

**CONFERENCE COMMITTEE REPORT BRIEF
SENATE BILL NO. 199**

As Agreed to March 25, 2025

Brief*

SB 199 would permit year-round fireworks sales under certain conditions and make additional changes to law related to the sale of fireworks. The bill would also designate the existing Fallen Firefighters Memorial adjacent to the Kansas Firefighters Museum in Wichita as the official Fallen Firefighters Memorial of the State of Kansas and would replace the Kansas Firefighters Memorial Advisory Committee with the Kansas Firefighter Memorial Council (Council).

Permanent and Seasonal Fireworks Retailers

The bill would allow sales of fireworks to the public for personal use by individuals registered with the State Fire Marshal as permanent retailers from permanent structures at permanent locations within the state. Sales by permanent retailers would be required to be made from a physical location.

Permanent retailers would be required to register annually with the State Fire Marshal. This registration would allow them to lawfully possess and convey fireworks, subject to applicable law. The registration would be required to include certain business contact information, addresses for locations at which fireworks will be sold, and time periods in which such sales will occur.

Seasonal retailers would not be required to register as such with the State Fire Marshal, but would be limited to sales during the period of June 20 through July 7 of the calendar year.

Categories of Distributors

The bill would replace the definition of “distributor” in current law with three categories of distributor and create corresponding categories of license. “Unlimited distributor” would be defined to mean a person engaged in any of the activities of distributors as found in current law in addition to the activities of permanent retailers established by the bill, while distributors of display fireworks and distributors of articles pyrotechnic would be limited to distributing fireworks corresponding to the respective terms. [Note: The terms “display fireworks” and “articles

*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <https://klrd.gov/>

pyrotechnic” are defined in rules and regulations of the State Fire Marshal and are not defined in the bill.]

The bill would exclude from the definition of “unlimited distributor” but include in the definition of “distributor of display fireworks” persons transporting fireworks through Kansas to another state; persons selling consumer fireworks as a seasonal or permanent retailer; freight delivery companies or common carriers; and out-of-state persons selling, transporting, delivering, or giving fireworks to a licensed manufacturer or distributor.

Additional Provisions

The bill would make it unlawful to possess, purchase, sell, or offer for sale fireworks labeled “For Professional Use Only” without a current license issued by the State Fire Marshal.

The bill would require the State Fire Marshal to adopt rules and regulations to implement the provisions of the bill.

The above provisions of the bill, regarding fireworks sales, would be in effect upon publication in the *Kansas Register*.

Official Fallen Firefighters Memorial of Kansas

The bill would designate the Fallen Firefighters Memorial located adjacent to the Kansas Firefighters Museum in Wichita as the official Fallen Firefighters Memorial of the State of Kansas. The bill would repeal statutes regarding a memorial to Kansas firefighters, duties to the State Fire Marshal, duties of the Secretary of Administration, and the Kansas Firefighters Memorial Fund.

Kansas Firefighters Memorial Council

The bill would establish the Kansas Firefighters Memorial Council (Council) and abolish the Firefighters Memorial Advisory Committee and transfer all of its powers, duties, functions, records, and other property to the Council.

Council Membership

The Council would be composed of the following members:

- One representative appointed by the Governor from each of the following organizations:
 - Fire Marshals Association of Kansas;
 - Kansas Council of Firefighters;
 - Kansas Firefighters Museum;
 - Kansas State Association of Fire Chiefs;
 - Kansas State Firefighters Association;

- Kansas State Funeral Assistance Team;
- Wichita Park Board;
- The State Fire Marshal, or the State Fire Marshal's designee; and
- The Executive Director of the Kansas State Historical Society, or the Executive Director's designee.

Council Organization

The bill would require the members of the Council to organize annually by electing a Chairperson and Vice-chairperson and require the Council to meet at least once annually at the call of the Chairperson.

The Secretary of Administration, or the Secretary's designee, would serve as secretary for the Council.

Council Duties

The bill would require the Council to make recommendations to the Governor and the Legislature regarding appropriate activities memorializing or commemorating the services of firefighters in Kansas including, but not limited to, recommendations concerning updates and repairs to the Fallen Firefighters Memorial.

The bill would authorize the Council to receive and solicit grants, gifts, contributions, and bequests to finance authorized expenditures, including those authorized for the Fallen Firefighters Memorial, and remit all moneys received for deposit in the State Treasury to the credit of the Kansas Firefighters Memorial Fund.

The above provisions of the bill, regarding the Fallen Firefighters Memorial, Council, and Fund, would take effect after publication in the statute book.

