

HOUSE BILL NO. 4891

May 20, 2021, Introduced by Reps. Young, Hope, Scott, Manoogian, Weiss, Aiyash, Kuppa, Hood, Whitsett, Brixie and Anthony and referred to the Committee on Regulatory Reform.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
(MCL 750.1 to 750.568) by adding sections 243f, 243g, 243h, 243i,
and 243j; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 243f. (1) As used in this chapter:**
2 **(a) "Class B fireworks" means toy torpedoes, railway**
3 **torpedoes, firecrackers or salutes that do not qualify as class C**
4 **fireworks, exhibition display pieces, aeroplane flares,**

1 illuminating projectiles, incendiary projectiles, incendiary
2 grenades, smoke projectiles or bombs containing expelling charges
3 but without bursting charges, flash powders in inner units not
4 exceeding 2 ounces each, flash sheets in interior packages, flash
5 powder or spreader cartridges containing not more than 72 grains of
6 flash powder each, and other similar devices.

7 (b) "Class C fireworks" means toy smoke devices, toy caps
8 containing not more than .25 grains of explosive mixture, toy
9 propellant devices, cigarette loads, trick matches, trick noise
10 makers, smoke candles, smoke pots, smoke grenades, smoke signals,
11 hand signal devices, Very signal cartridges, sparklers, explosive
12 auto alarms, and other similar devices.

13 (c) "Fireworks" means a device made from explosive or
14 flammable compositions used primarily for the purpose of producing
15 a visible display or audible effect, or both, by combustion,
16 deflagration, or detonation.

17 (2) Except for the items listed in subsection (3) and as
18 provided in sections 243g, 243h, and 243i, a person, firm,
19 partnership, or corporation shall not offer for sale, expose for
20 sale, sell at retail, keep with intent to sell at retail, possess,
21 give, furnish, transport, use, explode, or cause to explode any of
22 the following:

23 (a) A blank cartridge, blank cartridge pistol, toy cannon, toy
24 cane, or toy gun in which explosives are used.

25 (b) An unmanned balloon that requires fire underneath to
26 propel it and is not moored to the ground while aloft.

27 (c) Firecrackers, torpedoes, skyrockets, Roman candles, bottle
28 rockets, whistling chasers, rockets on sticks, or other fireworks
29 of similar construction.

1 (d) Fireworks containing an explosive or inflammable compound
2 or a tablet or other device commonly used and sold as fireworks
3 containing nitrates, fulminates, chlorates, oxalates, sulphides of
4 lead, barium, antimony, arsenic, mercury, nitroglycerine,
5 phosphorus, or a compound containing these or other modern
6 explosives.

7 (3) Subsection (2) does not apply to any of the following:

8 (a) Flat paper caps containing not more than .25 of a grain of
9 explosive content per cap, in packages labeled to indicate the
10 maximum explosive content per cap.

11 (b) Toy pistols, toy cannons, toy canes, toy trick noise
12 makers, and toy guns of a type approved by the director of the
13 department of state police in which paper caps as described in
14 subdivision (a) are used and that are so constructed that the hand
15 cannot come in contact with the cap when in place for the explosion
16 and that are not designed to break apart or be separated so as to
17 form a missile by the explosion.

18 (c) Sparklers containing not more than .0125 pounds of burning
19 portion per sparkler.

20 (d) Flitter sparklers in paper tubes not exceeding 1/8 inch in
21 diameter, cone fountains, and cylinder fountains.

22 (e) Toy snakes not containing mercury, if packed in cardboard
23 boxes with not more than 12 pieces per box for retail sale and if
24 the manufacturer's name and the quantity contained in each box are
25 printed on the box; and toy smoke devices.

26 (f) Possession, transportation, sale, or use of signal flares
27 of a type approved by the director of the department of state
28 police, blank cartridges or blank cartridge pistols specifically
29 for a show or theater, for the training or exhibiting of dogs, for

1 signal purposes in athletic sports, or for use by military
2 organizations, and all items described in subsection (2) used by
3 railroads for emergency signal purposes.

4 (g) The sale of fireworks, provided they are to be shipped
5 directly out of state under regulations of the United States
6 Department of Transportation covering the transportation of
7 explosives and other dangerous articles by motor, rail, and water.

8 Sec. 243g. (1) The legislative body of a city, village, or
9 township, upon application in writing, on forms provided by the
10 bureau of fire services created in section 1b of the fire
11 prevention code, 1941 PA 207, MCL 29.1b, may grant a permit for the
12 use of fireworks otherwise prohibited by section 243f, within the
13 city, village, or township, manufactured for outdoor pest control
14 or agricultural purposes, or for public display by municipalities,
15 fair associations, amusement parks, or other organizations or
16 groups of individuals approved by the city, village, or township
17 authority, if the applicable provisions of this act are complied
18 with. The permits must be on forms provided by the bureau of fire
19 services. After a permit has been granted, sales, possession, or
20 transportation of fireworks for the purposes described in the
21 permit only may be made. A permit granted under this subsection is
22 not transferable and must not be issued to an individual less than
23 18 years of age.

24 (2) The legislative body of a city, village, or township, upon
25 application in writing, may grant a permit, on forms provided by
26 the bureau of fire services, to a resident wholesale dealer or
27 jobber to have in his or her possession within the city, village,
28 or township, fireworks otherwise prohibited by section 243f, for
29 sale only to holders of permits as provided in this section. A

1 permit granted under this subsection is not transferable and must
2 not be issued to an individual less than 18 years of age.

