

Senate Engrossed

~~technical correction; nonprobate transfers~~
(now: regulation; permissible consumer fireworks)

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SENATE BILL 1188

AN ACT

AMENDING SECTION 36-1606, ARIZONA REVISED STATUTES; RELATING TO CONSUMER
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~~ 26
22 through January ~~3~~ 4 of each year and the second and third days of Diwali
23 of 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 (f) Prohibit on all days the use of permissible consumer fireworks
34 between the hours of 11:00 p.m. and 8:00 a.m., except:

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

37 (ii) Between the hours of 11:00 p.m. on July 4 of each year through
38 1:00 a.m. on July 5 of each year.

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

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

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

10 (c) Prohibit the use of permissible consumer fireworks on days
11 other than June 24 through July 6 and December ~~24~~ 26 through January ~~3~~ 4
12 of each year. The use of permissible consumer fireworks may be prohibited
13 during June 24 through July 6 and December ~~24~~ 26 through January ~~3~~ 4 of
14 each year if a federal or state agency implements a stage one or higher
15 fire restriction. Any prohibition during those dates is limited to only
16 the dates when the stage one or higher fire restriction is in place.

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

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

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

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

29 (ii) Between the hours of 11:00 p.m. on July 4 of each year through
30 1:00 a.m. on July 5 of each year.

31 B. A governing body that chooses to regulate, consistent with the
32 requirements set forth in NFPA 1124 and subsection A of this section, the
33 sale or use of permissible consumer fireworks may not require any
34 additional signage requirements for the sale or use of permissible
35 consumer fireworks other than those signage requirements stipulated in
36 NFPA 1124, except that additional signage that is eight and one-half
37 inches by eleven inches in size, that is on cardstock paper in landscape
38 orientation, that lists the days of that year that are described in
39 subsection A, ~~paragraphs~~ PARAGRAPH 1 ~~and 2~~ of this section relating to the
40 time frame surrounding Diwali and that contains the following language on
41 a contrasting background may be posted by the retail sales display of
42 permissible consumer fireworks:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

State of Arizona
Consumer Fireworks Regulations
Arizona Revised Statutes section 36-1601, et al.
The use of permissible consumer fireworks
as defined under state law is allowed:
May 4 - May 6, June 24 - July 6 and December ~~24~~ 26 - January ~~3~~ 4
The sale of permissible consumer fireworks
as defined under state law is allowed:
April 25 - May 6, May 20 - July 6 and December 10 - January 3
All other fireworks are prohibited, except
as authorized by local fire department permit.
The sale and use of novelties known as snappers (pop-its),
party poppers, glow worms, snakes, toy smoke devices and
sparklers are permitted at all times.
Permissible consumer fireworks may not be sold to
persons under sixteen years of age.
Check with your local fire department for additional
regulations and dates before using.
C. This article does not prohibit the imposition by ordinance of
further regulations and prohibitions by a governing body on the sale, use
and possession of fireworks other than permissible consumer fireworks. A
governing body may not allow or authorize the sale, use or possession of
any fireworks in violation of this article.