

COMMITTEE ON COMMERCE
SENATE AMENDMENTS TO S.B. 1188
(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

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 other
21 than May 4 through May 6, June 24 through July 6 and December ~~24~~ 26 through
22 January 3 of each year and the second and third days of Diwali of each
23 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

1 city or town that has purchased more than fifteen thousand acres of land
2 for preservation purposes.

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

8 (f) Prohibit on all days the use of permissible consumer fireworks
9 between the hours of 11:00 p.m. and 8:00 a.m., except:

10 (i) Between the hours of 11:00 p.m. on December 31 of each year
11 through 1:00 a.m. on January 1 of each year.

12 (ii) Between the hours of 11:00 p.m. on July 4 of each year through
13 1:00 a.m. on July 5 of each year.

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

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

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

26 (c) Prohibit the use of permissible consumer fireworks on days other
27 than June 24 through July 6 and December ~~24~~ 26 through January 3 of each
28 year. The use of permissible consumer fireworks may be prohibited during
29 June 24 through July 6 and December ~~24~~ 26 through January 3 of each year if
30 a federal or state agency implements a stage one or higher fire
31 restriction. Any prohibition during those dates is limited to only the
32 dates when the stage one or higher fire restriction is in place.

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

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

9 (f) Prohibit on all days the use of permissible consumer fireworks
10 between the hours of 11:00 p.m. and 8:00 a.m., except:

11 (i) Between the hours of 11:00 p.m. on December 31 of each year
12 through 1:00 a.m. on January 1 of each year.

13 (ii) Between the hours of 11:00 p.m. on July 4 of each year through
14 1:00 a.m. on July 5 of each year.

15 B. A governing body that chooses to regulate, consistent with the
16 requirements set forth in NFPA 1124 and subsection A of this section, the
17 sale or use of permissible consumer fireworks may not require any
18 additional signage requirements for the sale or use of permissible consumer
19 fireworks other than those signage requirements stipulated in NFPA 1124,
20 except that additional signage that is eight and one-half inches by eleven
21 inches in size, that is on cardstock paper in landscape orientation, that
22 lists the days of that year that are described in subsection A, ~~paragraphs~~
23 ~~PARAGRAPH 1 and 2~~ of this section relating to the time frame surrounding
24 Diwali and that contains the following language on a contrasting background
25 may be posted by the retail sales display of permissible consumer
26 fireworks:

27 State of Arizona

28 Consumer Fireworks Regulations

29 Arizona Revised Statutes section 36-1601, et al.

30 The use of permissible consumer fireworks

31 as defined under state law is allowed:

32 May 4 - May 6, June 24 - July 6 and December ~~24~~ 26 - January 3

1 The sale of permissible consumer fireworks
2 as defined under state law is allowed:
3 April 25 - May 6, May 20 – July 6 and December 10 – January 3

4 All other fireworks are prohibited, except
5 as authorized by local fire department permit.

6 The sale and use of novelties known as snappers (pop-its),
7 party poppers, glow worms, snakes, toy smoke devices and
8 sparklers are permitted at all times.

9 Permissible consumer fireworks may not be sold to
10 persons under sixteen years of age.

11 Check with your local fire department for additional
12 regulations and dates before using.

13 C. This article does not prohibit the imposition by ordinance of
14 further regulations and prohibitions by a governing body on the sale, use
15 and possession of fireworks other than permissible consumer fireworks. A
16 governing body may not allow or authorize the sale, use or possession of
17 any fireworks in violation of this article."

18 Amend title to conform

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C: MH