

REFERENCE TITLE: fireworks; aerials; licensure; penalties

State of Arizona  
Senate  
Fifty-sixth Legislature  
Second Regular Session  
2024

## **SB 1479**

Introduced by  
Senators Fernandez: Alston, Bennett, Diaz, Sundareshan; Representative  
Terech

AN ACT

AMENDING SECTIONS 36-1601, 36-1605, 36-1606, 36-1607, 36-1608 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  
8 fireworks, novelties and theatrical pyrotechnics, December 1, 2001  
9 version.

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

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

24 4. "Fireworks":

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

30 (b) Does not include:

31 (i) Toy pistols, toy canes, toy guns or other devices in which  
32 paper caps containing not more than ~~twenty-five hundredths~~ 25/100 grains  
33 of explosive compound are used if constructed so that the hand cannot come  
34 in contact with the cap when in place for the explosion.

35 (ii) Toy pistol paper caps that contain less than ~~twenty-hundredths~~  
36 20/100 grains of explosive mixture, or fixed ammunition or primers  
37 therefor.

38 (iii) Federally deregulated novelty items that are known as  
39 snappers, snap caps, party poppers, glow worms, snakes, toy smoke devices,  
40 NOVELTY FLITTER SPARKLERS and sparklers.

41 (iv) Permissible consumer fireworks.

42 5. "Governing body" means the board of supervisors of a county as  
43 to the area within the county but without the corporate limits of an  
44 incorporated city or town and means the governing body of an incorporated  
45 city or town as to the area within its corporate limits.

1           6. "NFPA 1124" means the national fire protection association code  
2 for the manufacture, transportation, storage, and retail sales of  
3 fireworks and pyrotechnic articles, 2013 edition as published in August  
4 2012.

5           7. "Permissible consumer fireworks":

6           (a) Means the following types of consumer fireworks as defined by  
7 the APA 87-1:

8           (i) Ground and handheld sparkling devices.

9           (ii) Cylindrical fountains.

10          (iii) Cone fountains.

11          (iv) Illuminating torches.

12          (v) Wheels.

13          (vi) Ground spinners.

14          (vii) Flitter sparklers.

15          (viii) Toy smoke devices.

16          (ix) Wire sparklers or dipped sticks.

17          (x) Multiple tube ground and handheld sparkling devices,  
18 cylindrical fountains, cone fountains and illuminating torches  
19 manufactured in accordance with section 3.5 of the APA 87-1.

20          (xi) MULTIPLE TUBE AERIAL DEVICES AS DEFINED BY THE APA 87-1,  
21 SECTIONS 3.1.2.5 AND 3.5, BUT DOES NOT INCLUDE A SINGLE-SHOT DEVICE OR  
22 RELOADABLE AERIAL SHELL.

23          (b) Includes, in a county with a population of more than five  
24 hundred thousand persons, adult snappers. For the purposes of this  
25 subdivision, "adult snapper" means a device that consists of a  
26 paper-wrapped or plastic tube that does not contain a fuse, and THAT  
27 produces a single report and THAT meets all applicable requirements for  
28 fuseless firecrackers as defined by the UNITED STATES consumer product  
29 safety commission and the American fireworks safety laboratory.

30          (c) EXCEPT AS PROVIDED IN SUBDIVISION (a), ITEM (xi) OF THIS  
31 PARAGRAPH, does not include anything that is designed or intended to rise  
32 into the air and explode or to detonate in the air or to fly above the  
33 ground, including firework items defined by the APA 87-1 and known as  
34 firecrackers, bottle rockets, sky rockets, missile-type rockets,  
35 helicopters, aerial spinners, torpedoes, roman candles, ~~mine devices,~~  
36 ~~shell devices~~ and aerial shell kits or reloadable tubes.

37          8. "Person" includes an individual, partnership, firm or  
38 corporation.

39          Sec. 2. Section 36-1605, Arizona Revised Statutes, is amended to  
40 read:

41          36-1605. Permitted uses; violations; civil penalties

42          A. This article does not prohibit:

43          1. The sale at wholesale by a resident wholesaler, dealer or jobber  
44 of fireworks that are not prohibited by this article.

