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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. 273

January 22, 2007

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The bill was read for the first time and referred to the Committee on Public Safety and Civil Justice

1.1 A bill for an act
1.2 relating to public safety; authorizing the sale and use of certain fireworks;
1.3 providing licenses; proposing coding for new law in Minnesota Statutes, chapter
1.4 624.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. [624.222] SALES AND PERSONAL USE OF 1.4 GR FIREWORKS.

1.7 Subdivision 1. Definition; 1.4G fireworks. 1.4G fireworks means common
1.8 fireworks, designed primarily to produce visible effects by combustion. Some small
1.9 devices designed to produce an audible effect are included, but only when containing
1.10 less than two grains of pyrotechnic composition. Class C, 1.4G fireworks include the
1.11 following:

1.12 (1) roman candles, not exceeding ten balls, with total pyrotechnic composition not
1.13 exceeding 20 grams in weight and inside tube diameter not exceeding 3/8 inch;

1.14 (2) sky rockets with sticks, total pyrotechnic composition not exceeding 30 twenty
1.15 grams in weight, and inside tube diameter not exceeding 1/2 inch;

1.16 (3) helicopter type rockets, total pyrotechnic composition not exceeding 20 grams in
1.17 weight, and inside tube diameter not exceeding 1/2 inch;

1.18 (4) cylindrical fountains with total pyrotechnic composition not exceeding 75 grams
1.19 in weight; and inside tube diameter not exceeding 3/4 inch;

1.20 (5) cone fountains with total pyrotechnic composition not exceeding 50 grams
1.21 each in weight;

1.22 (6) wheels, with total pyrotechnic composition not exceeding 60 grams for each
1.23 driver unit or 240 grams for each wheel, and with inside tube diameter of driver units
1.24 not exceeding 1/2 inch.

2.1 Subd. 2. **Limited personal use of fireworks.** 1.4 gr fireworks may be used or
2.2 ignited three times a year from May 24 to May 31, July 1 to July 6, and December 24 to
2.3 January 2 of each year for personal use only. A seller at retail may offer for sale, advertise,
2.4 or sell at retail 1.4 gr fireworks for personal use from May 1 to July 15 and December 1 to
2.5 January 2 of each year. Anyone selling 1.4 gr fireworks under authority of this section
2.6 must post in a conspicuous location the following warning in block letters not less than
2.7 one inch in height:

2.8 "FIREWORKS PURCHASED FOR PERSONAL USE UNDER MINNESOTA
2.9 STATUTES, SECTION 624.222, MAY BE USED OR IGNITED ONLY MAY 24 TO
2.10 MAY 31, JULY 1 TO JULY 6, AND DECEMBER 24 TO JANUARY 2."

2.11 Subd. 3. **Licensing of sales facilities.** 1.4 gr fireworks shall be sold only from
2.12 facilities that are licensed by the county sheriff and county auditors' offices and that meet
2.13 the following criteria:

2.14 (1) the facility must be limited in size to 5,000 square feet of selling area to which
2.15 the public may be admitted;

2.16 (2) aisles in the facility shall be a minimum of 40 inches wide, and they shall be kept
2.17 free and unobstructed at all times;

2.18 (3) there must be one exit door for every 1,000 square feet of selling space to which
2.19 the public may be admitted, with a minimum of three emergency exit doors in the facility;
2.20 EXCEPTION: if selling space of the facility is less than 800 square feet, no emergency
2.21 exit doors are required;

2.22 (4) the exit doors shall be metal and shall be equipped with push-panic locks;

2.23 (5) exit doors shall be clearly marked with lighted exit signs with battery backups;

2.24 EXCEPTION: if selling space of the facility is less than 800 square feet, required exit signs
2.25 shall consist of a minimum of three 9x12-inch fluorescent red signs with direction arrows;

2.26 (6) the facility must be a stand-alone building;

2.27 (7) the facility must be equipped with an adequate number of smoke detectors in
2.28 both the retail and storage areas, and the smoke detectors must be inspected and tested
2.29 annually before the opening of the facility;

2.30 (8) storage areas must be separated from areas to which the public may be admitted
2.31 by appropriately rated fire separation walls;

2.32 (9) the facility must be located no closer than 50 feet from any facility selling or
2.33 dispensing gasoline, propane, or other flammable products;

2.34 (10) portable fire extinguishing equipment must be located in the premises at
2.35 all times, with one fire extinguisher located every 75 feet of travel space. The fire

3.1 extinguishers must be inspected and certified annually before the opening of the facility;
3.2 and

3.3 (11) no 1.4 gr fireworks sales facility may be located within 250 feet of another 1.4
3.4 gr fireworks sales facility, with priority to be given on a first-come basis.

3.5 Subd. 4. **License applications; fees.** Applications for licenses to sell 1.4 gr
3.6 fireworks must be submitted to the county auditor's office by January 15 of each year on
3.7 forms prescribed and provided by the county auditor's office. Licenses must be issued
3.8 no later than March 1 of each year. The license application must be accompanied by an
3.9 annual license fee of \$250. The jurisdictional fire chief must inspect the facility within
3.10 one month prior to June 15 to ensure that all rules are followed. No license may be
3.11 issued to any convicted felons or to entities where a convicted felon owns five percent or
3.12 more of the equity

3.13 Subd. 5. **Operational requirements.** The 1.4 gr fireworks sales facility must be
3.14 exclusively dedicated to the sale of 1.4 gr fireworks and related items, and the facility must
3.15 operate in accordance with the following rules:

3.16 (1) no smoking may be permitted in the facility;

3.17 (2) no cigarettes or tobacco products, matches, lighters, or any other flame-producing
3.18 devices may be permitted in the facility;

3.19 (3) no minors may be permitted in the facility unless accompanied by an adult, and
3.20 the minors must stay with the adult in the facility;

3.21 (4) all 1.4 gr fireworks sold in the facility must comply with United States Consumer
3.22 Product Safety Commission standards;

3.23 (5) all facilities must carry at least \$1,000,000 in public liability insurance;

3.24 (6) no 1.3 gr commercial, class B, fireworks shall be stored or located at the facility;

3.25 (7) no person under the influence of intoxicating liquor or drugs may be admitted to
3.26 the facility and no liquor, beer, or wine may be permitted in the facility;

3.27 (8) no fireworks may be ignited within 100 feet of a licensed 1.4 gr fireworks
3.28 sales facility;

3.29 (9) there must be no sale of 1.4 gr fireworks from tents or temporary structures; and

3.30 (10) emergency evacuation plans must be conspicuously posted in appropriate
3.31 locations within the facility.

3.32 Subd. 6. **Fireworks safety rules.** The state fire marshal shall adopt and disseminate
3.33 reasonable rules on 1.4 gr fireworks safety designed to ensure that personal use and
3.34 ignition of 1.4 gr fireworks from May 24 to May 31, July 1 to July 6, and December 24 to
3.35 January 2 each year follow best fireworks safety practices.

4.1 Subd. 7. **Penalty.** A person who uses or ignites any fireworks in violation of this
4.2 section is guilty of a petty misdemeanor.