

SECOND REGULAR SESSION

HOUSE BILL NO. 1883

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BERNSKOETTER.

6069L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 320.106, 320.131, and 320.136, RSMo, and to enact in lieu thereof three new sections relating to fireworks.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 320.106, 320.131, and 320.136, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 320.106, 320.131, and 320.136, to read as follows:

320.106. As used in sections 320.106 to 320.161, unless clearly indicated otherwise, the following terms mean:

(1) "American Pyrotechnics Association (APA), Standard 87-1", or subsequent standard which may amend or supersede this standard for manufacturers, importers and distributors of fireworks;

(2) "Chemical composition", all pyrotechnic and explosive composition contained in fireworks devices as defined in American Pyrotechnics Association (APA), Standard 87-1;

(3) "Consumer fireworks", explosive devices designed primarily to produce visible or audible effects by combustion and includes aerial devices and ground devices, all of which are classified as fireworks, UNO336, [1.4G by regulation of the United States Department of Transportation, as amended from time to time, and which were formerly classified as class C common fireworks by regulation of the United States Department of Transportation] **within 49 CFR Part 172;**

(4) "Discharge site", the area immediately surrounding the fireworks mortars used for an outdoor fireworks display;

(5) "Dispenser", a device designed for the measurement and delivery of liquids as fuel;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 (6) "Display fireworks", explosive devices designed primarily to produce visible or
18 audible effects by combustion, deflagration or detonation. This term includes devices containing
19 more than two grains (130 mg) of explosive composition intended for public display. These
20 devices are classified as fireworks, **UN0333 or UN0334 or UN0335**, [1.3G by regulation of the
21 United States Department of Transportation, as amended from time to time, and which were
22 formerly classified as class B display fireworks by regulation of the United States Department
23 of Transportation] **within 49 CFR Part 172;**

24 (7) "Display site", the immediate area where a fireworks display is conducted, including
25 the discharge site, the fallout area, and the required separation distance from mortars to spectator
26 viewing areas, but not spectator viewing areas or vehicle parking areas;

27 (8) "Distributor", any person engaged in the business of selling fireworks to wholesalers,
28 jobbers, seasonal retailers, other persons, or governmental bodies that possess the necessary
29 permits as specified in sections 320.106 to 320.161, including any person that imports any
30 fireworks of any kind in any manner into the state of Missouri;

31 (9) "Fireworks", any composition or device for producing a visible, audible, or both
32 visible and audible effect by combustion, deflagration, or detonation and that meets the definition
33 of consumer, proximate, or display fireworks as set forth by 49 CFR Part 171 to end, United
34 States Department of Transportation hazardous materials regulations[, and American
35 Pyrotechnics Association 87-1 standards];

36 (10) "Fireworks season", the period beginning on the twentieth day of June and
37 continuing through the tenth day of July of the same year and the period beginning on the
38 twentieth day of December and continuing through the second day of January of the next year,
39 which shall be the only periods of time that seasonal retailers may be permitted to sell consumer
40 fireworks;

41 (11) "Jobber", any person engaged in the business of making sales of consumer fireworks
42 at wholesale or retail within the state of Missouri to nonlicensed buyers for use and distribution
43 outside the state of Missouri during a calendar year from the first day of January through the
44 thirty-first day of December;

45 (12) "Licensed operator", any person who supervises, manages, or directs the discharge
46 of outdoor display fireworks, either by manual or electrical means; who has met additional
47 requirements established by promulgated rule and has successfully completed a display fireworks
48 training course recognized and approved by the state fire marshal;

49 (13) "Manufacturer", any person engaged in the making, manufacture, assembly or
50 construction of fireworks of any kind within the state of Missouri;

51 (14) "NFPA", National Fire Protection Association, an international codes and standards
52 organization;

53 (15) "Permanent structure", buildings and structures with permanent foundations other
54 than tents, mobile homes, and trailers;

55 (16) "Permit", the written authority of the state fire marshal issued pursuant to sections
56 320.106 to 320.161 to sell, possess, manufacture, discharge, or distribute fireworks;

57 (17) "Person", any corporation, association, partnership or individual or group thereof;

