

SECOND REGULAR SESSION

HOUSE BILL NO. 2546

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE TAYLOR (48).

4932H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 49.266, 253.195, 320.106, 320.111, 320.116, 320.121, 320.126, 320.131, 320.141, 320.146, 320.151, 320.371, and 568.070, RSMo, and to enact in lieu thereof thirteen new sections relating to fireworks protections, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 49.266, 253.195, 320.106, 320.111, 320.116, 320.121, 320.126, 320.131, 320.141, 320.146, 320.151, 320.371, and 568.070, RSMo, are repealed and thirteen new sections enacted in lieu thereof, to be known as sections 49.266, 253.195, 320.106, 320.111, 320.116, 320.121, 320.126, 320.131, 320.141, 320.147, 320.151, 320.371, and 568.070, to read as follows:

49.266. 1. The county commission in all counties of the first, second, third, or fourth classification may by order or ordinance promulgate reasonable regulations concerning the use of county property, the hours, conditions, methods and manner of such use and the regulation of pedestrian and vehicular traffic and parking thereon.

2. Violation of any regulation so adopted under subsection 1 of this section is an infraction.

3. Upon a determination by the state fire marshal that a burn ban order is appropriate for a county because:

(1) An actual or impending occurrence of a natural disaster of major proportions within the county jeopardizes the safety and welfare of the inhabitants of such county; and

(2) The U.S. Drought Monitor has designated the county as an area of severe, extreme, or exceptional drought, the county commission may adopt an order or ordinance issuing a burn ban, which may carry a penalty of up to a class A misdemeanor. State agencies

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

14 responsible for fire management or suppression activities and persons conducting agricultural
15 burning using best management practices shall not be subject to the provisions of this
16 subsection. The ability of an individual, organization, or corporation to sell fireworks shall
17 not be affected by the issuance of a burn ban. The county burn ban may prohibit the
18 explosion or ignition of any missile or skyrocket as the terms "missile" and "skyrocket" are
19 defined by the ~~[2012]~~ **2022** edition of the American Fireworks Standards Laboratory (AFSL),
20 but shall not ban the explosion or ignition of any other consumer fireworks as the term
21 "consumer fireworks" is defined under section 320.106.

22 4. The regulations so adopted shall be codified, printed and made available for public
23 use and adequate signs concerning smoking, traffic and parking regulations shall be posted.

253.195. Fireworks, as defined in section ~~[320.110]~~ **320.106**, of any type are
2 prohibited within the boundaries of any state park except upon the written permission granted
3 by the department of natural resources.

320.106. As used in sections 320.106 to 320.161, unless clearly indicated otherwise,
2 the following terms mean:

3 (1) "American Pyrotechnics Association (APA), Standard 87-1", a **voluntary**
4 **standard**, or subsequent standard ~~[which]~~ **that** may amend or supersede this standard for
5 manufacturers, importers, and distributors of fireworks, **in which fireworks classifications**
6 **are assigned based upon the weight and type of chemical composition contained for each**
7 **specific type of device including, but not limited to, specific permissible and restricted**
8 **chemicals. Such standard shall be construed to include the following APA standards:**

9 (a) **APA 87-1A Standard for Construction, Classification, Approval, and**
10 **Transportation of Consumer Fireworks;**

11 (b) **APA 87-1B Standard for the Construction, Classification, Approval, and**
12 **Transportation of Display Fireworks; and**

13 (c) **APA 87-1C Standard for the Construction, Classification, Approval, and**
14 **Transportation of Entertainment and Technical Pyrotechnics;**

15 (2) **"Annual retailer", any person engaged in the business of making sales of**
16 **consumer fireworks at wholesale or retail within the state of Missouri during a calendar**
17 **year from the first day of January through the thirty-first day of December;**

18 (3) **"Chemical composition", all pyrotechnic and explosive composition**
19 **formulations** contained in fireworks devices as defined in American Pyrotechnics
20 Association (APA), Standard 87-1;

21 ~~[(3)]~~ (4) **"Consumer fireworks", explosive and pyrotechnic devices designed for**
22 **sale and use by the general public that conform with requirements set forth by the**
23 **United States Consumer Product Safety Commission (CPSC) and designed primarily to**
24 **produce visible or audible effects by combustion ~~[and includes]~~ including, but not limited**

