

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.

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

7 New Section 1. Any city or county may prohibit the sale of fireworks
8 by annual retailers or seasonal retailers. Any city or county may establish a
9 fireworks season for seasonal retailers different than provided by K.S.A.
10 31-502(j), and amendments thereto.

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

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

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

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

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

24 (1) Sells, delivers, transports, consigns, gives, imports, exports or
25 otherwise furnishes consumer fireworks to any person for the purpose of
26 resale to a retailer or any other distributor or reseller within the state of
27 Kansas;

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

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

35 (e) "Distributor" shall not include:

36 (1) Anyone who transports fireworks from one state to another state

1 through the state of Kansas and such fireworks ultimate destination is not
2 within the state of Kansas;

3 (2) anyone who sells consumer fireworks during a fireworks season
4 as a seasonal retailer;

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

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

9 (f) "Hobbyist manufacturer" means any person who manufactures
10 consumer fireworks, display fireworks or articles pyrotechnic for their
11 personal use.

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

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

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

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

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

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

29 (k) "Fireworks display" means a private or public production of
30 display fireworks or articles pyrotechnic, or both, ~~which~~ *that* are intended
31 for use and designed to produce visible or audible effects for entertainment
32 purposes by combustion, deflagration or detonation.

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

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

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

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

40 (a) Any person who intends to sell, offer for sale; *or* possess with intent to
41 sell; any consumer fireworks, display fireworks or articles pyrotechnic or
42 discharge, use; *or* display fireworks or articles pyrotechnic shall first
43 obtain the appropriate license from the state fire marshal. This shall not

1 include seasonal retailers.

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

3 (1) Manufacturer;

4 (2) hobbyist manufacturer;

5 (3) distributor;

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

7 (5) proximate pyrotechnic operator; *and*

8 (6) *annual retailer*.

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

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

14 (e) Licenses shall not be transferable.

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

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

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

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

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

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

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

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

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

31 (h) No fee shall be charged for a license or permit under this section
32 for any person who is an officer or employee of the state or any political or
33 taxing subdivision of the state when that person is acting on behalf of the
34 state or political or taxing subdivision.

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

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