58 (18) "Proximate fireworks", a chemical mixture used in the entertainment industry to
59 produce visible or audible effects by combustion, deflagration, or detonation, as [defined by the
60 most current edition of the American Pyrotechnics Association (APA), Standard 87-1, section
61 3.8, specific requirements for theatrical pyrotechnics] **classified within 49 CFR Part 172 as**
62 **UN0431 or UN0432;**

63 (19) "Pyrotechnic operator" or "special effects operator", an individual who has
64 responsibility for pyrotechnic safety and who controls, initiates, or otherwise creates special
65 effects for proximate fireworks and who has met additional requirements established by
66 promulgated rules and has successfully completed a proximate fireworks training course
67 recognized and approved by the state fire marshal;

68 (20) "Sale", an exchange of articles of fireworks for money, including barter, exchange,
69 gift or offer thereof, and each such transaction made by any person, whether as a principal
70 proprietor, salesman, agent, association, copartnership or one or more individuals;

71 (21) "Seasonal retailer", any person within the state of Missouri engaged in the business
72 of making sales of consumer fireworks in Missouri only during a fireworks season as defined by
73 subdivision (10) of this section;

74 (22) "Wholesaler", any person engaged in the business of making sales of consumer
75 fireworks to any other person engaged in the business of making sales of consumer fireworks at
76 retail within the state of Missouri.

320.131. 1. It is unlawful for any person to possess, sell or use within the state of
2 Missouri, or ship into the state of Missouri, except as provided in section 320.126, any
3 pyrotechnics commonly known as "fireworks" and defined as consumer fireworks in subdivision
4 (3) of section 320.106 other than items now or hereafter classified as fireworks UNO336, 1.4G
5 by the United States Department of Transportation that comply with the construction, chemical
6 composition, labeling and other regulations relative to consumer fireworks regulations
7 promulgated by the United States Consumer Product Safety Commission and permitted for use
8 by the general public pursuant to such commission's regulations.

9 2. No wholesaler, jobber, or seasonal retailer, or any other person shall sell, offer for
10 sale, store, display, or have in their possession any consumer fireworks that have not been
11 approved as fireworks UNO336, 1.4G by the United States Department of Transportation.

12 3. No jobber, wholesaler, manufacturer, or distributor shall sell to seasonal retailer
13 dealers, or any other person, in this state for the purpose of resale, or use, in this state, any
14 consumer fireworks which do not have the numbers and letter "1.4G" printed within an orange,
15 diamond-shaped label printed on or attached to the fireworks shipping carton.

16 4. This section does not prohibit a manufacturer, distributor or any other person
17 **possessing the proper permits as specified by state and federal law** from storing, selling,
18 shipping or otherwise transporting display or proximate fireworks[, defined as fireworks
19 UNO335, 1.3G/UNO431, 1.4G or UNO432, 1.4S by the United States Department of
20 Transportation, provided they possess the proper permits as specified by state and federal law].

21 5. Matches, toy pistols, toy canes, toy guns, party poppers, or other devices in which
22 paper caps containing twenty-five hundredths grains or less of explosive compound, provided
23 that they are so constructed that the hand cannot come into contact with the cap when in place
24 for use, and toy pistol paper caps which contain less than twenty-five hundredths grains of
25 explosive mixture shall be permitted for sale and use at all times and shall not be regulated by
26 the provisions of sections 320.106 to 320.161.

 320.136. Ground salutes commonly known as "cherry bombs", "M-80's", "M-100's",
2 "M-1000's", and any other tubular salutes or any items described as prohibited chemical
3 components or forbidden devices as listed in the American Pyrotechnics Association Standard
4 87-1 or which exceed the [federal] limits set for **consumer** fireworks [UNO336, 1.4G formerly
5 known as class C common fireworks, display fireworks UNO335, 1.3F, and proximate fireworks
6 UNO431, 1.4F/UNO432, 1.4S by the United States Department of Transportation] , **display**
7 **fireworks, or proximate fireworks** for explosive composition are expressly prohibited from
8 shipment into, manufacture, possession, sale, or use within the state of Missouri for consumer
9 use. Possession, sale, manufacture, or transport of this type of illegal explosive shall be punished
10 as provided by the provisions of section 571.020.

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