25 **to, aerial devices [and], ground devices, [all of which are classified as fireworks, UN0336,**
26 **within 49 CFR Part 172] fuses, and novelties;**

27 ~~[(4)]~~ **(5)** "Discharge site", the area immediately surrounding the fireworks mortars
28 used for an outdoor fireworks display;

29 ~~[(5)]~~ **(6)** "Dispenser", a device designed for the measurement and delivery of liquids
30 as fuel;

31 ~~[(6)]~~ **(7)** "Display fireworks", ~~[explosive] devices [designed primarily to produce~~
32 ~~visible or audible effects by combustion, deflagration or detonation. This term includes~~
33 ~~devices containing more than two grains (130 mg) of explosive composition intended for~~
34 ~~public display. These devices are classified as fireworks, UN0333 or UN0334 or UN0335,~~
35 ~~within 49 CFR Part 172]~~ **containing chemical compositions that are intended for use in**
36 **professional firework shows, designed to produce visible or audible effects, and comply**
37 **with the limits and requirements of APA Standard 87-1B and APA Standard 87-1C;**

38 ~~[(7)]~~ **(8)** "Display site", the immediate area where a fireworks display is conducted,
39 including the discharge site, the fallout area, and the required separation distance from
40 mortars to spectator viewing areas, but not spectator viewing areas or vehicle parking areas;

41 ~~[(8)]~~ **(9)** "Distributor", any person engaged in the business of selling fireworks to
42 wholesalers, ~~[jobbers]~~ **annual retailers**, seasonal retailers, other persons, or governmental
43 bodies that possess the necessary permits as specified in sections 320.106 to 320.161];
44 ~~including any person that imports any fireworks of any kind in any manner into the state of~~
45 ~~Missouri];~~

46 ~~[(9)]~~ **(10)** "Fireworks", any composition or device for producing a visible~~[-audible, or~~
47 ~~both visible and] or an audible effect for entertainment purposes~~ by combustion,
48 deflagration, or detonation and that meets the definition of consumer~~[-proximate,]~~ **fireworks**
49 or display fireworks as set forth ~~[by 49 CFR Part 171 to end, United States Department of~~
50 ~~Transportation hazardous materials regulations]~~ **in this section;**

51 ~~[(10)]~~ **(11)** "Fireworks season", the period beginning on the twentieth day of June and
52 continuing through the tenth day of July of the same year and the period beginning on the
53 twentieth day of December and continuing through the second day of January of the next
54 year, which shall be the only periods of time that seasonal retailers may be permitted to sell
55 consumer fireworks;

56 ~~[(11)]~~ "Jobber", ~~any person engaged in the business of making sales of consumer~~
57 ~~fireworks at wholesale or retail within the state of Missouri to nonlicensed buyers for use and~~
58 ~~distribution outside the state of Missouri during a calendar year from the first day of January~~
59 ~~through the thirty first day of December;]~~

60 **(12) "Flame effect", the combustion of solids, liquids, or gases using atmospheric**
61 **oxygen to produce thermal, physical, visual, or audible phenomena before an audience;**

62 **(13) "Flame effect operator", the single individual with overall responsibility for**
63 **flame effect operations and safety who has met additional requirements established by**
64 **promulgated rules and has successfully completed a proximate-audience training course**
65 **recognized and approved by the state fire marshal;**

66 **(14) "Hobbyist", an individual holding the required federal or state permits or**
67 **licenses who manufactures fireworks for noncommerce activities that will be shot on the**
68 **permit holder's property and not transported on any roadway;**

69 **(15) "Licensed display operator", any person who supervises, manages, or directs the**
70 **discharge of outdoor display fireworks or "for professional use only" fireworks, either by**
71 **manual or electrical means; who has met additional requirements established by promulgated**
72 **rule and has successfully completed a display fireworks training course recognized and**
73 **approved by the state fire marshal;**

74 ~~[(13)]~~ **(16) "Manufacturer", any person engaged in the making, manufacture,**
75 **assembly, altering, or construction of fireworks of any kind within the state of Missouri for**
76 **the purpose of selling or distributing;**

77 ~~[(14)]~~ **(17) "NFPA", National Fire Protection Association, an international codes and**
78 **standards organization;**

