

Representative Matt MacPherson proposes the following substitute bill:

CHANGES TO FIREWORKS PROVISIONS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Matt MacPherson

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies a provision relating to fireworks.

Highlighted Provisions:

This bill:

▶ provides that restrictions to when sales of fireworks can occur do not apply to **H→**

12a specified [~~online~~] specified **←H**

sales.

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.



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

28 (2) (a) ~~[(A)]~~ Except as provided in Subsection (2)(b), a person may sell class C common
 29 state approved explosives in the state as follows:

30 ~~[(a)]~~ (i) beginning on June 24 and ending on July 25;

31 ~~[(b)]~~ (ii) beginning on December 29 and ending on December 31; and

32 ~~[(c)]~~ (iii) two days before and on the Chinese New Year's eve.

33 (b) The restrictions in Subsection (2)(a) do not apply to ~~H~~ :

33a (i) ~~H~~ online sales ~~H~~ to a person outside the state for use outside the state ~~H~~ ~~H~~ [
 33b] ; or

33c (ii) sales to persons described in Subsection 53-7-222(1) (b) (i) (A). ~~H~~

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

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

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

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

40 (b) (i) beginning at 11 a.m. on December 31 and ending at 1 a.m. on the following day;

41 or

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

46 (c) between the hours of 11 a.m. and 11 p.m. on January 1; and

47 (d) beginning at 11 a.m. on the Chinese New Year's eve and ending at 1 a.m. on the
 48 following day.

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

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

52 (b) in an area in which fireworks are prohibited under Subsection 15A-5-202.5(1)(b).

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

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

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

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

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

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

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

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

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

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

72 (a) create a county-wide map, based on each map the county has received, indicating
73 each area within the county in which fireworks are prohibited under Subsection
74 15A-5-202.5(1)(b);

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

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

77 (ii) the state fire marshal; and

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

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

80 (a) a sign that:

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

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

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

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

85 (B) within an area in which fireworks are prohibited under Subsection
86 15A-5-202.5(1)(b); and

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

88 Section 2. **Effective date.**

89 This bill takes effect on May 1, 2024.