

CS FOR HOUSE BILL NO. 146(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 5/1/23

Referred: Labor and Commerce

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to fireworks; repealing restrictions on the sale of fireworks; directing**
2 **the Department of Public Safety to adopt fireworks regulations; and providing for an**
3 **effective date."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 *** Section 1.** AS 11.81.900(b)(24) is amended to read:

6 (24) "explosive" means a chemical compound, mixture, or device that
7 is commonly used or intended for the purpose of producing a chemical reaction
8 resulting in a substantially instantaneous release of gas and heat, including dynamite,
9 blasting powder, nitroglycerin, blasting caps, and nitrojelly, but excluding salable
10 fireworks as defined in regulation [AS 18.72.100], black powder, smokeless powder,
11 small arms ammunition, and small arms ammunition primers;

12 *** Sec. 2.** AS 18.72.010 is repealed and reenacted to read:

13 **Sec. 18.72.010. Regulation of fireworks.** (a) The Department of Public Safety
14 shall adopt regulations for the purpose of protecting life and property from fire and

1 explosion by establishing minimum standards for fireworks, including sale, storage,
2 distribution, and use.

3 (b) The commissioner of public safety may establish by regulation, and the
4 Department of Public Safety may charge, reasonable fees for fireworks permits and
5 inspections.

6 (c) During reasonable business hours, the Department of Public Safety may,
7 for the sole purpose of inspecting fireworks for compliance with regulations adopted
8 under this section, enter a building where fireworks are stored or kept. This subsection
9 may not be construed to authorize entry into a private residence in which fireworks
10 may be stored for personal use.

11 * **Sec. 3.** AS 18.72.040 is amended to read:

12 **Sec. 18.72.040. Criminal penalty.** A person who recklessly fails to comply
13 with [A PROVISION OF THIS CHAPTER OR] fireworks regulations adopted **under**
14 **AS 18.72.010** [IN THE FIRE SAFETY CODE] is guilty of a class B misdemeanor.
15 Each day of noncompliance constitutes a separate offense. In this section, "recklessly"
16 has the meaning given in AS 11.81.900.

17 * **Sec. 4.** AS 18.72.060 is amended to read:

18 **Sec. 18.72.060. Municipal regulation of fireworks. Fireworks** [THIS
19 CHAPTER AND FIREWORKS] regulations adopted under **AS 18.72.010** [THE FIRE
20 SAFETY CODE] supersede the provisions of an ordinance adopted by a city or
21 borough, whether before or after May 23, 1969, that are less restrictive than [THIS
22 CHAPTER OR] the **regulations** [CODE]. However, nothing in this section affects the
23 authority of a city or organized borough under other law to prohibit or regulate more
24 restrictively than **regulations adopted under AS 18.72.010** [THIS CHAPTER] the
25 offering for sale, exposure for sale, sale, use, or explosion of fireworks.

26 * **Sec. 5.** AS 18.72.020, 18.72.030, and 18.72.100 are repealed.

27 * **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to
28 read:

29 TRANSITION: REGULATIONS. The Department of Public Safety may adopt
30 regulations necessary to implement the changes made by this Act. The regulations take effect
31 under AS 44.62 (Administrative Procedure Act), but not before the effective date of the law

1 implemented by the regulations.

2 * **Sec. 7.** Section 6 of this Act takes effect immediately under AS 01.10.070(c).