Conference Committee Action

The Conference Committee agreed to the contents SB 199, as amended by the House Committee on Commerce, Labor and Economic Development, regarding fireworks sales, and to add the contents of HB 2372, as amended by the House Committee on Federal and State Affairs, regarding the Fallen Firefighters Memorial, Kansas Firefighters Museum, Council, and Fund.

Background

As agreed to by the Conference Committee, the bill includes provisions of SB 199 and HB 2372.

SB 199 (Fireworks Sales)

The bill was introduced by the Senate Committee on Commerce at the request of Senator Tyson.

Senate Committee on Commerce

In the Senate Committee hearing, **proponent** testimony was provided by representatives of Jake's Fireworks and Kapaun Mt. Carmel High School. The proponents generally stated the bill would help enable non-profits to sell fireworks to raise funds for their annual operating budgets while enabling Kansas fireworks businesses to earn income year-round and make them more competitive with fireworks businesses in surrounding states.

Written-only opponent testimony was provided by a private citizen.

Neutral testimony was provided by the State Fire Marshal, who stated the bill would make a number of changes that would be beneficial for the regulation of the fireworks industry but the expansion of fireworks sales would result in more injuries and losses to fire each year.

No other testimony was provided.

The Committee amended the bill to:

- Remove a prohibition against sales of fireworks made over the internet or by mail;
- Remove registration and sale location requirements for seasonal retailers; and
- Make technical changes.

[*Note:* The Conference Committee retained these amendments.]

House Committee on Commerce, Labor and Economic Development

In the House Committee hearing, **proponent** testimony was provided by Representative Collins and a representative of Jake's Fireworks. The proponents generally stated that the bill would expand opportunities for people to celebrate occasions beyond the current fireworks season.

Written-only proponent testimony was provided by a private citizen.

Opponent testimony was provided by a private citizen, who generally stated that fireworks can be a post-traumatic stress disorder trigger for people who have suffered a trauma in the course of military service, explosions, or fires.

Neutral testimony was provided by the State Fire Marshal, who stated the expansion of firework sales could result in more injuries due to fire each year, but most concerns were addressed with Senate Committee amendments.

The House Committee amended the bill to go into effect upon publication in the *Kansas Register*.

[*Note:* The Conference Committee retained this amendment.]

HB 2372 (Fallen Firefighters Memorial)

The bill was introduced by the House Committee on Federal and State Affairs at the request of Representative Kessler.

House Committee on Federal and State Affairs

In the House Committee hearing, neutral testimony was provided by the State Fire Marshal and the Wichita City Council, who indicated support for the intent of the legislation and proposed a streamlined approach to recognize the Kansas Fallen Firefighters Memorial in Wichita as the official state memorial and transfer the funds collected in the State Firefighters Memorial Fund to the City of Wichita for maintenance and enhancements. The conferees stated concerns with creating a new council to oversee the Memorial, noting the original statutes were required due to the Memorial being located on the Statehouse grounds.

Written-only proponent testimony was provided by a representative of the International Association of Firefighters, Wichita Local 135.

No other testimony was provided.

The House Committee amended the bill to make changes to the membership of the Kansas Fallen Firefighters Memorial Council.

[*Note:* The Conference Committee retained the amendment.]

Fiscal Information

SB 199 (Fireworks Sales)

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Office of the State Fire Marshal estimates enactment of the bill would require \$132,000 of expenditures from the Fire Marshal Fee Fund in FY 2026 and \$83,000 of expenditures in FY 2027, which would be made to support the addition of 1.0 full-time equivalent (FTE) position responsible for managing the annual registration of fireworks stands and ensuring compliance with the provisions of the bill.

The Department of Revenue indicates increased fireworks sales resulting from enactment of the bill could have the effect of increasing sales tax revenues by an unknown amount.

Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2026 Governor's Budget Report*.

An updated fiscal note was not available at the time the House Committee took action on the bill; however, the State Fire Marshal indicated during testimony that amendments made by the Senate Committee had reduced the fiscal note.

HB 2372 (Fallen Firefighters Memorial)

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Office of the State Fire Marshal and the Department of Administration indicate enactment of the bill would have no fiscal effect.

Fireworks; fireworks season; fireworks sales; State Fire Marshal; Fallen Firefighters Memorial; Kansas Firefighters Museum; Kansas Fallen Firefighters Memorial Council; Kansas Fallen Firefighters Memorial Fund

ccrb_sb199_00_0000.odt