

State of Arizona  
House of Representatives  
Fifty-second Legislature  
Second Regular Session  
2016

# HOUSE BILL 2398

AN ACT

AMENDING SECTION 36-1601 AND 36-1609, ARIZONA REVISED STATUTES; RELATING TO  
FIREWORKS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 36-1601, Arizona Revised Statutes, is amended to  
3 read:

4 36-1601. Definitions

5 In this article, unless the context otherwise requires:

6 1. "APA 87-1" means the American pyrotechnics association standard  
7 87-1, standard for construction and approval for transportation of fireworks,  
8 novelties and theatrical pyrotechnics, December 1, 2001 version.

9 2. "Consumer firework" means small firework devices that contain  
10 restricted amounts of pyrotechnic composition designed primarily to produce  
11 visible or audible effects by combustion and that comply with the  
12 construction, chemical composition and labeling regulations prescribed in 49  
13 Code of Federal Regulations parts 172 and 173, regulations of the United  
14 States consumer product safety commission as prescribed in 16 Code of Federal  
15 Regulations parts 1500 and 1507 and the APA 87-1.

16 3. "Display firework" means large firework devices that are explosive  
17 materials intended for use in fireworks displays and designed to produce  
18 visible or audible effects by combustion, deflagration or detonation as  
19 prescribed by 49 Code of Federal Regulations part 172, regulations of the  
20 United States consumer product safety commission as prescribed in 16 Code of  
21 Federal Regulations parts 1500 and 1507 and the APA 87-1.

22 4. "Fireworks":

23 (a) Means any combustible or explosive composition, substance or  
24 combination of substances, or any article prepared for the purpose of  
25 producing a visible or audible effect by combustion, explosion, deflagration  
26 or detonation, that is a consumer firework or display firework.

27 (b) Does not include:

28 (i) Toy pistols, toy canes, toy guns or other devices in which paper  
29 caps containing not more than twenty-five hundredths grains of explosive  
30 compound are used if constructed so that the hand cannot come in contact with  
31 the cap when in place for the explosion.

32 (ii) Toy pistol paper caps that contain less than twenty-hundredths  
33 grains of explosive mixture, or fixed ammunition or primers therefor.

34 (iii) Federally deregulated novelty items that are known as snappers,  
35 snap caps, party poppers, glow worms, snakes, toy smoke devices and  
36 sparklers.

37 (iv) Permissible consumer fireworks.

38 5. "Governing body" means the board of supervisors of a county as to  
39 the area within the county but without the corporate limits of an  
40 incorporated city or town and means the governing body of an incorporated  
41 city or town as to the area within its corporate limits.

42 6. "NFPA 1124" means the national fire protection association code for  
43 the manufacture, transportation, storage, and retail sales of fireworks and  
44 pyrotechnic articles, 2013 edition as published in August 2012, NOT INCLUDING  
45 SECTION 7.5.1.2(4).

- 1           7. "Permissible consumer fireworks":  
2           (a) Means the following types of consumer fireworks as defined by the  
3 APA 87-1:  
4           (i) Ground and handheld sparkling devices.  
5           (ii) Cylindrical fountains.  
6           (iii) Cone fountains.  
7           (iv) Illuminating torches.  
8           (v) Wheels.  
9           (vi) Ground spinners.  
10          (vii) Flitter sparklers.  
11          (viii) Toy smoke devices.  
12          (ix) Wire sparklers or dipped sticks.  
13          (x) MINE AND SHELL DEVICES.  
14          (xi) FIRECRACKERS.  
15          ~~(x)~~ (xii) Multiple tube ~~ground and handheld sparkling~~ devices,  
16 INCLUDING cylindrical fountains, cone fountains, MINE AND SHELL DEVICES and  
17 illuminating torches manufactured in accordance with section 3.5 of the APA  
18 87-1.  
19          (b) Does not include anything, OTHER THAN MINE AND SHELL DEVICES AND  
20 FIRECRACKERS, that is designed or intended to rise into the air and explode  
21 or to detonate in the air or to fly above the ground, including firework  
22 items defined by the APA 87-1 and known as ~~firecrackers~~, bottle rockets, sky  
23 rockets, missile-type rockets, helicopters, aerial spinners, torpedoes, roman  
24 candles, ~~mine devices, shell devices~~ and aerial shell kits or reloadable  
25 tubes.  
26          8. "Person" includes an individual, partnership, firm or corporation.  
27          Sec. 2. Section 36-1609, Arizona Revised Statutes, is amended to read:  
28 36-1609. State fire marshal; adoption of code; sale of  
29 permissible consumer fireworks  
30          A. The state fire marshal shall adopt rules pursuant to title 41,  
31 chapter 6 to carry out this article, including a rule that adopts ~~the~~  
32 ~~national fire protection association code for the manufacture,~~  
33 ~~transportation, storage and retail sales of fireworks and pyrotechnic~~  
34 ~~articles, 2013 edition as published in August, 2012 NFPA 1124.~~ A person who  
35 sells permissible consumer fireworks to the public shall comply with those  
36 rules relating to the storage of consumer fireworks and relating to the  
37 retail sales of consumer fireworks before selling permissible consumer  
38 fireworks to the public.  
39          B. A person shall not sell or permit or authorize the sale of  
40 permissible consumer fireworks to a person who is under sixteen years of age.