

1 **SENATE FLOOR VERSION**

2 February 14, 2019

3 SENATE BILL NO. 635

By: Allen of the Senate

4 and

5 Taylor of the House

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8 An Act relating to fireworks; amending 68 O.S. 2011,
9 Section 1623, as last amended by Section 1, Chapter
10 240, O.S.L. 2017 (68 O.S. Supp. 2018, Section 1623),
11 which relates to sale of fireworks; extending certain
12 time for certain sales; providing an effective date;
13 and declaring an emergency.

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

15 SECTION 1. AMENDATORY 68 O.S. 2011, Section 1623, as
16 last amended by Section 1, Chapter 240, O.S.L. 2017 (68 O.S. Supp.
17 2018, Section 1623), is amended to read as follows:

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

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

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

11 D. An enclosed building used for sale of fireworks to the
12 public shall be built according to the International Building Code
13 (IBC) 2006 Edition and/or the codes and standards adopted by the
14 Oklahoma Uniform Building Code Commission.

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

18 F. Fireworks may be sold by licensed manufacturers,
19 distributors or wholesalers at wholesale or retail to residents and
20 nonresidents of the state from January 1 until December 31 of each
21 calendar year. Fireworks may only be sold by licensed retailers
22 from June 15 until July 6 or the first Sunday after July 4th,
23 whichever is later, and from December 15 until January 2 to
24 residents and nonresidents of the state each calendar year.

1 G. Nothing in Section 1621 et seq. of this title shall be
2 construed to require the State Fire Marshal to inspect or cause to
3 be inspected portable retail fireworks stands, tents or other
4 nonrigid shelters prior to opening; provided, the provisions of this
5 subsection shall not prohibit the local governing authority of the
6 location of the portable retail fireworks stand, tent or other
7 nonrigid shelter from inspecting such stands, tents or other
8 nonrigid shelters prior to opening.

9 SECTION 2. This act shall become effective July 1, 2019.

10 SECTION 3. It being immediately necessary for the preservation
11 of the public peace, health or safety, an emergency is hereby
12 declared to exist, by reason whereof this act shall take effect and
13 be in full force from and after its passage and approval.

14 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS, COMMERCE AND TOURISM
15 February 14, 2019 - DO PASS
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