STATE OF OKLAHOMA

2nd Session of the 53rd Legislature (2012)

SUBCOMMITTEE RECOMMENDATION
FOR
HOUSE BILL NO. 3047 By: Ritze

SUBCOMMITTEE RECOMMENDATION

An Act relating to revenue and taxation; amending 68 O.S. 2011, Section 1623, which relates to consumer fireworks; prohibiting certain municipalities from prohibiting certain acts related to fireworks; and declaring an emergency.

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

SECTION 1. AMENDATORY 68 O.S. 2011, Section 1623, is amended to read as follows:

Section 1623. A. Consumer Fireworks may be legally stored, transported, sold and used in this state with the exceptions and conditions specified under the provisions of Section 1621 et seq. of this title and consistent with Section 22-110 of Title 11 of the Oklahoma Statutes. Novelties may be legally stored, transported, sold and used in this state.

B. All fireworks storage and sales areas shall be conspicuously posted with signs reading "FIREWORKS-NO SMOKING".

C. Fireworks offered for retail sale must be sold according to the National Fire Protection Association (NFPA) 1124 Chapter 7, 2006 Edition. Any facility licensed to sell consumer fireworks prior to November 15, 2009, shall be exempt from the NFPA regulations listed in this subsection but shall remain under the regulation of the date of licensure. Mail-order sales to consumers are prohibited through any medium of either interstate or intrastate commerce. Sales of fireworks may only be made at properly licensed retail locations within the State of Oklahoma. A sales clerk must be on duty to serve the consumer at the time of purchase.

D. Fireworks shall not be sold or displayed to the public within any building or portion thereof or any vehicle which allows entry by any persons other than employees within such building or vehicle unless the fireworks are kept where they cannot be reached or handled by those persons. An enclosed building used for sale of fireworks to the public shall be built according to the International Building Code (IBC) 2006 Edition and/or the codes and standards adopted by the State Fire Marshal Commission or the Oklahoma Uniform Building Code Commission. The use of tents or other nonrigid shelters for the sale or storage of fireworks where the public may move about under or within the confines of a shelter is prohibited.

E. The retail license holder shall be responsible for the safe operation of retail sales to the public. The retail license holder shall be at least sixteen (16) years of age.

F. Fireworks may be sold by licensed manufacturers, distributors or wholesalers at wholesale or retail to residents and nonresidents of the state from January 1 until December 31 of each calendar year. Fireworks may only be sold by licensed retailers from June 15 until July 6, and from December 15 until January 2 to residents and nonresidents of the state each calendar year.

G. Any city, town, or municipality with a population of two hundred thousand (200,000) persons or less that sells permits for private display or private discharge of fireworks shall not prohibit the sale of fireworks within the city, town, or municipal limits.

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

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