79 ~~[(15)]~~ **(18) "Permanent structure", buildings and structures with permanent**
80 **foundations other than tents, mobile homes, stands, and trailers;**

81 ~~[(16)]~~ **(19) "Permit", the written authority of the state fire marshal issued pursuant to**
82 **sections 320.106 to 320.161 to sell, possess, manufacture, discharge, or distribute fireworks;**

83 ~~[(17)]~~ **(20) "Person", any corporation, association, partnership or individual or group**
84 **thereof;**

85 ~~[(18)]~~ **(21) "Proximate audience", an audience closer to pyrotechnic devices than**
86 **permitted by NFPA 1123, Code for Fireworks Display;**

87 **(22) "Proximate fireworks", a chemical mixture used in the entertainment industry to**
88 **produce visible or audible effects by combustion, deflagration, or detonation, as ~~classified~~**
89 **described within 49 CFR ~~Part 172~~ 172.101 as Articles, pyrotechnic for technical**
90 **purposes, 1.4G, UN0431 or Articles, pyrotechnic for technical purposes, 1.4S, UN0432.**
91 **Classification Approvals may be assigned in compliance with APA Standard 87-1C or**
92 **the approval procedures specified in 49 CFR 173.56(b) or (f);**

93 ~~[(19)]~~ **(23) "Pyrotechnic ~~operator~~ or ~~special~~ effects operator", an individual who**
94 **has responsibility for pyrotechnic safety and who controls, initiates, or otherwise creates**
95 **special effects ~~for proximate fireworks~~ or uses "for professional use only" articles before**
96 **a proximate audience and who has met additional requirements established by promulgated**
97 **rules and has successfully completed a proximate ~~fireworks~~ audience training course**
98 **recognized and approved by the state fire marshal;**

99 ~~[(20)]~~ **(24)** "Sale", an exchange of articles of fireworks for money, including barter,
100 exchange, ~~[gift]~~ or offer thereof, and each such transaction made by any person, whether as a
101 principal proprietor, salesman, agent, association, copartnership or one or more individuals;

102 ~~[(21)]~~ **(25)** "Seasonal retailer", any person within the state of Missouri engaged in the
103 business of making sales of consumer fireworks in Missouri only during a fireworks season
104 ~~[as defined by subdivision (10) of this section];~~

105 ~~[(22)]~~ **(26)** "Substantial damage", **damage of any origin sustained by a structure**
106 **whereby the cost of restoring the structure to its before-damaged condition would equal**
107 **or exceed fifty percent of the market value of the structure before the damage occurred;**

108 **(27)** "Substantial improvement", any repair, reconstruction, rehabilitation,
109 alteration, addition, or other improvement of a building or structure, the cost of which
110 equals or exceeds fifty percent of the market value of the structure before the
111 improvement or repair is started. If the structure has substantial damage, any repairs
112 are considered improvement regardless of the actual repair work performed. The term
113 shall not include either of the following:

114 **(a)** Any project for improvement of a building required to correct existing
115 health, sanitary, or safety code violations identified by the building official and that are
116 the minimum necessary to ensure safe living conditions; or

117 **(b)** Any alteration of a historic structure, provided that the alteration will not
118 preclude the structure's continued designation as a historic structure;

119 **(28)** "Wholesaler", any person engaged in the business of making sales of consumer
120 fireworks to any other person engaged in the business of making sales of consumer fireworks
121 at retail within the state of Missouri.

320.111. 1. It is unlawful for any person to manufacture, sell, offer for sale, ship or
2 cause to be shipped into or within the state of Missouri except as herein provided any item of
3 fireworks, without first having secured the required applicable permit as a manufacturer,
4 distributor, wholesaler, ~~[jobber]~~ **annual retailer**, or seasonal retailer from the state fire
5 marshal and applicable federal permit or license. Possession of said permit is a condition
6 precedent to manufacturing, selling or offering for sale, shipping or causing to be shipped any
7 fireworks into the state of Missouri, except as herein provided. This provision applies to
8 nonresidents as well as residents of the state of Missouri.

