



2025 South Dakota Legislature

House Bill 1064

Introduced by: **Representative Jordan**

1 **An Act to permit the selling of fireworks throughout the year.**

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 **Section 1. That § 34-37-2 be AMENDED:**

4 **34-37-2.** A person is guilty of a Class 1 misdemeanor if the person sells, holds for
5 sale, or offers for sale, as wholesaler or retailer, any fireworks in this state without a
6 license as a wholesaler or retailer issued under this chapter.

7 Application for a license as a wholesaler or retailer ~~shall~~ must be made to the
8 Department of Public Safety on forms ~~to be~~ prescribed by the department. An application
9 ~~shall~~ must be accompanied by an application fee of five hundred dollars for a wholesaler's
10 license, and twenty-five dollars for a retailer's license.

11 ~~In addition to a license as a retailer issued under this section, a retailer shall obtain~~
12 ~~a retailer sales license for a fee of twenty five dollars, for each sales period specified in~~
13 ~~§ 34-37-10, during which a retailer may sell fireworks. An application for the retailer sales~~
14 ~~license in any year shall be received by the department no later than fifteen days before~~
15 ~~the beginning of the sales period. Any application for a retailer sales license received after~~
16 ~~that date shall be denied by the department and returned to the applicant, together with~~
17 ~~any application fee submitted. The retailer sales license expires sixty days after the end~~
18 ~~of the sales period and is renewable annually until the application deadline for the~~
19 ~~corresponding sales period. The retailer licensee shall at all times display the retailer sales~~
20 ~~license at the retailer's place of business.~~

21 Any funds received by the department under this section ~~shall~~ must be deposited
22 in the state general fund.

23 **Section 2. That § 34-37-2.2 be AMENDED:**

24 **34-37-2.2.** ~~In addition to any license required under § 34-37-2, for any sales to~~
25 ~~out of state residents, a retailer licensee may obtain:~~

1 ~~(1) An early season license to operate from May first to June twenty-sixth, with a~~
2 ~~required fee of one thousand dollars; or~~

3 ~~(2) A late season license to operate from July sixth to August thirty first, and from~~
4 ~~December twenty-eighth to January first, with a required fee of one thousand dollars.~~

5 ~~A retailer licensee with a license issued under this section that is located west of~~
6 ~~the Missouri River shall provide any consumer with a copy of any law that prohibits the~~
7 ~~use of fireworks, and a map of the Black Hills Forest Fire Protection District, with any sale~~
8 ~~of fireworks, other than any a sale occurring from June twenty-seventh to July fifth.~~

9 ~~A violation of this section is a Class 1 misdemeanor.~~

10 **Section 3. That § 34-37-10 be REPEALED.**

11 ~~A person is guilty of a Class 1 misdemeanor if the person offers any fireworks for~~
12 ~~sale to any other person at retail other than during the period between June twenty-~~
13 ~~seventh and July fifth or during the period between December twenty-eighth and January~~
14 ~~first.~~

15 ~~A person who is issued a license under § 34-37-2.2 may sell fireworks to out-of-~~
16 ~~state residents for the periods designated in § 34-37-2.2. A person who is issued a late~~
17 ~~season license under § 34-37-2.2 or a retailer license under § 34-37-2 may sell any~~
18 ~~fireworks to residents and nonresidents during the period from December twenty-eighth~~
19 ~~to January first.~~

20 ~~A retail licensee may not make any sale of fireworks between the hours of twelve~~
21 ~~a.m. and seven a.m.~~