

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 53rd Legislature (2012)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3047

By: Ritze of the House

and

Brinkley of the Senate

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10 COMMITTEE SUBSTITUTE

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

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

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

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

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

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

15 D. Fireworks shall not be sold or displayed to the public
16 within any building or portion thereof or any vehicle which allows
17 entry by any persons other than employees within such building or
18 vehicle unless the fireworks are kept where they cannot be reached
19 or handled by those persons. An enclosed building used for sale of
20 fireworks to the public shall be built according to the
21 International Building Code (IBC) 2006 Edition and/or the codes and
22 standards adopted by the State Fire Marshal Commission or the
23 Oklahoma Uniform Building Code Commission. The use of tents or

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1 other nonrigid shelters for the sale or storage of fireworks where
2 the public may move about under or within the confines of a shelter
3 is prohibited.

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

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

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

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

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22 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
23 02/23/2012 - DO PASS, As Amended and Coauthored.