

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL 1826

6 By: Brooks of the Senate

7 and

8 Armes of the House

9 COMMITTEE SUBSTITUTE

10 An Act relating to fireworks; amending 68 O.S. 2011,  
11 Sections 1622 and 1627, which relate to definitions  
12 and necessity for certain licenses and unlawful  
13 sales; modifying definition; providing that certain  
14 entities may purchase certain merchandise under  
15 certain circumstances; authorizing the State Fire  
16 Marshal to enforce certain provisions; providing for  
17 certain penalty; and providing an effective date.

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

19 SECTION 1. AMENDATORY 68 O.S. 2011, Section 1622, is  
20 amended to read as follows:

21 Section 1622. As used in Section 1621 et seq. of this title:

22 1. "Fireworks" means any composition or device for the purpose  
23 of producing a visible or an audible effect by combustion,  
24 explosion, deflagration or detonation, and which are further  
described as Consumer Fireworks 1.4G, Display Fireworks 1.3G,  
Articles, Pyrotechnic 1.4G or 1.4S as defined by the United States

1 Department of Transportation (DOT) Title 49, CFR. The term  
2 "consumer fireworks" shall not include toy cap pistols and caps,  
3 blank cartridges, railroad flares and model rockets or any novelty.  
4 This provision shall not impose labeling requirements for any  
5 fireworks or novelties other than those required under federal law;

6 2. "Consumer Fireworks" means any devices suitable for use by  
7 the public that conform with the requirements of the United States  
8 Consumer Products Safety Commission (CPSC) and are designed  
9 primarily to produce visible effects by combustion, and some small  
10 devices designed to produce an audible effect;

11 3. "Display Fireworks" means fireworks devices that are  
12 primarily intended for commercial displays which are designed to  
13 produce visible and/or audible effects by combustion, deflagration  
14 or detonation. Display Fireworks include, but are not limited to,  
15 salutes containing more than two grains (130mg) of explosive  
16 composition, aerial shells containing more than forty (40) grams of  
17 pyrotechnic compositions and other exhibition display items that  
18 exceed the limits for Consumer Fireworks according to the Department  
19 of Transportation (DOT);

20 4. "Manufacturer" means any person engaged in the making or  
21 constructing of fireworks;

22 5. "Novelty" means a device containing small amounts of  
23 pyrotechnic and/or explosive composition. Such devices produce  
24 limited visible or audible effects. These items must be approved by

1 the United States Department of Transportation (DOT) or have been  
2 deregulated by DOT;

3 6. "Distributor" means any person who sells fireworks and  
4 novelties to other distributors, wholesalers or retailers for resale  
5 or provides them as part of a pyrotechnic display service in the  
6 State of Oklahoma;

7 7. "Wholesaler" means any person who purchases fireworks and  
8 novelties for resale only to retailers and consumers;

9 8. "Retailer" means any person who purchases fireworks and  
10 novelties for resale to consumers only. ~~A retailer who sells  
11 fireworks to the consumer buys only an Oklahoma Retail License and  
12 may purchase merchandise in or out of the state as long as the  
13 retailer buys from a person that has a legal license to do business  
14 in the State of Oklahoma; and~~

15 9. "Person" means any corporation, association, partnership or  
16 one or more individuals.

17 SECTION 2. AMENDATORY 68 O.S. 2011, Section 1627, is  
18 amended to read as follows:

19 Section 1627. ~~(a)~~A. 1. No person shall knowingly sell,  
20 purchase or deliver, or cause to be sold, purchased or delivered,  
21 fireworks for resale to any other person who does not possess a  
22 valid license under this act. It shall be unlawful for a  
23 distributor, wholesaler or retailer, licensed under this act, to  
24 purchase fireworks from any person, unless the distributor,

1 wholesaler or retailer determines that the person holds a valid  
2 distributor's, wholesaler's or manufacturer's license under this  
3 act. All retail sales outlets shall have a current retail license.  
4 The license shall be conspicuously posted in the immediate vicinity  
5 of the sales operation and shall be immediately available for  
6 examination by the public or any enforcement officer. No license  
7 provided for herein shall be transferable nor shall any person be  
8 permitted to operate under a license granted to another person.

9 ~~(b)~~ 2. A distributor, wholesaler or retailer who sells  
10 fireworks to the consumer may purchase merchandise in or out of this  
11 state as long as the retailer buys from a person that has a legal  
12 license to do business in the this state.

13 3. The State Fire Marshal shall, by rule, enforce the  
14 provisions of this subsection.

15 C. It shall be unlawful to offer for retail sale or to sell any  
16 fireworks to children under the age of twelve (12) years, unless  
17 accompanied by an adult, or to any intoxicated or irresponsible  
18 person.

19 ~~(e)~~D. It shall be unlawful to explode or ignite fireworks  
20 within five hundred (500) feet of any church, hospital, asylum,  
21 unharvested, flammable agricultural crop, public school or where  
22 fireworks are stored, sold or offered for sale. No person shall  
23 ignite or discharge any permissible articles of fireworks within or  
24 throw the same from a motor vehicle; nor shall any person place or

1 throw any ignited article of fireworks into or at such a motor  
2 vehicle or at or near any group of people.

3 SECTION 3. This act shall become effective November 1, 2014.

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