9 2. The state fire marshal has the authority and is authorized and directed to issue
10 permits for the sale of fireworks. No permit shall be issued to a person under the age of
11 eighteen years. All permits except for seasonal retailers shall be for the calendar year or any
12 fraction thereof and shall expire on the thirty-first day of December of each year.

13 3. Permits issued must be displayed in the permit holder's place of business. No
14 permit provided for herein shall be transferable nor shall a person operate under a permit

15 issued to another person or under a permit issued for another location. Manufacturer,
 16 wholesaler, ~~[jobber]~~ **annual retailer**, and distributor permit holders operating out of multiple
 17 locations shall obtain a permit for each location.

18 4. Failure to make application for a permit by May thirty-first of the calendar year
 19 may result in the fire marshal's refusal to issue a license to the licensee or applicant for such
 20 calendar year.

21 5. Any false statement or declaration made on a permit application may result in the
 22 state fire marshal's refusal to issue such permit to the requesting person for a period of time
 23 not to exceed three years.

24 6. The state fire marshal is authorized ~~[and directed to charge the following]~~ **to assess**
 25 **permit and licensing fees and penalties** for ~~[permits:~~

26 ~~(1) Manufacturer, a fee of seven hundred seventy-five dollars per calendar year;~~

27 ~~(2) Distributor, a fee of seven hundred seventy-five dollars per calendar year;~~

28 ~~(3) Wholesaler, a fee of two hundred seventy-five dollars per calendar year;~~

29 ~~(4) Jobber, a fee of five hundred twenty-five dollars per calendar year per sales~~
 30 ~~location;~~

31 ~~(5) Seasonal retailer, a fee of fifty dollars per calendar year per sales location;~~

32 ~~(6) Display fireworks, a fee of one hundred dollars per calendar year per location;~~

33 ~~(7) Proximate fireworks display permit, a fee of one hundred dollars per calendar year~~
 34 ~~per location;~~

35 ~~(8) Licensed operator, a fee of one hundred dollars for a three year license;~~

36 ~~(9) Pyrotechnic operator, a fee of one hundred dollars for a three year license]~~ **the**
 37 **fireworks industry. Permit and licensing fees shall be fixed by rules or regulations**
 38 **promulgated by the state fire marshal under chapter 536.**

39 7. A holder of a manufacturer's permit shall not be required to have any additional
 40 permits in order to sell to distributors, wholesalers, ~~[jobbers]~~ **annual retailers** or seasonal
 41 retailers, or to sell display, or proximate fireworks.

42 8. A holder of a distributor's permit shall not be required to have any additional
 43 permits in order to sell to wholesalers, ~~[jobbers]~~ **annual retailers**, seasonal retailers or to sell
 44 display, or proximate fireworks.

45 9. A holder of ~~[a jobber's]~~ **an annual retailer** permit shall not be required to have any
 46 additional permit in order to sell consumer fireworks at retail during the fireworks season
 47 from such ~~[jobber's]~~ **annual retailer's** permanent structure.

48 10. **(1)** All fees collected for permits issued pursuant to this section shall be deposited
 49 ~~[to the credit of the fire education fund created pursuant to section 320.094]~~ **as follows:**

50 **(a) Eighty percent into the fire education fund created under section 320.094;**
 51 **and**

52 **(b) Twenty percent into the cigarette fire safety standard and firefighter**
53 **protection act fund created under section 320.371.**

54 **(2)** Any person engaged in more than one permit classification shall pay one permit
55 fee based upon the permit classification yielding the highest amount of revenue.

56 11. The state fire marshal is charged with the enforcement of the provisions of
57 sections 320.106 to 320.161 and may call upon any state, county or city peace officer for
58 assistance in the enforcement of the provisions of sections 320.106 to 320.161. The state fire
59 marshal may promulgate rules pursuant to the requirements of this section and chapter 536
60 necessary to carry out his or her responsibilities under this act including rules requiring
61 training, examination, and licensing of licensed operators and pyrotechnic operators engaging
62 in or responsible for the handling and use of display and proximate fireworks. The test shall
63 incorporate the rules of the state fire marshal, which shall be based upon nationally
64 recognized standards. No rule or portion of a rule promulgated pursuant to this chapter shall
65 become effective unless it has been promulgated pursuant to the provisions of chapter 536.

