

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               1st Session of the 56th Legislature (2017)

4 COMMITTEE SUBSTITUTE  
5 FOR ENGROSSED  
6 SENATE BILL NO. 25

By: Dahm of the Senate

and

McDugle of the House

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10                               COMMITTEE SUBSTITUTE

11           An Act relating to fireworks; amending 68 O.S. 2011,  
12           Section 1623, as amended by Section 1, Chapter 167  
13           O.S.L. 2013 (68 O.S. Supp. 2016, Section 1623), which  
14           relates to the storage of fireworks; deleting certain  
15           storage requirements; and providing statutory  
16           reference.

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

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

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

1 Oklahoma Statutes. Novelties may be legally stored, transported,  
2 sold and used in this state.

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

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

15 ~~D. Fireworks shall not be sold or displayed to the public~~  
16 ~~within any building or portion thereof or any vehicle which allows~~  
17 ~~entry by any persons other than employees within such building or~~  
18 ~~vehicle unless the fireworks are kept where they cannot be reached~~  
19 ~~or handled by those persons.~~ An enclosed building used for sale of  
20 fireworks to the public shall be built according to the  
21 International Building Code (IBC) 2006 Edition and/or the codes and  
22 standards adopted by the State Fire Marshal Commission or the  
23 Oklahoma Uniform Building Code Commission. ~~The use of tents or~~  
24 ~~other nonrigid shelters for the sale or storage of fireworks where~~

1 ~~the public may move about under or within the confines of a shelter~~  
2 ~~is prohibited.~~

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

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

12 G. Nothing in ~~this act~~ Section 1621 et seq. of this title shall  
13 be construed to require the State Fire Marshal to inspect or cause  
14 to be inspected portable retail fireworks stands prior to opening;  
15 provided, the provisions of this subsection shall not prohibit the  
16 local governing authority of the location of the portable retail  
17 fireworks stand from inspecting such stands prior to opening.

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19 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 04/06/2017 -  
20 DO PASS, As Amended.