1           2. The sale of fireworks to bona fide wholesalers, dealers or  
2 jobbers that are to be and are shipped directly out of ~~the~~ THIS state, if  
3 the seller of fireworks under this paragraph maintains for a period of  
4 five years and makes available on request to the office of the state fire  
5 marshal or the local fire marshal, as applicable, the following  
6 information:

7           (a) The name and address of each bona fide wholesaler, dealer or  
8 jobber for which a shipment is to be and is made directly out of ~~the~~ THIS  
9 state, including each wholesaler's, dealer's and jobber's applicable state  
10 fireworks permit.

11           (b) An invoice for each sale for which a shipment is to be and is  
12 made directly out of ~~the~~ THIS state that contains a detailed listing of  
13 the products sold for the shipment that is to be and is made directly out  
14 of ~~the~~ THIS state.

15           (c) A bill of lading for each shipment that is to be and is shipped  
16 directly out of ~~the~~ THIS state that contains both of the following:

17           (i) The name and address of the out-of-state shipment destination.

18           (ii) The name of the private carrier making the out-of-state  
19 delivery.

20           (d) A statement from each bona fide wholesaler, dealer or jobber  
21 purchasing fireworks that are to be and are shipped directly out of ~~the~~  
22 THIS state that contains both of the following:

23           (i) The purpose for which the fireworks that are to be and are  
24 shipped directly out of ~~the~~ THIS state are to be used, including the  
25 location where the fireworks will be used.

26           (ii) That the fireworks that are not permissible fireworks in this  
27 state are for sale or use only outside of this state.

28           3. The use of fireworks by railroads or other transportation  
29 agencies for signal purposes or illumination.

30           4. The sale or use of explosives for blasting or other legitimate  
31 industrial purposes.

32           5. The use of fireworks or explosives, or both, by farmers, ~~AND~~ AND  
33 ranchers and their employees who are regulated under title 3, and by state  
34 and federal employees who manage wildlife resources, to rally, drive or  
35 otherwise disperse concentrations of wildlife for the purpose of  
36 protecting property or wildlife, if the seller of fireworks for use under  
37 this paragraph maintains for a period of five years and makes available on  
38 request to the office of the state fire marshal or the local fire marshal,  
39 as applicable, all of the following information:

40           (a) The name and address of each person or business purchasing  
41 fireworks for use pursuant to this paragraph.

42           (b) A copy of one of the following types or categories of current  
43 licenses issued by the Arizona department of agriculture for each person  
44 or business purchasing fireworks for use pursuant to this paragraph:

45           (i) Dairy and milk license.

- 1 (ii) Egg and egg products license.
- 2 (iii) Feedlot license.
- 3 (iv) Citrus, fruit and vegetable license.
- 4 (v) Brand license.
- 5 (vi) Pesticide use license.

6 (c) A statement from each person or business purchasing fireworks  
7 for use pursuant to this paragraph that contains the purpose for which the  
8 fireworks are to be used, including the location where the fireworks will  
9 be used.

10 6. The sale of permissible consumer fireworks by a retail  
11 establishment if the retail establishment complies with the rules adopted  
12 pursuant to section 36-1609, **EXCEPT THAT PERMISSIBLE FIREWORKS MAY NOT BE**  
13 **SOLD IN TENTS, CANOPIES OR MEMBRANE STRUCTURES.**

14 7. The use of permissible consumer fireworks by the general public,  
15 unless the use is prohibited by a governing body of an incorporated city  
16 or town.

17 B. A person who fails to maintain or to make available on request  
18 information as required by subsection A, paragraph 2 of this section is  
19 subject to a civil penalty of ~~five hundred dollars~~ \$500 per violation. A  
20 person who attempts to purchase fireworks that are to be and are shipped  
21 directly out of the state pursuant to subsection A, paragraph 2 of this  
22 section, other than permissible fireworks, for use in this state is  
23 subject to a civil penalty of ~~one hundred fifty dollars~~ \$150 per  
24 violation. A seller of fireworks who attempts either to sell fireworks  
25 pursuant to subsection A, paragraph 2 of this section, other than  
26 permissible fireworks, for use in this state or to aid a purchaser in  
27 purchasing fireworks pursuant to subsection A, paragraph 2 of this  
28 section, other than permissible fireworks, for use in this state is  
29 subject to a civil penalty of ~~one thousand dollars~~ \$1,000 per violation,  
30 and the office of the state fire marshal or the local fire marshal, as  
31 applicable, may prohibit the seller from selling permissible fireworks in  
32 this state or the applicable jurisdiction.

