

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3047

By: Ritze

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5
6 AS INTRODUCED

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

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

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

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

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

23 C. Fireworks offered for retail sale must be sold according to
24 the National Fire Protection Association (NFPA) 1124 Chapter 7, 2006

1 Edition. Any facility licensed to sell consumer fireworks prior to
2 November 15, 2009, shall be exempt from the NFPA regulations listed
3 in this subsection but shall remain under the regulation of the date
4 of licensure. Mail-order sales to consumers are prohibited through
5 any medium of either interstate or intrastate commerce. Sales of
6 fireworks may only be made at properly licensed retail locations
7 within the State of Oklahoma. A sales clerk must be on duty to
8 serve the consumer at the time of purchase.

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

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

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

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

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

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