66 12. The state fire marshal, upon notification by the department of revenue, may
67 withhold permits from applicants upon evidence that all state sales taxes for the preceding
68 year or years have not been paid; except, this subsection shall not apply if an applicant is
69 pursuing any proper remedy at law challenging the amount, collection, or assessment of any
70 sales tax.

71 13. A holder of a distributor, wholesaler, or ~~jobber's~~ **annual retailer's** permit shall
72 be required to operate out of a permanent structure in compliance with all applicable building
73 and fire regulations in the city or county in which said person is operating a fireworks
74 business. Seasonal retail permit locations shall be in compliance with all applicable building
75 and fire regulations. The applicant may be subject to a fire safety inspection by the state fire
76 marshal based upon promulgated rules and regulations adopted by the state fire marshal.

77 14. It is unlawful for any manufacturer, distributor, wholesaler, or ~~jobber~~ **annual**
78 **retailer** to sell consumer fireworks to a seasonal retailer who has not acquired an appropriate
79 permit from the state fire marshal for the current permit period. A seasonal retailer shall
80 acquire and present the appropriate permit from the state fire marshal before any
81 manufacturer, distributor, wholesaler or ~~jobber~~ **annual retailer** is allowed to sell
82 consumer fireworks to such seasonal retailer, provided that such seasonal retailer is
83 purchasing the consumer fireworks for resale in this state.

84 15. The state fire marshal and the marshal's deputies may conduct inspections of any
85 premises and all portions of buildings where fireworks are stored, manufactured, kept or
86 being offered for sale. All persons selling, offering for sale, barter, gift, exchange, or offer
87 thereof any fireworks shall cooperate fully with the state fire marshal and the marshal's

88 deputies during any such inspection. This inspection shall be performed during normal
89 business hours.

90 16. In addition to any other penalty, any person who manufactures, sells, offers for
91 sale, ships or causes to be shipped into or caused to be shipped into the state of Missouri, for
92 use in Missouri, any items of fireworks without first having the required applicable permit
93 shall be assessed a civil penalty of up to a one thousand dollar fine for each day of operation
94 up to a maximum of ten thousand dollars.

320.116. 1. The state fire marshal may revoke any permit issued pursuant to sections
2 320.106 to 320.161 upon evidence that the holder has violated any of the provisions of
3 sections 320.106 to 320.161.

4 2. **The state fire marshal may revoke or suspend any permit issued under**
5 **sections 320.106 to 320.161 upon evidence that the influence of alcohol, marijuana, or**
6 **any illicit controlled substance is taking place by any permit holder, employee, or**
7 **representative within the permitted location.**

8 3. **The state fire marshal may refuse to issue a license or permit to any applicant**
9 **when the permit or license of the individual, corporation, or partner is under suspension**
10 **or revocation. The state fire marshal may refuse to issue a license or permit to a person**
11 **who is a partner, shareholder, manager, officer, spouse, or relative of the applicant or a**
12 **party to the applicant or is in a position to obtain any financial gain if the application is**
13 **granted during the period of suspension or revocation.**

14 4. The state fire marshal, in his or her discretion, may refuse to issue a permit, for a
15 period not to exceed three years, to a person whose permit has been revoked for the
16 possession or sale of illegal fireworks, as referred to in section 320.136.

17 ~~[3-]~~ 5. The state fire marshal, the marshal's deputies, the marshal's designees or any
18 authorized police or peace officer shall seize as contraband any illegal fireworks as defined
19 pursuant to sections 320.106 to 320.161. Such illegal fireworks seized in the enforcement of
20 sections 320.106 to 320.161 shall be held in custody of the state fire marshal in proper storage
21 facilities. The person surrendering the fireworks may bring an in rem proceeding in the
22 circuit court of the county where the fireworks were seized. Upon hearing, the circuit court
23 may authorize the return of all or part of the confiscated fireworks or the court may authorize
24 and direct that such contraband fireworks be destroyed. If a proceeding is not brought within
25 thirty days, the fireworks shall be destroyed by the state fire marshal. The state fire marshal
26 shall seize, take, remove or cause to be removed, at the expense of the owner, all stocks of
27 fireworks offered or exposed for sale, stored or held in violation of the provisions of sections
28 320.106 to 320.161. All costs, including any expenses incurred with the seizure, shall be the
29 responsibility of the adjudicated party if case disposition is in the favor of the state fire
30 marshal.

