

SENATE BILL No. 362

By Committee on Federal and State Affairs

2-4

1 AN ACT concerning fireworks; allowing cities and counties to restrict the
2 sale of fireworks; relating to the time frame for the sale of fireworks;
3 ~~repealing the ban on bottle rockets~~; amending K.S.A. 2019 Supp. 31-
4 502 and 31-503 and repealing the existing sections; ~~also repealing~~
5 ~~K.S.A. 2019 Supp. 31-507 and 31-508.~~

6
7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. K.S.A. 2019 Supp. 31-502 is hereby amended to read as
9 follows: 31-502. As used in this act, unless the context otherwise requires:

10 (a) "Licensed display fireworks operator" means a person licensed to
11 operate an outdoor display of display fireworks.

12 (b) "Licensed proximate pyrotechnic operator" means a person
13 licensed to operate indoor or outdoor articles of pyrotechnic.

14 (c) "Manufacturer" means any person engaged in the manufacture of
15 fireworks of any kind in the state of Kansas. "Manufacturer~~shall~~" also
16 ~~include~~ *includes* any person engaged in the assembly of consumer
17 fireworks or component parts into a finished item or assortment, but shall
18 not include repackaging finished goods into an assortment.

19 (d) "Distributor" means any person engaged in the distribution of
20 fireworks of any kind in the state of Kansas to include the following:

21 (1) Sells, delivers, transports, consigns, gives, imports, exports or
22 otherwise furnishes consumer fireworks to any person for the purpose of
23 resale to a retailer or any other distributor or reseller within the state of
24 Kansas;

25 (2) sells, intends to sell, offer for sale, possess with intent to sell or
26 consigns display fireworks or articles pyrotechnic to any person,
27 distributor, municipality or any other organization within the state of
28 Kansas; or

29 (3) produces, conducts or provides a licensed operator or imports any
30 display fireworks or articles pyrotechnic of any kind within the state of
31 Kansas for profit.

32 (e) "Distributor" shall not include:

33 (1) Anyone who transports fireworks from one state to another state
34 through the state of Kansas and such fireworks ultimate destination is not
35 within the state of Kansas;

36 (2) anyone who sells consumer fireworks during a fireworks season

1 as a seasonal retailer;

2 (3) freight delivery companies or common carriers as defined in U.S.
3 department of transportation 49 C.F.R. § 171.8; or

4 (4) an out-of-state person who sells, transports, delivers or gives
5 fireworks to a licensed manufacturer or distributor.

6 (f) "Hobbyist manufacturer" means any person who manufactures
7 consumer fireworks, display fireworks or articles pyrotechnic for their
8 personal use.

9 (g) "Person" means any individual, partnership, firm, company,
10 association, corporation, not-for-profit organization, municipality or
11 limited liability corporation.

12 (h) "Seasonal retailer" means a person who receives consumer
13 fireworks and sells, delivers, consigns, gives or otherwise furnishes
14 consumer fireworks only to the public for their personal use and only
15 during a fireworks season.

16 (i) "Storage" means the safekeeping of fireworks in a warehouse or
17 magazine or comparable appropriate depository. Consumer fireworks that
18 are located at the destination of their retail sale and that are being held in
19 anticipation of retail sale shall not be considered as in storage.

20 (j) "Fireworks season" means ~~a period in time as set forth in the~~
21 ~~regulations authorized to be adopted by the state fire marshal during a~~
22 ~~calendar year in which seasonal retailers are permitted to sell consumer~~
23 ~~fireworks to the public:~~

24 (1) *For seasonal retailers, from June-20 15 through July-5 6.*

25 (2) *For **annual** retailers, from January 1 through December 31.*

26 (k) "Fireworks display" means a private or public production of
27 display fireworks or articles pyrotechnic, or both, ~~which~~ *that* are intended
28 for use and designed to produce visible or audible effects for entertainment
29 purposes by combustion, deflagration or detonation.

30 (l) *"**Annual** retailer" means a person who:*

31 (1) *Receives consumer fireworks and sells, delivers, consigns, gives*
32 *or otherwise furnishes consumer fireworks only to the public for their*
33 *personal use during the entire calendar year; and*

34 (2) *operates out of a building that meets state and local fire safety*
35 *codes.*

36 Sec. 2. K.S.A. 2019 Supp. 31-503 is hereby amended to read as
37 follows: 31-503. (a) Any person who intends to sell, offer for sale; or
38 possess with intent to sell; any consumer fireworks, display fireworks or
39 articles pyrotechnic or discharge, use; *or* display fireworks or articles
40 pyrotechnic shall first obtain the appropriate license from the state fire
41 marshal. This shall not include seasonal retailers.

42 (b) The types of license shall be as follows:

43 (1) Manufacturer;

- 1 (2) hobbyist manufacturer;
- 2 (3) distributor;
- 3 (4) display fireworks operator; ~~and~~
- 4 (5) proximate pyrotechnic operator; *and*
- 5 (6) *retailer*.

6 (c) Before a license holder may operate, such license holder must
7 satisfy the requirements of this act and regulations adopted by the state fire
8 marshal.

9 (d) The license holder shall be at least 21 years of age upon applying
10 for a license.

11 (e) Licenses shall not be transferable.

12 (f) The state fire marshal shall not charge or collect fees for licensure.
13 The licenses shall be valid for the following period of time:

14 (1) A manufacturer license shall be valid for a period of one year. A
15 holder of a manufacturer license is not required to have any additional
16 licenses in order to manufacture and sell any fireworks defined by this act.

17 (2) A hobbyist manufacturer license shall be valid for a period of four
18 years.

19 (3) A distributor license shall be valid for a period of one year.

20 (4) A display fireworks operator license shall be valid for a period of
21 four years.

22 (5) A proximate pyrotechnics operator license shall be valid for a
23 period of four years.

24 (6) ~~A~~ ***An annual*** retailer license shall be valid for a period of ~~four~~
25 ***two*** years.

26 (g) A permit to conduct a fireworks display shall be obtained by the
27 sponsor or operator of a fireworks display from and approved by the city
28 or county where the fireworks display is to be discharged.

29 (h) No fee shall be charged for a license or permit under this section
30 for any person who is an officer or employee of the state or any political or
31 taxing subdivision of the state when that person is acting on behalf of the
32 state or political or taxing subdivision.

33 New Sec. 3. Any city or county may prohibit the sale of fireworks by
34 ***annual*** retailers or seasonal retailers. Any city or county may establish a
35 fireworks season for seasonal retailers different than provided by K.S.A.
36 2019 Supp. 31-502(j), and amendments thereto.

37 Sec. 4. K.S.A. 2019 Supp. 31-502; ***and*** 31-503; ~~31-507 and 31-508~~
38 are hereby repealed.

39 Sec. 5. This act shall take effect and be in force from and after its
40 publication in the statute book.