An Act

ENROLLED SENATE
BILL NO. 1826

By: Brooks of the Senate

and

Armes of the House

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

SUBJECT: Firework sales

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

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

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

1. "Fireworks" means any composition or device for the purpose of producing a visible or an audible effect by combustion, 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 Department of Transportation (DOT) Title 49, CFR. The term "consumer fireworks" shall not include toy cap pistols and caps, blank cartridges, railroad flares and model rockets or any novelty. This provision shall not impose labeling requirements for any fireworks or novelties other than those required under federal law;

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

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

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

5. "Novelty" means a device containing small amounts of pyrotechnic and/or explosive composition. Such devices produce limited visible or audible effects. These items must be approved by the United States Department of Transportation (DOT) or have been deregulated by DOT;

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

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

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

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

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

Section 1627. ~~(a)~~ A. 1. No person shall knowingly sell, purchase or deliver, or cause to be sold, purchased or delivered, fireworks for resale to any other person who does not possess a valid license under this act. It shall be unlawful for a distributor, wholesaler or retailer, licensed under this act, to purchase fireworks from any person, unless the distributor, wholesaler or retailer determines that the person holds a valid distributor's, wholesaler's or manufacturer's license under this act. All retail sales outlets shall have a current retail license. The license shall be conspicuously posted in the immediate vicinity of the sales operation and shall be immediately available for examination by the public or any enforcement officer. No license provided for herein shall be transferable nor shall any person be permitted to operate under a license granted to another person.

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

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

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

~~(c)~~ C. It shall be unlawful to explode or ignite fireworks within five hundred (500) feet of any church, hospital, asylum, unharvested, flammable agricultural crop, public school or where fireworks are stored, sold or offered for sale. No person shall ignite or discharge any permissible articles of fireworks within or throw the same from a motor vehicle; nor shall any person place or throw any ignited article of fireworks into or at such a motor vehicle or at or near any group of people.

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

Passed the Senate the 12th day of March, 2014.

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Presiding Officer of the Senate

Passed the House of Representatives the 15th day of April, 2014.

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Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

_____
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20 _____, at _____ o'clock _____ M.

By: _____