31 [4-] 6. Any person aggrieved by any official action of the state fire marshal affecting
32 their permit status including revocation, suspension, failure to renew a permit, or refusal to
33 grant a permit may seek a determination thereon by the administrative hearing commission
34 pursuant to the provisions of section 621.045.

 320.121. 1. The provisions of sections 320.106 to 320.161 shall not be construed to
2 abrogate or in any way affect the powers of the following political subdivisions to regulate or
3 prohibit fireworks within its corporate limits:

4 (1) Any city, town, or village in this state; or

5 (2) Any county operating under a charter form of government.

6 2. It is unlawful for any manufacturer, distributor, wholesaler, ~~jobber~~ **annual**
7 **retailer**, or seasonal retailer to sell or ship by common carrier fireworks to consumers within
8 the corporate limits of the following political subdivisions which prohibit the sale or
9 possession of fireworks:

10 (1) Any city, town, or village in this state; or

11 (2) Any county operating under a charter form of government.

 320.126. 1. Any person, entity, partnership, corporation, or association transporting
2 display or proximate fireworks or display and proximate fireworks into the state of Missouri
3 for the purpose of resale or to conduct a display shall be permitted by the state fire marshal as
4 a distributor or manufacturer and have obtained applicable federal license or permit.

5 2. **If applicable, the** sale of display or proximate fireworks shall be limited to a
6 holder of a federal license or permit and a distributor or manufacturer permit issued by the
7 state fire marshal.

8 3. Possession of display or proximate fireworks for resale to holders of a permit for
9 display or proximate fireworks shall be confined to holders of a state manufacturer or
10 distributor permit and applicable federal license or permit.

11 4. Permits for display or proximate fireworks may be granted to municipalities, fair
12 associations, amusement parks, organizations, persons, firms or corporations. Such permits
13 may be granted upon application and approval by the state fire marshal or local fire service
14 authorities of the community where the display is proposed to be held. All applications
15 submitted for display or proximate fireworks permits must be submitted to the office of the
16 state fire marshal a minimum of ten working days prior to the date of the event. The
17 application shall be made on a form provided or approved by the state fire marshal. Every
18 such display shall be supervised, managed, or directed by a Missouri licensed operator, or
19 pyrotechnic operator on site pursuant to subdivisions (11) and (18) of section 320.106 and
20 shall be located, discharged, or fired so as in the opinion of the permitting authority, after
21 proper inspection based on the most current edition of the National Fire Protection
22 Association standards, NFPA 1123, 1124, and 1126, to not be hazardous to any person or

23 property. After a permit has been granted, the sale, possession, use and distribution of
24 fireworks for such display shall be lawful for that purpose only. A copy of all permits issued
25 for display or proximate fireworks shall be forwarded by the permit holder to the state fire
26 marshal's office. No permit granted hereunder shall be transferable and **each permit** shall
27 apply to only one location. No holder of a manufacturer or distributor permit shall sell, barter,
28 or transfer display or proximate fireworks to anyone not possessing an applicable permit or
29 license.

30 5. Possession of display or proximate fireworks shall be limited to a holder of a
31 display or proximate fireworks permit issued by the authority having jurisdiction where the
32 display or proximate fireworks is proposed to be held or the state fire marshal or holder of a
33 state manufacturer or distributor permit and applicable federal license or permit.

34 6. Before issuing any permit for a display or proximate fireworks, the municipality,
35 fair association, amusement park, organization, firm, persons, or corporation making
36 application therefor shall furnish proof of financial responsibility in an amount established by
37 promulgated rule to the permitting authority in order to satisfy claims for damages to property
38 or personal injuries arising out of any act or omission on the part of such person, firm or
39 corporation or any agent or employee thereof.

40 7. Any establishment, **venue, or shoot site** where **display or** proximate fireworks are
41 to be discharged shall be inspected by the state fire marshal or local fire department having
42 jurisdiction for compliance with **NFPA 1123 Code for Fireworks Display, NFPA 1126**
43 **Code Standard for the Use of Pyrotechnics Before a Proximate Audience, and NFPA 101**
44 Life Safety Code or equivalent nationally recognized code in relation to means of egress,
45 occupancy load, and automatic sprinkler and fire alarm systems. All permits issued will be
46 forwarded to the state fire marshal by the permit holder. Permits will be issued in the same
47 manner as those required in this section.

