

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL 2628

By: Jones and Cox of the House

and

6 Barrington of the Senate

7
8
9 COMMITTEE SUBSTITUTE

10 An Act relating to revenue and taxation; amending 68
11 O.S. 2001, Section 1623, which relates to fireworks;
12 modifying when fireworks may be sold by certain types
13 of businesses; and declaring an emergency.

14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. AMENDATORY 68 O.S. 2001, Section 1623, is
16 amended to read as follows:

17 Section 1623. Class "C" Common Fireworks may be legally stored,
18 sold and used in this state with the exceptions and conditions
19 specified under the provisions of this act.

20 ~~(a)~~ 1. All fireworks storage and sales areas shall be
21 conspicuously posted with signs reading "FIREWORKS-NO SMOKING".

22 ~~(b)~~ 2. Fireworks offered for retail sale must be protected from
23 direct contact and handling by the public at all times. Self-serve
24 or marketing where retail customers are allowed to move among stocks

1 of fireworks or serve themselves from fireworks stocks or displays
2 is strictly prohibited. Mail-order sales to consumers are
3 prohibited through any medium of either interstate or intrastate
4 commerce. Sales of fireworks may only be made at properly licensed
5 retail locations within the State of Oklahoma. A sales clerk must
6 be on duty to serve the consumer at the time of purchase.

7 ~~(e)~~ 3. Fireworks shall not be sold or displayed to the public
8 within any building or portion thereof or any vehicle which allows
9 entry by any persons other than employees within such building or
10 vehicle unless the fireworks are kept where they cannot be reached
11 or handled by those persons.

12 4. An enclosed building used for sale of fireworks to the
13 public shall have adequate exits as determined by the State Fire
14 Marshal. The use of tents or other nonrigid shelters for the sale
15 or storage of fireworks where the public may move about under or
16 within the confines of a shelter is prohibited.

17 ~~(d)~~ 5. The retail license holder shall be responsible for the
18 safe operation of retail sales to the public. The retail license
19 holder shall be at least sixteen (16) years of age.

20 ~~(e) No person shall offer fireworks for sale~~ 6. Fireworks may
21 be sold by licensed manufacturers, distributors or wholesalers at
22 wholesale or retail to residents and nonresidents of the State of
23 Oklahoma at retail before the 15th day of state from January 1 until
24 December 31 of each calendar year. Fireworks may only be sold by

1 licensed retailers from June or after the 6th day of 15 until July
2 6, and before the 15th day of from December or after the 2nd day of
3 15 until January in 2 to residents and nonresidents of the state
4 each calendar year.

5 SECTION 2. It being immediately necessary for the preservation
6 of the public peace, health and safety, an emergency is hereby
7 declared to exist, by reason whereof this act shall take effect and
8 be in full force from and after its passage and approval.

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