

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2008

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

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 fireworks,
8 novelties and theatrical pyrotechnics, December 1, 2001 version.

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

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

22 4. "Fireworks":

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

1 compound are used if constructed so that the hand cannot come in contact with
2 the cap when in place for the explosion.

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

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

8 (iv) Permissible consumer fireworks.

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

13 6. "NFPA 1124" MEANS THE NATIONAL FIRE PROTECTION ASSOCIATION CODE FOR
14 THE MANUFACTURE, TRANSPORTATION, STORAGE AND RETAIL SALES OF FIREWORKS AND
15 PYROTECHNIC ARTICLES, 2013 EDITION AS PUBLISHED IN AUGUST 2012.

16 ~~6.~~ 7. "Permissible consumer fireworks":

17 (a) Means the following types of consumer fireworks as defined by the
18 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 accordance
30 with section 3.5 of the APA 87-1.

31 (b) Does not include anything that is designed or intended to rise
32 into the air and explode or to detonate in the air or to fly above the

1 ground, including firework items defined by the APA 87-1 and known as
2 firecrackers, bottle rockets, sky rockets, missile-type rockets, helicopters,
3 aerial spinners, torpedoes, roman candles, mine devices, shell devices and
4 aerial shell kits or reloadable tubes.

5 ~~7.~~ 8. "Person" includes an individual, partnership, firm or
6 corporation.

7 Sec. 2. Repeal

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

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

11 36-1606. Consumer fireworks regulation; state preemption; further
12 regulation of fireworks by local jurisdiction

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

17 1. IN A COUNTY WITH A POPULATION OF MORE THAN FIVE HUNDRED THOUSAND
18 PERSONS, A CITY OR TOWN WITHIN ITS CORPORATE LIMITS OR THE COUNTY WITHIN THE
19 UNINCORPORATED AREAS OF THE COUNTY MAY DO ALL OF THE FOLLOWING:

20 (a) REGULATE, CONSISTENT WITH THE STANDARDS SET FORTH IN NFPA 1124,
21 THE SALE OF PERMISSIBLE CONSUMER FIREWORKS WITHIN ITS CORPORATE LIMITS.

22 (b) PROHIBIT THE SALE OF PERMISSIBLE CONSUMER FIREWORKS ON DAYS OTHER
23 THAN MAY 20 THROUGH JULY 6 AND DECEMBER 10 THROUGH JANUARY 3 OF EACH YEAR.

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

26 (d) PROHIBIT ON ALL DAYS THE USE OF PERMISSIBLE CONSUMER FIREWORKS
27 WITHIN A ONE HUNDRED FOOT RADIUS OF THE BORDER OF PRESERVATION LANDS OWNED BY
28 A CITY OR TOWN THAT HAS PURCHASED MORE THAN FIFTEEN THOUSAND ACRES OF LAND
29 FOR PRESERVATION PURPOSES.

30 (e) PROHIBIT ON ANY DAY THE USE OF PERMISSIBLE CONSUMER FIREWORKS ON
31 PUBLIC PROPERTY OR WITHIN ONE HUNDRED FEET OF ANY HOSPITAL OR PUBLIC SCHOOL.

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 THE
3 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) PROHIBIT THE SALE OF PERMISSIBLE CONSUMER FIREWORKS ON DAYS OTHER
7 THAN MAY 20 THROUGH JULY 6 AND DECEMBER 10 THROUGH JANUARY 3 OF EACH YEAR.
8 THE SALE OF PERMISSIBLE CONSUMER FIREWORKS MAY BE PROHIBITED ON DAYS BETWEEN
9 MAY 20 THROUGH JULY 6 AND DECEMBER 10 THROUGH JANUARY 3 OF EACH YEAR IF A
10 FEDERAL OR STATE AGENCY IMPLEMENTS A STAGE ONE OR HIGHER FIRE RESTRICTION.
11 ANY PROHIBITION DURING THOSE DATES IS LIMITED TO ONLY THE DATES WHEN THE
12 STAGE ONE OR HIGHER FIRE RESTRICTION IS IN PLACE.

13 (c) PROHIBIT THE USE OF PERMISSIBLE CONSUMER FIREWORKS ON DAYS OTHER
14 THAN JUNE 24 THROUGH JULY 6 AND DECEMBER 24 THROUGH JANUARY 3 OF EACH YEAR.
15 THE USE OF PERMISSIBLE CONSUMER FIREWORKS MAY BE PROHIBITED DURING JUNE 24
16 THROUGH JULY 6 AND DECEMBER 24 THROUGH JANUARY 3 OF EACH YEAR IF A FEDERAL OR
17 STATE AGENCY IMPLEMENTS A STAGE ONE OR HIGHER FIRE RESTRICTION. ANY
18 PROHIBITION DURING THOSE DATES IS LIMITED TO ONLY THE DATES WHEN THE STAGE
19 ONE OR GREATER FIRE RESTRICTION IS IN PLACE.

