

An Act

ENROLLED SENATE
BILL NO. 25

By: Dahm of the Senate

and

McDugle of the House

An Act relating to fireworks; amending 68 O.S. 2011, Section 1623, as amended by Section 1, Chapter 167 O.S.L. 2013 (68 O.S. Supp. 2016, Section 1623), which relates to the storage of fireworks; deleting certain storage requirements; modifying code requirements; expanding facilities to be inspected; providing statutory reference; and declaring an emergency.

SUBJECT: Fireworks

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

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

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

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

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

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

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

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

G. Nothing in ~~this act~~ Section 1621 et seq. of this title shall be construed to require the State Fire Marshal to inspect or cause to be inspected portable retail fireworks stands, tents or other nonrigid shelters prior to opening; provided, the provisions of this subsection shall not prohibit the local governing authority of the location of the portable retail fireworks stand, tent or other

nonrigid shelter from inspecting such stands, tents or other nonrigid shelters prior to opening.

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

Passed the Senate the 4th day of May, 2017.

Presiding Officer of the Senate

Passed the House of Representatives the 13th day of April, 2017.

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: _____