33 C. A person who fails to maintain or to make available on request  
34 records as required by subsection A, paragraph 5 of this section is  
35 subject to a civil penalty of ~~five hundred dollars~~ \$500 per violation. A  
36 person who attempts to use fireworks purchased pursuant to subsection A,  
37 paragraph 5 of this section for a use other than the use authorized  
38 pursuant to subsection A, paragraph 5 of this section is subject to a  
39 civil penalty of ~~one hundred fifty dollars~~ \$150 per violation. A seller  
40 of fireworks under subsection A, paragraph 5 of this section who attempts  
41 either to sell fireworks to a purchaser for use in this state other than  
42 the use authorized by subsection A, paragraph 5 of this section or to aid  
43 a purchaser in purchasing fireworks for use in this state other than as  
44 authorized by subsection A, paragraph 5 of this section is subject to a  
45 civil penalty of ~~one thousand dollars~~ \$1,000 per violation, and the office

1 of the state fire marshal or the local fire marshal, as applicable, may  
2 prohibit the seller from selling permissible fireworks in this state or  
3 the applicable jurisdiction.

4 Sec. 3. Section 36-1606, Arizona Revised Statutes, is amended to  
5 read:

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

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

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

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

18 (b) Prohibit the sale of permissible consumer fireworks on days  
19 other than April 25 through May 6, May 20 through July 6 and December 10  
20 through January 3 of each year and two days before the first day of Diwali  
21 through the third day of Diwali each year.

22 (c) Prohibit the use of permissible consumer fireworks on days  
23 other than May 4 through May 6, June 24 through July 6 and December 26  
24 through January 4 of each year and the second and third days of Diwali of  
25 each year.

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

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

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

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

39 (ii) Between the hours of 11:00 p.m. on July 4 of each year through  
40 1:00 a.m. on July 5 of each year.

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

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

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

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

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

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

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

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

27 (ii) Between the hours of 11:00 p.m. on July 4 of each year through  
28 1:00 a.m. on July 5 of each year.

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

41 State of Arizona  
42 Consumer Fireworks Regulations  
43 Arizona Revised Statutes section 36-1601, et al.  
44 The use of permissible consumer fireworks  
45 as defined under state law is allowed:

1 May 4 - May 6, June 24 - July 6 and December 26 - January 4

2 The sale of permissible consumer fireworks

3 as defined under state law is allowed:

4 April 25 - May 6, May 20 - July 6 and December 10 - January 3

5 All other fireworks are prohibited, except

6 as authorized by local fire department permit.

7 The sale and use of novelties known as snappers (pop-its),

8 party poppers, glow worms, snakes, toy smoke devices and

9 sparklers are permitted at all times.

10 Permissible consumer fireworks may not be sold to

11 persons under ~~sixteen~~ EIGHTEEN years of age.

12 Check with your local fire department for additional

13 regulations and dates before using.

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

19 Sec. 4. Section 36-1607, Arizona Revised Statutes, is amended to  
20 read:

21 36-1607. Seizure; enforcement

22 A. The OFFICE OF THE STATE FIRE MARSHAL, THE Arizona highway patrol  
23 or any sheriff or other peace officer shall seize, remove or cause to be  
24 removed, at the expense of the owner, all fireworks or combustibles  
25 offered or exposed for sale, stored or possessed in violation of this  
26 article.

27 B. In addition to the persons specified in subsection A of this  
28 section, a fire marshal working for or contracted with a city, town, fire  
29 district or county may seize, remove or cause to be removed all fireworks  
30 THAT ARE for sale, ~~or~~ offered for sale, STORED OR POSSESSED IN VIOLATION  
31 OF THIS ARTICLE AND THAT ARE in the fire marshal's jurisdiction. The  
32 city, town, fire district or county may impose a fine on the owner of the  
33 fireworks that at a minimum covers the cost of the enforcement of this  
34 subsection.

35 C. A person that has fireworks confiscated more than two times in a  
36 five-year period is prohibited from selling permissible consumer fireworks  
37 in this state for the three succeeding years following the most recent  
38 violation.