320.131. 1. It is unlawful for any person to possess, sell or use within the state of
2 Missouri, or ship into the state of Missouri, except as provided in section 320.126, any
3 pyrotechnics commonly known as "fireworks" and defined as consumer fireworks in
4 ~~subdivision (3) of~~ section 320.106 other than items now or hereafter classified as fireworks
5 UNO336, 1.4G by the United States Department of Transportation that comply with the
6 construction, chemical composition, labeling and other regulations relative to consumer
7 fireworks regulations promulgated by the United States Consumer Product Safety
8 Commission and permitted for use by the general public pursuant to such commission's
9 regulations.

10 2. No wholesaler, ~~jobber~~ **annual retailer**, or seasonal retailer, or any other person
11 shall sell, offer for sale, store, display, or have in their possession any consumer fireworks that

12 have not been approved as fireworks UNO336, 1.4G by the United States Department of
13 Transportation.

14 3. No ~~[jobber]~~ **annual retailer**, wholesaler, manufacturer, or distributor shall sell to
15 seasonal retailer dealers, or any other person, in this state for the purpose of resale, or use, in
16 this state, any consumer fireworks which do not have the numbers and letter "1.4G" printed
17 within an orange, diamond-shaped label printed on or attached to the fireworks shipping
18 carton.

19 4. This section does not prohibit a manufacturer, distributor or any other person
20 possessing the proper permits as specified by state and federal law from storing, selling,
21 shipping or otherwise transporting display or proximate fireworks.

22 5. Matches, toy pistols, toy canes, toy guns, party poppers, or other devices in which
23 paper caps containing twenty-five hundredths grains or less of explosive compound, provided
24 that they are so constructed that the hand cannot come into contact with the cap when in place
25 for use, and toy pistol paper caps which contain less than twenty-five hundredths grains of
26 explosive mixture shall be permitted for sale and use at all times and shall not be regulated by
27 the provisions of sections 320.106 to 320.161.

320.141. Permissible items of consumer fireworks defined in section 320.131 may be
2 sold at wholesale or retail by holders of ~~[a jobber's]~~ **an annual retailer** permit to
3 ~~[nonlicensed]~~ **nonpermitted** buyers ~~[from outside the state of Missouri]~~ during a calendar
4 year from the first day of January until the thirty-first day of December. Permissible items of
5 consumer fireworks defined in section 320.131 may be sold at retail by holders of a seasonal
6 retail permit during the selling periods of the twentieth day of June through the tenth day of
7 July and the twentieth day of December through the second day of January.

**320.147. 1. A person selling or offering fireworks for sale or barter or trade
2 shall permit the state fire marshal and the marshal's deputies to conduct inspections,
3 based on the code of state regulations, of the business premises or any location where
4 fireworks are stored, kept, or sold. Such person shall cooperate with such inspection or
5 investigation. Failure to cooperate or refusal to allow an inspection shall result in
6 suspension or revocation of the permittee's permit or refusal of a permit to be issued.
7 Such inspection shall be performed during normal business hours.**

8 **2. All new construction of a building or structure or any substantial
9 improvement of a building or structure shall submit a full set of architectural plans
10 to the state fire marshal's office for review. The state fire marshal may accept local plan
11 reviews of fireworks buildings or structures if the standards employed by local
12 personnel are substantially equivalent to or greater than state standards and local
13 personnel are available and trained in the enforcement of such standards.**

320.151. 1. It is unlawful to attempt to sell or to sell at retail any fireworks to
2 children under the age of fourteen years except when such child is in the presence of a parent
3 or guardian.

4 2. It is unlawful for any person under the age of sixteen to sell fireworks or work in a
5 facility where fireworks are stored, sold, or offered for sale unless supervised by an adult.

6 3. It is unlawful to explode or ignite consumer fireworks within six hundred feet of
7 any church, hospital, mental health facility, school, or within one hundred feet of any location
8 where fireworks are stored, sold, or offered for sale.

