



ARIZONA STATE SENATE
Fifty-Sixth Legislature, Second Regular Session

AMENDED

FACT SHEET FOR S.B. 1479

fireworks; aerials; licensure; penalties

Purpose

Requires a person selling permissible consumer fireworks to obtain a license from the Office of the State Fire Marshal (State Fire Marshal) annually. Requires a wholesaler that is offering permissible consumer fireworks to permanent or temporary seasonal retailers at wholesale to annually register with the State Fire Marshal using a form prescribed by the State Fire Marshal. Subjects a person who violates prohibitions on the sale of fireworks to a civil penalty of \$5,000.

Background

Fireworks are any combustible or explosive composition, substance or combination of substances, or any article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, that is a consumer firework or display firework. Fireworks do not include permissible consumer fireworks ([A.R.S. § 36-1601](#)).

Permissible consumer fireworks are the following types of consumer fireworks: 1) ground and handheld sparkling devices; 2) cylindrical fountains; 3) cone fountains; 4) illuminating torches; 5) wheels; 6) ground spinners; 7) flitter sparklers; 8) toy smoke devices; 9) wire sparklers or dipped sticks; or 10) multiple tube ground and handheld sparkling devices, cylindrical fountains, cone fountains and illuminating torches. *Permissible consumer fireworks* include, in a county with a population of more than 500,000 persons, adult snappers. *Permissible consumer fireworks* do not include anything that is designed or intended to rise into the air and explode or to detonate in the air or to fly above the ground, including firework items known as firecrackers, bottle rockets, sky rockets, missile-type rockets, helicopters, aerial spinners, torpedoes, roman candles, mine devices, shell devices and aerial shell kits or reloadable tubes ([A.R.S. § 36-1601](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Requires a person selling permissible consumer fireworks to annually obtain a license from the State Fire Marshal.
2. Subjects a person who violates prohibitions on the sale of fireworks to a civil penalty of \$5,000.
3. Requires State Fire Marshal to establish the annual licensing fee.
4. Requires the State Fire Marshal or a municipality or county fire marshal to seize, remove or cause to be removed, at the expense of the owner, all fireworks or combustibles offered or exposed for sale, stored or possessed in violation of firework restrictions.

5. Permits sale of permissible consumer fireworks only from a temporary consumer fireworks retail stand as outlined.
6. Prohibits an individual who receives 3 licensing violations within a 36 month period from holding a license for five years.
7. Prohibits a wholesaler who receives 2 confiscation violations within a 36 month period from holding a license for 3 years and requires revocation of the wholesaler's registration.
8. Requires a wholesaler that is offering permissible consumer fireworks to permanent or temporary seasonal retailers at wholesale to annually register with the State Fire Marshal using a form prescribed by the State Fire Marshal.
9. Requires locations in which permissible consumer fireworks are sold to comply with National Fire Protection Agency regulations relating to the storage of consumer firework and to the retail sales of consumer fireworks before selling the permissible consumer fireworks to the public.
10. Requires State Fire Marshal to establish an annual wholesaler registration fee.
11. Prohibits the sale of permissible consumer fireworks in tents, canopies or membrane structures.
12. Increases, from \$1,000 to \$5,000, the penalty for using fireworks on preservation lands owned by a city or town that has purchased more than 15,000 acres of land for the preservation purposes.
13. Removes mine devices shell devices and anything that is designed or intended to rise into the air and explode or to detonate in the air or to fly above the ground from outlined items that are not considered permissible consumer fireworks.
14. Redefines permissible consumer fireworks as:
 - a) ground devices individual but not including fused fireworks; and
 - b) cake and combination devices.
15. Updates the reference for APA 87-1 to refer to APA 87-1A.
16. Makes technical and conforming changes.
17. Becomes effective on the general effective date.

Revisions

- Corrects certain provisions to clarify when requirements apply to multiple tube aerial devices only, or all permissible consumer fireworks.

Amendments Adopted by Committee

1. Requires a person selling permissible consumer fireworks, instead of multiple tube aerial devices, to annually obtain a license from the State Fire Marshal.

2. Adds municipality and county fire marshals to outlined organizations that are required to seize remove or cause to be removed, at the expense of the owner, all fireworks or combustibles offered or exposed for sale, stored or possessed in violation of firework restrictions.
3. Adds wholesalers to the prohibition on sellers who receive 2 confiscation violations within a 36 month period from holding a license for 3 years, including revocation of the wholesaler's registration.
4. Modifies exemption for licensing requirements if the seller's location complies with regulations relating to the storage of consumer firework and to the retail sales of consumer fireworks.
5. Removes novelty flitter sparklets from the list of federally deregulated novelty items under the definition of fireworks.
6. Adjusts definition of permissible consumer fireworks.
7. Removes anything that is designed or intended to rise into the air and explode or to detonate in the air or to fly above the ground from outlined items that are not considered permissible consumer fireworks.
8. Reverts, from 18 back to 16, prohibitions on selling, allowing or authorizing the sale of permissible consumer fireworks to a person who is 16 years of age or younger.
9. Updates the reference for APA 87-1 to refer to APA 87-1A.
10. Makes technical changes.

Senate Action

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Prepared by Senate Research

February 15, 2024

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