3 (3) Before a permit for a pyrotechnic display is issued, the
4 person applying for the permit shall furnish proof of financial
5 responsibility by a bond or insurance in an amount, character, and
6 form considered necessary by the local governing authority to
7 satisfy claims for damages to property or personal injuries arising
8 out of an act or omission on the part of the person or an agent or
9 employee of the person, and to protect the public.

10 (4) A permit must not be issued under this act to a
11 nonresident person to conduct a pyrotechnic display in this state
12 until the person has appointed in writing a resident member of the
13 bar of this state or a resident agent to be the legal
14 representative upon whom all process in an action or proceeding
15 against the person may be served.

16 (5) The local governing authority shall rule on the competency
17 and qualifications of operators of pyrotechnic displays, as the
18 operator has furnished in his or her application form, and on the
19 time, place, and safety aspects of the displays before granting a
20 permit under this section.

21 Sec. 243h. Transportation of fireworks intrastate must be made
22 only with the permits provided for in this act and as follows:

23 (a) In accordance with United States Department of
24 Transportation regulations for transportation of explosives and
25 other dangerous articles by motor, rail, and water, including
26 specifications for shipping containers.

27 (b) In nonpassenger carrying vehicles, in charge of a
28 competent driver not less than 18 years of age, that are equipped
29 with a 15-pound carbon dioxide or a 10-pound dry chemical fire

1 extinguisher, and in or near which smoking is prohibited while
 2 loading, unloading, or transporting fireworks.

3 Sec. 243i. (1) Fireworks kept at the site of a wholesaler,
 4 dealer, or jobber, except for a retailer who has goods on hand for
 5 sale to the public in a supervised display area, must be stored in
 6 a 1-story, noncombustible building without a basement, which
 7 building is weather resistant, well ventilated, and equipped with a
 8 strong door kept securely locked except when open for business.

9 (2) The location of a storage building under subsection (1)
 10 must be approved by the local governing authority having
 11 jurisdiction and be located not less than the following distances
 12 from inhabited buildings, passenger railroads, and public highways
 13 according to the number of pounds of fireworks stored, rounded to
 14 the nearest pound:

15	Net Weight of	Distance From		Distance From	
16	Fireworks	Passenger Railways		Inhabited Buildings	
17		and Public Highways			
18					
19		Class C	Class B	Class C	Class B
20		Fireworks	Fireworks	Fireworks	Fireworks
21	Pounds	Feet	Feet	Feet	Feet
22	100 or less	25	200	50	200
23	101 to 200	30	200	60	200
24	201 to 400	35	200	70	200
25	401 to 600	40	200	80	208
26	601 to 800	45	200	90	252
27	801 to 1,000	50	200	100	292
28	1,001 to 2,000	58	230	115	459
29	2,001 to 3,000	62	296	124	592

1	3,001 to 4,000	65	352	130	704
2	4,001 to 5,000	68	400	135	800
3	5,001 to 6,000	70	441	139	882
4	6,001 to 8,000	73	509	140	1,018
5	8,001 to 10,000	75	565	150	1,129
6	10,001 to 15,000	80	668	159	1,335
7	15,001 to 20,000	83	745	165	1,490
8	20,001 to 30,000	87	863	174	1,725
9	30,001 to 40,000	90	953	180	1,906
10	40,001 to 50,000	93	1,030	185	2,060
11	50,001 to 60,000	95	1,095	189	2,190
12	60,001 to 80,000	98	1,205	195	2,410
13	80,001 to 100,000	100	1,300	200	2,600
14	100,001 to 150,000	105	1,488	209	2,975
15	150,001 to 200,000	108	1,638	215	3,275
16	200,001 or more	110	1,765	220	3,530

17 (3) A person shall not cause or allow smoking, matches, open
18 flames, spark-producing devices, or firearms inside of or within 50
19 feet of a building used for the storage of fireworks. A person
20 shall not store combustible materials within 50 feet of a building
21 used for the storage of fireworks.

22 (4) The interior of a building used for the storage of
23 fireworks must be kept clean and free from debris and empty
24 containers. A person shall not use a building used for the storage
25 of fireworks for the storage of any metal tools or any commodity
26 other than fireworks.

27 (5) A person shall not provide a building used for the storage
28 of fireworks with heat or lights, except that if lights are
29 necessary, an electric safety flashlight or safety lantern must be

1 used.

2 (6) A building used for the storage of fireworks must bear
3 lettering on each side and top in letters not less than 4 inches
4 high, the words "explosives—keep fire away".

5 (7) A building used for the storage of fireworks must be under
6 the supervision of a competent person who is not less than 18 years
7 of age.

8 (8) In addition to the requirements of subsection (2), salutes
9 that do not qualify as class C fireworks are considered to be
10 hazardous material and must be stored in accordance with rules for
11 the storage and handling of hazardous material promulgated under
12 section 3c of the fire prevention code, 1941 PA 207, MCL 29.3c.

13 Sec. 243j. A person that violates a provision of sections 243f
14 to 243i or that violates the terms of a permit issued under those
15 sections is guilty of a misdemeanor.

16 Enacting section 1. The Michigan fireworks safety act, 2011 PA
17 256, MCL 28.451 to 28.470, is repealed.

18 Enacting section 2. This amendatory act takes effect 90 days
19 after the date it is enacted into law.