH THE STATE FIRE MARSHAL USING A FORM PRESCRIBED BY
6 THE STATE FIRE MARSHAL. THE STATE FIRE MARSHAL MAY ESTABLISH AN ANNUAL
7 WHOLESALER REGISTRATION FEE IN RULE.

8 ~~B.~~ D. A person shall not sell or ~~permit~~ ALLOW or authorize the
9 sale of permissible consumer fireworks to a person who is under sixteen
10 years of age.