9 4. No person shall ignite or discharge any permissible articles of consumer fireworks
10 within or throw the same from a motorized vehicle including watercraft or any other means of
11 transportation, except where display permit has been issued for a floating vessel or floating
12 platform, nor shall any person place or throw any ignited article of fireworks into or at a
13 motorized vehicle including watercraft or any other means of transportation, or at or near any
14 person or group of people.

15 5. No person shall ignite or discharge consumer fireworks within three hundred feet
16 of any permanent storage of ignitable liquid, gases, gasoline pump, gasoline filling station, or
17 any nonpermanent structure where fireworks are stored, sold or offered for sale.

18 6. No items of explosive or pyrotechnic composition other than **consumer fireworks,**
19 **display fireworks, or proximate fireworks** [~~as defined by subdivisions (3), (5), and (17) of~~
20 ~~section 320.106]~~ shall be displayed, sold, or offered for sale within the applicable permit
21 location as identified on such permit granted by the state fire marshal.

22 7. [~~Proximate fireworks shall not be allowed to be stored with consumer fireworks.~~

23 8.] All storage and transportation of fireworks shall be in accordance with all federal
24 and state rules and regulations.

25 [9-] 8. Nothing in sections 320.106 to 320.161 shall be construed to prevent
26 permittees from demonstrating or testing fireworks. Any such demonstration or test shall
27 require the notification and approval of the local fire service or the state fire marshal.

320.371. 1. There is hereby created in the state treasury the "Cigarette Fire Safety
2 Standard and Firefighter Protection Act Fund" which shall consist of moneys collected under
3 sections **320.106 to 320.161 and sections** 320.350 to 320.374. The fund shall be
4 administered by the state fire marshal. Upon appropriation, moneys in the fund shall be made
5 available to the state fire marshal to support fire safety and prevention programs.

6 2. Notwithstanding the provisions of section 33.080 to the contrary, any moneys
7 remaining in the fund at the end of the biennium shall not revert to the credit of the general
8 revenue fund.

9 3. The state treasurer shall invest moneys in the fund in the same manner as other
10 funds are invested. Any interest and moneys earned on such investments shall be credited to
11 the fund.

 568.070. 1. A person commits the offense of unlawful transactions with a child if he
2 or she:

3 (1) Being a pawnbroker, junk dealer, dealer in secondhand goods, or any employee of
4 such person, with criminal negligence buys or receives any personal property other than
5 agricultural products from an unemancipated minor, unless the child's custodial parent or
6 guardian has consented in writing to the transaction; or

7 (2) Knowingly permits a minor child to enter or remain in a place where illegal
8 activity in controlled substances, as defined in chapter 579, is maintained or conducted; or

9 (3) With criminal negligence sells blasting caps, bulk gunpowder, or explosives to a
10 child under the age of seventeen, or fireworks as defined in section ~~[320.110]~~ **320.106**, to a
11 child under the age of fourteen, unless the child's custodial parent or guardian has consented
12 in writing to the transaction. Criminal negligence as to the age of the child is not an element
13 of this crime.

14 2. The offense of unlawful transactions with a child is a class B misdemeanor.

~~[320.146. 1. It shall be unlawful to expose fireworks to direct sunlight through glass to the merchandise displayed, except where the fireworks are in the original package. All fireworks which the public may examine shall be kept for sale in original packages, except where an attendant is on duty at all times where fireworks are offered for sale. Fireworks shall be kept in showcases out of the reach of the public when an attendant is not on duty. One or more signs reading, "FIREWORKS NO SMOKING" shall be displayed at all places where fireworks are stored or sold in letters not less than four inches in height.~~

~~2. Fireworks shall not be manufactured, stored, kept or sold within fifty feet of any motor vehicle fuel dispensing station dispenser, retail propane dispensing station dispenser, compressed natural gas dispensing station dispenser, gasoline or propane bulk station, or any building in which gasoline or volatile liquids are sold in quantities in excess of one gallon. The provisions of this subsection shall not apply to stores where cleaners, paints, and oils are sold in the original containers to consumers.~~

~~3. It shall be unlawful to permit the presence of lighted cigars, cigarettes, pipes, or any other open flame within twenty five feet of where fireworks are manufactured, stored, kept, or offered for sale.]~~

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