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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH SESSION

HOUSE FILE NO. 713

February 12, 2009
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The bill was read for the first time and referred to the Committee on Public Safety Policy and Oversight

A bill for an act

relating to public safety; authorizing limited personal use of fireworks; requiring an affidavit of safety guidelines; providing for criminal penalties; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 624.

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

Section 1. **[624.222] FIREWORKS; LIMITED PERSONAL USE; AUTHORIZATION.**

Subdivision 1. **Limited personal use of fireworks.** Notwithstanding sections 624.20 to 624.25, 1.4G fireworks may be used or ignited for personal use only. A seller at retail may offer for sale, advertise, or sell at retail 1.4G fireworks, as defined in Code of Federal Regulations, title 49, for personal use. All 1.4G fireworks held for sale under this section must carry a label warning that personal use only is permitted. Personal use of fireworks is not permitted on public property. Anyone selling 1.4G fireworks under this section must post in a conspicuous location the following warning in block letters not less than one inch in height: "FIREWORKS MAY BE PURCHASED FOR PERSONAL USE ONLY UNDER MINNESOTA STATUTES, SECTION 624.222." A seller at retail of 1.4G fireworks shall require each purchaser of 1.4G fireworks for limited personal use to complete an application stating that:

(1) the purchaser is 18 years of age or older verified by a photograph identification;

(2) the purchaser has received a copy of fireworks use safety information;

(3) the purchaser agrees to use the 1.4G fireworks in Minnesota only; and

(4) the purchaser agrees to supervise and be responsible for any use of 1.4G fireworks.

Subd. 2. **Licensing of sales facilities.** 1.4G fireworks shall be sold only from facilities that are licensed by the state fire marshal and that meet the following criteria:

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

(2) aisles in the facility shall be a minimum of four feet wide, and kept free and unobstructed at all times;

(3) there must be one exit door for every 1,000 square feet of selling space to which the public may be admitted, with a minimum of three emergency exit doors in the facility;

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

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

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

(7) the facility shall be equipped with an adequate number of smoke detectors in both the retail and storage areas for which smoke detectors shall be inspected and tested annually and prior to the opening of the facility;

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

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

(10) portable fire extinguishing equipment shall be located in the premises at all times, with one fire extinguisher located every 75 feet of travel space. The fire extinguishers shall be inspected and certified annually and prior to the opening of the facility; and

(11) no 1.4G fireworks sales facility shall be located within 250 feet of another 1.4G fireworks sales facility, with priority being given on a first-come basis.

Subd. 3. **License applications; fees.** Applications for licenses to sell 1.4G fireworks shall be submitted to the state fire marshal by January 15 of each year on forms prescribed and provided by the state fire marshal. Licenses shall be issued no later than March 1 of each year. The license application shall be accompanied by an annual license fee of $5,000. The fire marshal shall deposit the fee in the general fund. There shall be an annual inspection of the facility to ensure that all rules are followed. No license may be issued to any convicted felons or to entities where a convicted felon owns five percent or more of the equity.

Subd. 4. **Operational requirements.** The 1.4G fireworks sales facility shall be exclusively dedicated to the sale of 1.4G fireworks and related items, and the facility shall operate in accordance with the following rules:

(1) there must be certified security personnel on the premises;

(2) no smoking may be permitted in the facility;

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

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

(5) all 1.4G fireworks sold in the facility must comply with the United States Consumer Product Safety Commission standards;

(6) all facilities must carry at least $2,000,000 in personal and product liability insurance;

(7) all licensees must attend at least six hours of training per year, the training to be given by the state fire marshal in the area of operational safety;

(8) no 1.3G, commercial, Class B, fireworks shall be stored or located at the facility;

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

(10) no fireworks may be ignited within 300 feet of a licensed 1.4G fireworks sales facility;

(11) there must be no sale of 1.4G fireworks from tents or temporary structures;

(12) emergency evacuation plans must be conspicuously posted in appropriate locations within the facility; and

(13) information on safe use of fireworks must be distributed to all purchasers.

Subd. 5. **Exemption for novelty items.** Sale of novelty items which include, but are not limited to, snake or glow worms, smoke devices, party poppers, snappers, drop pops, and sparklers are exempt from the licensing requirements specified in subdivisions 2 and 3 and the operational requirements specified in subdivision 4. A seller at retail of novelty items shall require each purchaser of novelty items for limited personal use to complete an application stating that:

(1) the purchaser is 18 years of age or older verified by photograph identification;

(2) the purchaser has received a copy of fireworks use safety information; and

(3) the purchaser agrees to supervise and be responsible for any use of novelty items by minors.

Subd. 6. **Fireworks safety guidelines.** The state fire marshal shall disseminate information on 1.4G fireworks safety designed to ensure that personal use and ignition of 1.4G fireworks each year follows best fireworks safety practices.

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

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 2. **APPROPRIATION.**

$250,000 for fiscal year 2010 is appropriated from the general fund to the commissioner of public safety to administer section 1.