

DISCHARGE OF FIREWORKS AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Rex P. Shipp

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies a provision relating to the discharge of fireworks.

Highlighted Provisions:

This bill:

- ▶ adds a date to the dates on which certain fireworks may be discharged.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53-7-225, as last amended by Laws of Utah 2023, Chapter 341

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **53-7-225** is amended to read:

53-7-225. Times for sale and discharge of fireworks -- Criminal penalty --

Permissible closure of certain areas -- Maps and signage.

(1) Except as provided in Section **53-7-221**, this section supersedes any other code provision regarding the sale or discharge of fireworks.

(2) A person may sell class C common state approved explosives in the state as



28 follows:

29 (a) beginning on June 24 and ending on July 25;

30 (b) beginning on December 29 and ending on December 31; and

31 (c) two days before and on the Chinese New Year's eve.

32 (3) A person may not discharge class C common state approved explosives in the state
33 except as follows:

34 (a) between the hours of 11 a.m. and 11 p.m., except that on July 4 and July 24, the
35 hours are 11 a.m. to midnight:

36 (i) beginning on July 2 and ending on July 5; and

37 (ii) beginning on July 22 and ending on July 25;

38 (b) between the hours of 11 a.m. and 11 p.m. on:

39 (i) September 17; or

40 (ii) September 16, if September 17 is a Sunday;

41 ~~[(b)]~~ (c) (i) beginning at 11 a.m. on December 31 and ending at 1 a.m. on the following
42 day; or

43 (ii) if New Year's eve is on a Sunday and the county, municipality, or metro township
44 determines to celebrate New Year's eve on the prior Saturday, then a person may discharge
45 class C common state approved explosives on that prior Saturday within the county,
46 municipality, or metro township;

47 ~~[(c)]~~ (d) between the hours of 11 a.m. and 11 p.m. on January 1; and

48 ~~[(d)]~~ (e) beginning at 11 a.m. on the Chinese New Year's eve and ending at 1 a.m. on
49 the following day.

50 (4) A person is guilty of an infraction, punishable by a fine of up to \$1,000, if the
51 person discharges a class C common state approved explosive:

52 (a) outside the legal discharge dates and times described in Subsection (3); or

53 (b) in an area in which fireworks are prohibited under Subsection [15A-5-202.5\(1\)\(b\)](#).

54 (5) (a) Except as provided in Subsection (5)(b) or (c), a county, a municipality, a metro
55 township, or the state forester may not prohibit a person from discharging class C common
56 state approved explosives during the permitted periods described in Subsection (3).

57 (b) (i) As used in this Subsection (5)(b), "negligent discharge":

58 (A) means the improper use and discharge of a class C common state approved

59 explosive; and

60 (B) does not include the date or location of discharge or the type of explosive used.

61 (ii) A municipality or metro township may prohibit:

62 (A) the discharge of class C common state approved explosives in certain areas with
63 hazardous environmental conditions, in accordance with Subsection 15A-5-202.5(1)(b); or

64 (B) the negligent discharge of class C common state approved explosives.

65 (iii) A county may prohibit the negligent discharge of class C common state approved
66 explosives.

67 (c) The state forester may prohibit the discharge of class C common state approved
68 explosives as provided in Subsection 15A-5-202.5(1)(b) or Section 65A-8-212.

69 (6) If a municipal legislative body, the state forester, or a metro township legislative
70 body provides a map to a county identifying an area in which the discharge of fireworks is
71 prohibited due to a historical hazardous environmental condition under Subsection
72 15A-5-202.5(1)(b), the county shall, before June 1 of that same year:

73 (a) create a county-wide map, based on each map the county has received, indicating
74 each area within the county in which fireworks are prohibited under Subsection

75 15A-5-202.5(1)(b);

76 (b) provide the map described in Subsection (6)(a) to:

77 (i) each retailer that sells fireworks within the county; and

78 (ii) the state fire marshal; and

79 (c) publish the map on the county's website.

80 (7) A retailer that sells fireworks shall display:

81 (a) a sign that:

82 (i) is clearly visible to the general public in a prominent location near the point of sale;

83 (ii) indicates the legal discharge dates and times described in Subsection (3); and

84 (iii) indicates the criminal charge and fine associated with discharge:

85 (A) outside the legal dates and times described in Subsection (3); and

86 (B) within an area in which fireworks are prohibited under Subsection

87 15A-5-202.5(1)(b); and

88 (b) the map that the county provides, in accordance with Subsection (6)(b).

89 Section 2. **Effective date.**

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This bill takes effect on May 1, 2024.