House Engrossed

FILED
MICHELE REAGAN
SECRETARY OF STATE

State of Arizona
House of Representatives
Fifty-second Legislature
First Regular Session
2015

CHAPTER 274

HOUSE BILL 2008

AN ACT

AMENDING SECTION 36-1601, ARIZONA REVISED STATUTES; REPEALING SECTION 36-1606, ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 13, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 36-1606; RELATING TO FIREWORKS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

36-1601. Definitions

In this article, unless the context otherwise requires:

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

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

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

4. "Fireworks":

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

(b) Does not include:

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

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

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

(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.

~~6.~~ 7. "Permissible consumer fireworks":

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

(i) Ground and handheld sparkling devices.

(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.

(b) 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 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.

~~7.~~ 8. "Person" includes an individual, partnership, firm or corporation.

Sec. 2. Repeal

Section 36-1606, Arizona Revised Statutes, is repealed.

Sec. 3. Title 36, chapter 13, article 1, Arizona Revised Statutes, is amended by adding a new section 36-1606, to read:

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

A. THE SALE AND USE OF PERMISSIBLE CONSUMER FIREWORKS ARE OF STATEWIDE CONCERN. THE REGULATION OF PERMISSIBLE CONSUMER FIREWORKS PURSUANT TO THIS ARTICLE AND THEIR SALE OR USE IS NOT SUBJECT TO FURTHER REGULATION BY A GOVERNING BODY, EXCEPT AS FOLLOWS:

1. IN A COUNTY WITH A POPULATION OF MORE 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 WITHIN ITS CORPORATE LIMITS.

(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.

(c) PROHIBIT THE USE OF PERMISSIBLE CONSUMER FIREWORKS ON DAYS OTHER THAN JUNE 24 THROUGH JULY 6 AND DECEMBER 24 THROUGH JANUARY 3 OF EACH YEAR.

(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.

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 24 THROUGH JANUARY 3 OF EACH YEAR. THE USE OF PERMISSIBLE CONSUMER FIREWORKS MAY BE PROHIBITED DURING JUNE 24 THROUGH JULY 6 AND DECEMBER 24 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 GREATER 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.

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 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:
JUNE 24 - JULY 6 AND DECEMBER 24 - JANUARY 3
THE SALE OF PERMISSIBLE CONSUMER FIREWORKS
AS DEFINED UNDER STATE LAW IS ALLOWED:
MAY 20 - JULY 6 AND DECEMBER 10 - JANUARY 3

1 ALL OTHER FIREWORKS ARE PROHIBITED, EXCEPT
2 AS AUTHORIZED BY LOCAL FIRE DEPARTMENT PERMIT.
3 THE SALE AND USE OF NOVELTIES KNOWN AS SNAPPERS (POP-ITS),
4 PARTY POPPERS, GLOW WORMS, SNAKES, TOY SMOKE DEVICES AND
5 SPARKLERS ARE PERMITTED AT ALL TIMES.
6 PERMISSIBLE CONSUMER FIREWORKS MAY NOT BE SOLD TO
7 PERSONS UNDER SIXTEEN YEARS OF AGE.
8 CHECK WITH YOUR LOCAL FIRE DEPARTMENT FOR ADDITIONAL
9 REGULATIONS AND DATES BEFORE USING.
10 C. THIS ARTICLE DOES NOT PROHIBIT THE IMPOSITION BY ORDINANCE OF
11 FURTHER REGULATIONS AND PROHIBITIONS BY A GOVERNING BODY ON THE SALE, USE AND
12 POSSESSION OF FIREWORKS OTHER THAN PERMISSIBLE CONSUMER FIREWORKS. A
13 GOVERNING BODY MAY NOT ALLOW OR AUTHORIZE THE SALE, USE OR POSSESSION OF ANY
14 FIREWORKS IN VIOLATION OF THIS ARTICLE.

APPROVED BY THE GOVERNOR APRIL 13, 2015.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 14, 2015.

Passed the House March 9, 2015

by the following vote: 32 Ayes,

27 Nays, 1 Not Voting

Speaker of the House

☐ Pro Tempore

Chief Clerk of the House

Passed the Senate March 30, 2015

by the following vote: 26 Ayes,

3 Nays, 1 Not Voting

President of the Senate

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

31st day of March, 2015

at 12:22 o'clock P. M.

Secretary to the Governor

Approved this 13th day of

April

at 9:59 o'clock A M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this ~~31st~~ 14th day of ~~March~~ April, 20 ~~15~~ 15 KF

at ~~11:00~~ 10:00 o'clock ~~A~~ A M.

Secretary of State

H.B. 2008