20 (d) PROHIBIT ON ALL DAYS THE USE OF PERMISSIBLE CONSUMER FIREWORKS
21 WITHIN A ONE HUNDRED FOOT RADIUS OF THE BORDER OF PRESERVATION LANDS OWNED BY
22 A CITY OR TOWN THAT HAS PURCHASED MORE THAN FIFTEEN THOUSAND ACRES OF LAND
23 FOR PRESERVATION PURPOSES.

24 (e) PROHIBIT ON ANY DAY THE USE OF PERMISSIBLE CONSUMER FIREWORKS ON
25 PUBLIC PROPERTY OR WITHIN ONE HUNDRED FEET OF ANY HOSPITAL OR PUBLIC SCHOOL.

26 B. A GOVERNING BODY THAT CHOOSES TO REGULATE, CONSISTENT WITH THE
27 REQUIREMENTS SET FORTH IN NFPA 1124 AND SUBSECTION A OF THIS SECTION, THE
28 SALE OR USE OF PERMISSIBLE CONSUMER FIREWORKS MAY NOT REQUIRE ANY ADDITIONAL
29 SIGNAGE REQUIREMENTS FOR THE SALE OR USE OF PERMISSIBLE CONSUMER FIREWORKS
30 OTHER THAN THOSE SIGNAGE REQUIREMENTS STIPULATED IN NFPA 1124, EXCEPT THAT
31 ADDITIONAL SIGNAGE THAT IS EIGHT AND ONE-HALF INCHES BY ELEVEN INCHES IN
32 SIZE, THAT IS ON CARDSTOCK PAPER IN LANDSCAPE ORIENTATION AND THAT CONTAINS

1 THE FOLLOWING LANGUAGE ON A CONTRASTING BACKGROUND MAY BE POSTED BY THE
2 RETAIL SALES DISPLAY OF PERMISSIBLE CONSUMER FIREWORKS:

3 STATE OF ARIZONA
4 CONSUMER FIREWORKS REGULATIONS
5 ARIZONA REVISED STATUTES SECTION 36-1601, ET AL.
6 THE USE OF PERMISSIBLE CONSUMER FIREWORKS
7 AS DEFINED UNDER STATE LAW IS ALLOWED:
8 JUNE 24 - JULY 6 AND DECEMBER 24 - JANUARY 3
9 THE SALE OF PERMISSIBLE CONSUMER FIREWORKS
10 AS DEFINED UNDER STATE LAW IS ALLOWED:
11 MAY 20 - JULY 6 AND DECEMBER 10 - JANUARY 3
12 ALL OTHER FIREWORKS ARE PROHIBITED, EXCEPT
13 AS AUTHORIZED BY LOCAL FIRE DEPARTMENT PERMIT.
14 THE SALE AND USE OF NOVELTIES KNOWN AS SNAPPERS (POP-ITS),
15 PARTY POPPERS, GLOW WORMS, SNAKES, TOY SMOKE DEVICES AND
16 SPARKLERS ARE PERMITTED AT ALL TIMES.
17 PERMISSIBLE CONSUMER FIREWORKS MAY NOT BE SOLD TO
18 PERSONS UNDER SIXTEEN YEARS OF AGE.
19 CHECK WITH YOUR LOCAL FIRE DEPARTMENT FOR ADDITIONAL
20 REGULATIONS AND DATES BEFORE USING.

21 C. THIS ARTICLE DOES NOT PROHIBIT THE IMPOSITION BY ORDINANCE OF
22 FURTHER REGULATIONS AND PROHIBITIONS BY A GOVERNING BODY ON THE SALE, USE
23 AND POSSESSION OF FIREWORKS OTHER THAN PERMISSIBLE CONSUMER FIREWORKS. A
24 GOVERNING BODY MAY NOT ALLOW OR AUTHORIZE THE SALE, USE OR POSSESSION OF
25 ANY FIREWORKS IN VIOLATION OF THIS ARTICLE."

26 Amend title to conform

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2/17/15
8:37 AM
H:ajs

2008bt*
02/16/2015
04:17 PM
C: mjh