



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

Senate: COM DPA/SE 6-0-1-0 | 3rd Read 21-8-1-0

House: COM DP 7-1-1-1

SB 1188: regulation; permissible consumer fireworks

Sponsor: Senator Mesnard, LD 13

House Engrossed

Overview

Changes the days in which a local governing body cannot prohibit the use of permissible consumer fireworks.

History

Current statute provides a state preemption on the regulation of the sale and use of permissible consumer fireworks. However, permits a local governing body, to a certain extent based on county population, to regulate and prohibit the sale and use of permissible consumer fireworks. Specifically, a local governing body, regardless of county population, may: 1) prohibit the use of permissible consumer fireworks on days other than June 24 through July 6 and December 24 through January 3; and 2) prohibit on all days the use of fireworks within a one-mile radius of the border of preservation lands. A local governing body in a county with a population of more than 500,000 may prohibit the use of permissible consumer fireworks except during the second and third days of Diwali of each year.

The dates on the use of permissible consumer fireworks, along with permissible fireworks and age requirements to buy fireworks, must be outlined and posted by retailers selling consumer fireworks ([A.R.S. § 36-1606](#)).

[Diwali](#), also known as new moon day, is a five day-long festival that is observed on the 15th day of the 8th month on India's calendar. While the date of Diwali changes every year, it typically falls between October and November.

Permissible consumer fireworks are the following types of fireworks as defined by the American Pyrotechnics Association (APA): 1) ground and handheld sparkling devices; 2) cylindrical fountains; 3) cone fountains; 4) illuminating torches; 5) wheels; 6) ground spinners; 7) flitter sparklers; 8) toy smoke devices; 9) wire sparklers or dipped sticks; and 10) multiple tube ground and handheld sparkling devices, cylindrical fountains, cone fountains and illuminating torches manufactured to the APA's standards ([A.R.S. § 36-1601](#)).

Provisions

1. Modifies the time frame in which a local governing body cannot prohibit the use of permissible consumer fireworks:
 - a) from between June 24 through July 6 to between June 24 through July 7; and
 - b) from between December 24 through January 3 to between December 26 through January 3. (Sec. 1)
2. Makes a technical and conforming change. (Sec. 1)

Prop 105 (45 votes)
 Prop 108 (40 votes)
 Emergency (40 votes)
 Fiscal Note