

REFERENCE TITLE: fireworks; permissible use; Diwali.

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HB 2255

Introduced by
Representative Biasiucci

AN ACT

AMENDING SECTION 36-1606, 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 36-1606, Arizona Revised Statutes, is amended to
3 read:

4 36-1606. Consumer fireworks regulation; state preemption;
5 further regulation of fireworks by local
6 jurisdiction

7 A. The sale and use of permissible consumer fireworks are of
8 statewide concern. The regulation of permissible consumer fireworks
9 pursuant to this article and their sale or use is not subject to further
10 regulation by a governing body, except as follows:

11 1. In a county with a population of more than five hundred thousand
12 persons, a city or town within its corporate limits or the county within
13 the unincorporated areas of the county may do all of the following:

14 (a) Regulate, consistent with the standards set forth in NFPA 1124,
15 the sale of permissible consumer fireworks within its corporate limits.

16 (b) Prohibit the sale of permissible consumer fireworks on days
17 other than April 25 through May 6, May 20 through July 6 and December 10
18 through January 3 of each year **AND TWO DAYS BEFORE THE FIRST DAY OF DIWALI**
19 **THROUGH THE THIRD DAY OF DIWALI EACH YEAR.**

20 (c) Prohibit the use of permissible consumer fireworks on days
21 other than May 4 through May 6, June 24 through July 6 and December 24
22 through January 3 of each year **AND THE SECOND AND THIRD DAYS OF DIWALI OF**
23 **EACH YEAR.**

24 (d) Prohibit on all days the use of permissible consumer fireworks
25 within a one-mile radius of the border of preservation lands owned by a
26 city or town that has purchased more than fifteen thousand acres of land
27 for preservation purposes.

28 (e) Prohibit on all days during a stage one or higher fire
29 restriction the use of permissible consumer fireworks within a one-mile
30 radius of the border of any municipal or county mountain preserve, desert
31 park, regional park, designated conservation area, national forest or
32 wilderness area.

33 2. In a county with a population of less than five hundred thousand
34 persons, a city or town within its corporate limits or the county within
35 the unincorporated areas of the county may do all of the following:

36 (a) Regulate, consistent with the standards set forth in NFPA 1124,
37 the sale of permissible consumer fireworks.

38 (b) Prohibit the sale of permissible consumer fireworks on days
39 other than May 20 through July 6 and December 10 through January 3 of each
40 year. The sale of permissible consumer fireworks may be prohibited on
41 days between May 20 through July 6 and December 10 through January 3 of
42 each year if a federal or state agency implements a stage one or higher
43 fire restriction. Any prohibition during those dates is limited to only
44 the dates when the stage one or higher fire restriction is in place.

1 (c) Prohibit the use of permissible consumer fireworks on days
2 other than June 24 through July 6 and December 24 through January 3 of
3 each year. The use of permissible consumer fireworks may be prohibited
4 during June 24 through July 6 and December 24 through January 3 of each
5 year if a federal or state agency implements a stage one or higher fire
6 restriction. Any prohibition during those dates is limited to only the
7 dates when the stage one or higher fire restriction is in place.

8 (d) Prohibit on all days the use of permissible consumer fireworks
9 within a one-mile radius of the border of preservation lands owned by a
10 city or town that has purchased more than fifteen thousand acres of land
11 for preservation purposes.

12 (e) Prohibit on all days the use of permissible consumer fireworks
13 within a one-mile radius of the border of any municipal or county mountain
14 preserve, desert park, regional park, designated conservation area,
15 national forest or wilderness area.

16 B. A governing body that chooses to regulate, consistent with the
17 requirements set forth in NFPA 1124 and subsection A of this section, the
18 sale or use of permissible consumer fireworks may not require any
19 additional signage requirements for the sale or use of permissible
20 consumer fireworks other than those signage requirements stipulated in
21 NFPA 1124, except that additional signage that is eight and one-half
22 inches by eleven inches in size, that is on cardstock paper in landscape
23 orientation, **THAT LISTS THE DAYS OF THAT YEAR THAT ARE DESCRIBED IN**
24 **SUBSECTION A, PARAGRAPHS 1 AND 2 OF THIS SECTION RELATING TO THE TIME**
25 **FRAME SURROUNDING DIWALI** and that contains the following language on a
26 contrasting background may be posted by the retail sales display of
27 permissible consumer fireworks:

28 State of Arizona
29 Consumer Fireworks Regulations
30 Arizona Revised Statutes section 36-1601, et al.
31 The use of permissible consumer fireworks
32 as defined under state law is allowed:
33 May 4 - May 6, June 24 - July 6 and December 24 - January 3
34 The sale of permissible consumer fireworks
35 as defined under state law is allowed:
36 April 25 - May 6, May 20 - July 6 and December 10 - January 3
37 All other fireworks are prohibited, except
38 as authorized by local fire department permit.
39 The sale and use of novelties known as snappers (pop-its),
40 party poppers, glow worms, snakes, toy smoke devices and
41 sparklers are permitted at all times.
42 Permissible consumer fireworks may not be sold to
43 persons under sixteen years of age.
44 Check with your local fire department for additional
45 regulations and dates before using.

1 C. This article does not prohibit the imposition by ordinance of
2 further regulations and prohibitions by a governing body on the sale, use
3 and possession of fireworks other than permissible consumer fireworks. A
4 governing body may not allow or authorize the sale, use or possession of
5 any fireworks in violation of this article.