

FIREWORKS AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Candice B. Pierucci

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions regarding the discharge of fireworks.

Highlighted Provisions:

This bill:

► provides that fireworks may be discharged between 11 a.m. and 11 p.m. from January 1 through January 3.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53-7-225, as last amended by Laws of Utah 2018, Chapter 189

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **53-7-225** is amended to read:

53-7-225. Times for sale and discharge of fireworks -- Criminal penalty --

Permissible closure of certain areas -- Maps and signage.

(1) Except as provided in Section **53-7-221**, this section supersedes any other code provision regarding the sale or discharge of fireworks.



28 (2) A person may sell class C common state approved explosives in the state as
29 follows:

- 30 (a) beginning on June 24 and ending on July 25;
- 31 (b) beginning on December 29 and ending on December 31; and
- 32 (c) two days before and on the Chinese New Year's eve.

33 (3) A person may not discharge class C common state approved explosives in the state
34 except as follows:

35 (a) between the hours of 11 a.m. and 11 p.m., except that on July 4 and July 24, the
36 hours are 11 a.m. to midnight:

- 37 (i) beginning on July 2 and ending on July 5; and
- 38 (ii) beginning on July 22 and ending on July 25;
- 39 (b) (i) beginning at 11 a.m. on December 31 and ending at 1 a.m. on the following day;

40 or

41 (ii) if New Year's eve is on a Sunday and the county, municipality, or metro township
42 determines to celebrate New Year's eve on the prior Saturday, then a person may discharge
43 class C common state approved explosives on that prior Saturday within the county,
44 municipality, or metro township; ~~and~~

45 (c) between the hours of 11 a.m. and 11 p.m., beginning on January 1 and ending on
46 January 3; and

47 ~~(c)~~ (d) beginning at 11 a.m. on the Chinese New Year's eve and ending at 1 a.m. on
48 the following day.

49 (4) A person is guilty of an infraction, punishable by a fine of up to \$1,000, if the
50 person discharges a class C common state approved explosive:

- 51 (a) outside the legal discharge dates and times described in Subsection (3); or
- 52 (b) in an area in which fireworks are prohibited under Subsection 15A-5-202.5(1)(b).

53 (5) (a) Except as provided in Subsection (5)(b) or (c), a county, a municipality, a metro
54 township, or the state forester may not prohibit a person from discharging class C common
55 state approved explosives during the permitted periods described in Subsection (3).

56 (b) (i) As used in this Subsection (5)(b), "negligent discharge":

57 (A) means the improper use and discharge of a class C common state approved
58 explosive; and

- 59 (B) does not include the date or location of discharge or the type of explosive used.
- 60 (ii) A municipality or metro township may prohibit:
- 61 (A) the discharge of class C common state approved explosives in certain areas with
62 hazardous environmental conditions, in accordance with Subsection 15A-5-202.5(1)(b); or
- 63 (B) the negligent discharge of class C common state approved explosives.
- 64 (iii) A county may prohibit the negligent discharge of class C common state approved
65 explosives.
- 66 (c) The state forester may prohibit the discharge of class C common state approved
67 explosives as provided in Subsection 15A-5-202.5(1)(b) or Section 65A-8-212.
- 68 (6) If a municipal legislative body, the state forester, or a metro township legislative
69 body provides a map to a county identifying an area in which the discharge of fireworks is
70 prohibited due to a historical hazardous environmental condition under Subsection
71 15A-5-202.5(1)(b), the county shall, before June 1 of that same year:
- 72 (a) create a county-wide map, based on each map the county has received, indicating
73 each area within the county in which fireworks are prohibited under Subsection
74 15A-5-202.5(1)(b);
- 75 (b) provide the map described in Subsection (6)(a) to:
- 76 (i) each retailer that sells fireworks within the county; and
- 77 (ii) the state fire marshal; and
- 78 (c) publish the map on the county's website.
- 79 (7) A retailer that sells fireworks shall display:
- 80 (a) a sign that:
- 81 (i) is clearly visible to the general public in a prominent location near the point of sale;
- 82 (ii) indicates the legal discharge dates and times described in Subsection (3); and
- 83 (iii) indicates the criminal charge and fine associated with discharge:
- 84 (A) outside the legal dates and times described in Subsection (3); and
- 85 (B) within an area in which fireworks are prohibited under Subsection
86 15A-5-202.5(1)(b); and
- 87 (b) the map that the county provides, in accordance with Subsection (6)(b).