39 Sec. 5. Section 36-1608, Arizona Revised Statutes, is amended to  
40 read:

41 36-1608. Violations; civil penalties; classification

42 A. A person ~~violating a provision~~ WHO USES FIREWORKS IN VIOLATION  
43 of this article is subject to a civil penalty of ~~one thousand dollars~~  
44 \$1,000.

1           B. A PERSON WHO SELLS FIREWORKS IN VIOLATION OF THIS ARTICLE IS  
2 SUBJECT TO A CIVIL PENALTY OF \$5,000.

3           ~~B.~~ C. A person who uses fireworks or permissible consumer  
4 fireworks on preservation lands owned by a city or town that has purchased  
5 more than fifteen thousand acres of land for preservation purposes is  
6 guilty of a class 1 misdemeanor and shall pay a fine of at least ~~one~~  
7 ~~thousand dollars~~ \$5,000.

8           Sec. 6. Section 36-1609, Arizona Revised Statutes, is amended to  
9 read:

10           36-1609. Office of the state fire marshal; adoption of code;  
11                                   sale of permissible consumer fireworks; annual  
12                                   licensure; registration; fees

13           A. The office of the state fire marshal shall adopt rules pursuant  
14 to title 41, chapter 6 to carry out this article, including a rule that  
15 adopts the national fire protection association code for the manufacture,  
16 transportation, storage and retail sales of fireworks and pyrotechnic  
17 articles, 2013 edition as published in August, 2012. A person who sells  
18 permissible consumer fireworks to the public shall comply with those rules  
19 relating to the storage of consumer fireworks and relating to the retail  
20 sales of consumer fireworks before selling permissible consumer fireworks  
21 to the public.

22           B. A PERSON SHALL ANNUALLY OBTAIN A LICENSE FROM THE OFFICE OF THE  
23 STATE FIRE MARSHAL TO SELL PERMISSIBLE CONSUMER FIREWORKS ITEMS DEFINED IN  
24 SECTION 36-1601, PARAGRAPH 7, SUBDIVISION (a), ITEM (xi). PERMISSIBLE  
25 CONSUMER FIREWORKS ITEMS DEFINED IN SECTION 36-1601, PARAGRAPH 7,  
26 SUBDIVISION (a), ITEM (xi) MAY BE SOLD ONLY FROM A TEMPORARY CONSUMER  
27 FIREWORKS RETAIL STAND AS DEFINED IN NFPA 1124. THE STATE FIRE MARSHAL  
28 SHALL ESTABLISH THE ANNUAL LICENSING FEE IN RULE. A PERSON WHO IS  
29 REQUIRED TO BE LICENSED PURSUANT TO THIS SUBSECTION AND WHO RECEIVES THREE  
30 VIOLATIONS IN A THIRTY-SIX MONTH PERIOD MAY NOT HOLD A LICENSE ISSUED  
31 PURSUANT TO THIS SUBSECTION FOR FIVE YEARS.

32           C. A LICENSE IS NOT REQUIRED FOR PERSONS ONLY OFFERING FOR SALE TO  
33 THE PUBLIC PERMISSIBLE CONSUMER FIREWORKS OTHER THAN THOSE DEFINED IN  
34 SECTION 36-1601, PARAGRAPH 7, SUBDIVISION (a), ITEM (xi) IF THE LOCATION  
35 COMPLIES WITH NFPA 1124 RELATING TO THE STORAGE OF CONSUMER FIREWORKS AND  
36 TO THE RETAIL SALES OF CONSUMER FIREWORKS BEFORE SELLING THE PERMISSIBLE  
37 CONSUMER FIREWORKS TO THE PUBLIC.

38           D. A WHOLESALER THAT IS ENGAGED IN OFFERING PERMISSIBLE CONSUMER  
39 FIREWORKS TO PERMANENT OR TEMPORARY SEASONAL RETAILERS AT WHOLESALE SHALL  
40 ANNUALLY REGISTER WITH THE STATE FIRE MARSHAL USING A FORM PRESCRIBED BY  
41 THE STATE FIRE MARSHAL. THE STATE FIRE MARSHAL MAY ESTABLISH AN ANNUAL  
42 WHOLESALER REGISTRATION FEE IN RULE.

43           ~~B.~~ E. A person shall not sell or ~~permit~~ ALLOW or authorize the  
44 sale of permissible consumer fireworks to a person who is under ~~sixteen~~  
45 EIGHTEEN years of age.