

1 ENGROSSED SENATE
2 BILL NO. 25

By: Dahm of the Senate

3 and

4 McDugle of the House

5
6 [fireworks - storage of fireworks - requirements -
7 ~~emergency~~]
8

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

10 SECTION 1. AMENDATORY 68 O.S. 2011, Section 1623, as
11 amended by Section 1, Chapter 167, O.S.L. 2013 (68 O.S. Supp. 2016,
12 Section 1623), is amended to read as follows:

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

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

21 C. Fireworks offered for retail sale must be sold according to
22 the National Fire Protection Association (NFPA) 1124 Chapter 7, 2006
23 Edition. Any facility licensed to sell consumer fireworks prior to
24 November 15, 2009, shall be exempt from the NFPA regulations listed

1 in this subsection but shall remain under the regulation of the date
2 of licensure. Mail-order sales to consumers are prohibited through
3 any medium of either interstate or intrastate commerce. Sales of
4 fireworks may only be made at properly licensed retail locations
5 within the State of Oklahoma. A sales clerk must be on duty to
6 serve the consumer at the time of purchase.

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

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

22 F. Fireworks may be sold by licensed manufacturers,
23 distributors or wholesalers at wholesale or retail to residents and
24 nonresidents of the state from January 1 until December 31 of each

1 calendar year. Fireworks may only be sold by licensed retailers
2 from June 15 until July 6⁷ and from December 15 until January 2 to
3 residents and nonresidents of the state each calendar year.

4 G. Nothing in ~~this act~~ Section 1621 et seq. of this title shall
5 be construed to require the State Fire Marshal to inspect or cause
6 to be inspected portable retail fireworks stands prior to opening;
7 provided, the provisions of this subsection shall not prohibit the
8 local governing authority of the location of the portable retail
9 fireworks stand from inspecting such stands prior to opening.

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

14 Passed the Senate the 22nd day of March, 2017.

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16 _____
17 Presiding Officer of the Senate

18 Passed the House of Representatives the ____ day of _____,
19 2017.

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21 _____
22 Presiding Officer of the House
23 of Representatives
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