

**SENATE BILL No. 378**

By Committee on Assessment and Taxation

1-24

1 AN ACT concerning fireworks; allowing cities and counties to restrict the  
2 retail sale of fireworks; regulating the time periods for the retail sale of  
3 fireworks; amending K.S.A. 31-502 and 31-503 and repealing the  
4 existing sections.

5  
6 *Be it enacted by the Legislature of the State of Kansas:*

7 New Section 1. *{(a) This act shall apply to all cities and counties,*  
8 *except that the provisions of this act pertaining to the fireworks season*  
9 *for seasonal retailers as provided by K.S.A. 31-502(j), and amendments*  
10 *thereto, shall only apply to a city or county if the governing body of the*  
11 *city or the board of county commissioners of the county affirmatively*  
12 *elects to make the city or county subject to such provision. The*  
13 *provisions of this act permitting the sale of fireworks by and the*  
14 *licensing and regulation of annual retailers as provided by K.S.A. 31-*  
15 *502 and 31-503, and amendments thereto, shall only apply to a city or*  
16 *county if the governing body of the city or the board of county*  
17 *commissioners of the county affirmatively elects to permit the sale of*  
18 *fireworks by annual retailers.*

19 *(b)}* Any city or county may prohibit the sale of fireworks by annual  
20 retailers or seasonal retailers. Any city or county may establish a fireworks  
21 season for seasonal retailers different than provided by K.S.A. 31-502(j),  
22 and amendments thereto.

23 Sec. 2. K.S.A. 31-502 is hereby amended to read as follows: 31-502.  
24 As used in this act, unless the context otherwise requires:

25 (a) "Licensed display fireworks operator" means a person licensed to  
26 operate an outdoor display of display fireworks.

27 (b) "Licensed proximate pyrotechnic operator" means a person  
28 licensed to operate indoor or outdoor articles of pyrotechnic.

29 (c) "Manufacturer" means any person engaged in the manufacture of  
30 fireworks of any kind in the state of Kansas. "Manufacturer~~shall~~" also  
31 ~~include~~ *includes* any person engaged in the assembly of consumer  
32 fireworks or component parts into a finished item or assortment, but~~shall~~  
33 *does not* include repackaging finished goods into an assortment.

34 (d) "Distributor" means any person engaged in the distribution of  
35 fireworks of any kind in the state of Kansas to include the following:

36 (1) Sells, delivers, transports, consigns, gives, imports, exports or

1 otherwise furnishes consumer fireworks to any person for the purpose of  
2 resale to a retailer or any other distributor or reseller within the state of  
3 Kansas;

4 (2) sells, intends to sell, offer for sale, possess with intent to sell or  
5 consigns display fireworks or articles pyrotechnic to any person,  
6 distributor, municipality or any other organization within the state of  
7 Kansas; or

8 (3) produces, conducts or provides a licensed operator or imports any  
9 display fireworks or articles pyrotechnic of any kind within the state of  
10 Kansas for profit.

11 (e) "Distributor" shall not include:

12 (1) Anyone who transports fireworks from one state to another state  
13 through the state of Kansas and such fireworks ultimate destination is not  
14 within the state of Kansas;

15 (2) anyone who sells consumer fireworks during a fireworks season  
16 as a seasonal retailer;

17 (3) freight delivery companies or common carriers as defined in U.S.  
18 department of transportation 49 C.F.R. § 171.8; or

19 (4) an out-of-state person who sells, transports, delivers or gives  
20 fireworks to a licensed manufacturer or distributor.

21 (f) "Hobbyist manufacturer" means any person who manufactures  
22 consumer fireworks, display fireworks or articles pyrotechnic for their  
23 personal use.

24 (g) "Person" means any individual, partnership, firm, company,  
25 association, corporation, not-for-profit organization, municipality or  
26 limited liability corporation.

27 (h) "Seasonal retailer" means a person who receives consumer  
28 fireworks and sells, delivers, consigns, gives or otherwise furnishes  
29 consumer fireworks only to the public for their personal use and only  
30 during a fireworks season.

31 (i) "Storage" means the safekeeping of fireworks in a warehouse or  
32 magazine or comparable appropriate depository. Consumer fireworks that  
33 are located at the destination of their retail sale and that are being held in  
34 anticipation of retail sale shall not be considered as in storage.

35 (j) "Fireworks season" means ~~a period in time as set forth in the~~  
36 ~~regulations authorized to be adopted by the state fire marshal during a~~  
37 ~~calendar year in which seasonal retailers are permitted to sell consumer~~  
38 ~~fireworks to the public:~~

39 (1) *For seasonal retailers, from June 15 through July 6; and*

40 (2) *for annual retailers, from January 1 through December 31.*

41 (k) "Fireworks display" means a private or public production of  
42 display fireworks or articles pyrotechnic, or both, ~~which that~~ are intended  
43 for use and designed to produce visible or audible effects for entertainment

1 purposes by combustion, deflagration or detonation.

2 (l) *"Annual retailer" means a person who:*

3 (1) *Receives consumer fireworks and sells, delivers, consigns, gives*  
4 *or otherwise furnishes consumer fireworks only to the public for their*  
5 *personal use during the entire calendar year; and*

6 (2) *operates out of a building that meets state and local fire safety*  
7 *codes.*

8 Sec. 3. K.S.A. 31-503 is hereby amended to read as follows: 31-503.

9 (a) Any person who intends to sell, offer for sale; *or* possess with intent to  
10 sell; any consumer fireworks, display fireworks or articles pyrotechnic or  
11 discharge, use; *or* display fireworks or articles pyrotechnic shall first  
12 obtain the appropriate license from the state fire marshal. This shall not  
13 include seasonal retailers.

14 (b) The types of license shall be as follows:

15 (1) Manufacturer;

16 (2) hobbyist manufacturer;

17 (3) distributor;

18 (4) display fireworks operator; ~~and~~

19 (5) proximate pyrotechnic operator; *and*

20 (6) *annual retailer.*

21 (c) Before a license holder may operate, such license holder must  
22 satisfy the requirements of this act and regulations adopted by the state fire  
23 marshal.

24 (d) The license holder shall be at least 21 years of age upon applying  
25 for a license.

26 (e) Licenses shall not be transferable.

27 (f) The state fire marshal shall not charge or collect fees for licensure.

28 The licenses shall be valid for the following period of time:

29 (1) A manufacturer license shall be valid for a period of one year. A  
30 holder of a manufacturer license is not required to have any additional  
31 licenses in order to manufacture and sell any fireworks defined by this act.

32 (2) A hobbyist manufacturer license shall be valid for a period of four  
33 years.

34 (3) A distributor license shall be valid for a period of one year.

35 (4) A display fireworks operator license shall be valid for a period of  
36 four years.

37 (5) A proximate pyrotechnics operator license shall be valid for a  
38 period of four years.

39 (6) *An annual retailer license shall be valid for a period of two years.*

40 (g) A permit to conduct a fireworks display shall be obtained by the  
41 sponsor or operator of a fireworks display from and approved by the city  
42 or county where the fireworks display is to be discharged.

43 (h) No fee shall be charged for a license or permit under this section

1 for any person who is an officer or employee of the state or any political or  
2 taxing subdivision of the state when that person is acting on behalf of the  
3 state or political or taxing subdivision.

4 Sec. 4. K.S.A. 31-502 and 31-503 are hereby repealed.

5 Sec. 5. This act shall take effect and be in force from and after its  
6 publication in the statute book.