

State of Arizona
House of Representatives
Fifty-second Legislature
First Regular Session
2015

CHAPTER 274
HOUSE BILL 2008

AN ACT

AMENDING SECTION 36-1601, ARIZONA REVISED STATUTES; REPEALING SECTION 36-1606, ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 13, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 36-1606; RELATING TO FIREWORKS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 36-1601, Arizona Revised Statutes, is amended to
3 read:

4 36-1601. Definitions

5 In this article, unless the context otherwise requires:

6 1. "APA 87-1" means the American pyrotechnics association standard
7 87-1, standard for construction and approval for transportation of fireworks,
8 novelties and theatrical pyrotechnics, December 1, 2001 version.

9 2. "Consumer firework" means small firework devices that contain
10 restricted amounts of pyrotechnic composition designed primarily to produce
11 visible or audible effects by combustion and that comply with the
12 construction, chemical composition and labeling regulations prescribed in 49
13 Code of Federal Regulations parts 172 and 173, regulations of the United
14 States consumer product safety commission as prescribed in 16 Code of Federal
15 Regulations parts 1500 and 1507 and the APA 87-1.

16 3. "Display firework" means large firework devices that are explosive
17 materials intended for use in fireworks displays and designed to produce
18 visible or audible effects by combustion, deflagration or detonation as
19 prescribed by 49 Code of Federal Regulations part 172, regulations of the
20 United States consumer product safety commission as prescribed in 16 Code of
21 Federal Regulations parts 1500 and 1507 and the APA 87-1.

22 4. "Fireworks":

23 (a) Means any combustible or explosive composition, substance or
24 combination of substances, or any article prepared for the purpose of
25 producing a visible or audible effect by combustion, explosion, deflagration
26 or detonation, that is a consumer firework or display firework.

27 (b) Does not include:

28 (i) Toy pistols, toy canes, toy guns or other devices in which paper
29 caps containing not more than twenty-five hundredths grains of explosive
30 compound are used if constructed so that the hand cannot come in contact with
31 the cap when in place for the explosion.

32 (ii) Toy pistol paper caps that contain less than twenty-hundredths
33 grains of explosive mixture, or fixed ammunition or primers therefor.

34 (iii) Federally deregulated novelty items that are known as snappers,
35 snap caps, party poppers, glow worms, snakes, toy smoke devices and
36 sparklers.

37 (iv) Permissible consumer fireworks.

38 5. "Governing body" means the board of supervisors of a county as to
39 the area within the county but without the corporate limits of an
40 incorporated city or town and means the governing body of an incorporated
41 city or town as to the area within its corporate limits.

42 6. "NFPA 1124" MEANS THE NATIONAL FIRE PROTECTION ASSOCIATION CODE FOR
43 THE MANUFACTURE, TRANSPORTATION, STORAGE AND RETAIL SALES OF FIREWORKS AND
44 PYROTECHNIC ARTICLES, 2013 EDITION AS PUBLISHED IN AUGUST 2012.

1 (d) PROHIBIT ON ALL DAYS THE USE OF PERMISSIBLE CONSUMER FIREWORKS
2 WITHIN A ONE MILE RADIUS OF THE BORDER OF PRESERVATION LANDS OWNED BY A CITY
3 OR TOWN THAT HAS PURCHASED MORE THAN FIFTEEN THOUSAND ACRES OF LAND FOR
4 PRESERVATION PURPOSES.

5 2. IN A COUNTY WITH A POPULATION OF LESS THAN FIVE HUNDRED THOUSAND
6 PERSONS, A CITY OR TOWN WITHIN ITS CORPORATE LIMITS OR THE COUNTY WITHIN THE
7 UNINCORPORATED AREAS OF THE COUNTY MAY DO ALL OF THE FOLLOWING:

8 (a) REGULATE, CONSISTENT WITH THE STANDARDS SET FORTH IN NFPA 1124,
9 THE SALE OF PERMISSIBLE CONSUMER FIREWORKS.

10 (b) PROHIBIT THE SALE OF PERMISSIBLE CONSUMER FIREWORKS ON DAYS OTHER
11 THAN MAY 20 THROUGH JULY 6 AND DECEMBER 10 THROUGH JANUARY 3 OF EACH YEAR.
12 THE SALE OF PERMISSIBLE CONSUMER FIREWORKS MAY BE PROHIBITED ON DAYS BETWEEN
13 MAY 20 THROUGH JULY 6 AND DECEMBER 10 THROUGH JANUARY 3 OF EACH YEAR IF A
14 FEDERAL OR STATE AGENCY IMPLEMENTS A STAGE ONE OR HIGHER FIRE RESTRICTION.
15 ANY PROHIBITION DURING THOSE DATES IS LIMITED TO ONLY THE DATES WHEN THE
16 STAGE ONE OR HIGHER FIRE RESTRICTION IS IN PLACE.

17 (c) PROHIBIT THE USE OF PERMISSIBLE CONSUMER FIREWORKS ON DAYS OTHER
18 THAN JUNE 24 THROUGH JULY 6 AND DECEMBER 24 THROUGH JANUARY 3 OF EACH YEAR.
19 THE USE OF PERMISSIBLE CONSUMER FIREWORKS MAY BE PROHIBITED DURING JUNE 24
20 THROUGH JULY 6 AND DECEMBER 24 THROUGH JANUARY 3 OF EACH YEAR IF A FEDERAL OR
21 STATE AGENCY IMPLEMENTS A STAGE ONE OR HIGHER FIRE RESTRICTION. ANY
22 PROHIBITION DURING THOSE DATES IS LIMITED TO ONLY THE DATES WHEN THE STAGE
23 ONE OR GREATER FIRE RESTRICTION IS IN PLACE.

24 (d) PROHIBIT ON ALL DAYS THE USE OF PERMISSIBLE CONSUMER FIREWORKS
25 WITHIN A ONE MILE RADIUS OF THE BORDER OF PRESERVATION LANDS OWNED BY A CITY
26 OR TOWN THAT HAS PURCHASED MORE THAN FIFTEEN THOUSAND ACRES OF LAND FOR
27 PRESERVATION PURPOSES.

28 B. A GOVERNING BODY THAT CHOOSES TO REGULATE, CONSISTENT WITH THE
29 REQUIREMENTS SET FORTH IN NFPA 1124 AND SUBSECTION A OF THIS SECTION, THE
30 SALE OR USE OF PERMISSIBLE CONSUMER FIREWORKS MAY NOT REQUIRE ANY ADDITIONAL
31 SIGNAGE REQUIREMENTS FOR THE SALE OR USE OF PERMISSIBLE CONSUMER FIREWORKS
32 OTHER THAN THOSE SIGNAGE REQUIREMENTS STIPULATED IN NFPA 1124, EXCEPT THAT
33 ADDITIONAL SIGNAGE THAT IS EIGHT AND ONE-HALF INCHES BY ELEVEN INCHES IN
34 SIZE, THAT IS ON CARDSTOCK PAPER IN LANDSCAPE ORIENTATION AND THAT CONTAINS
35 THE FOLLOWING LANGUAGE ON A CONTRASTING BACKGROUND MAY BE POSTED BY THE
36 RETAIL SALES DISPLAY OF PERMISSIBLE CONSUMER FIREWORKS:

37 STATE OF ARIZONA

38 CONSUMER FIREWORKS REGULATIONS

39 ARIZONA REVISED STATUTES SECTION 36-1601, ET AL.

40 THE USE OF PERMISSIBLE CONSUMER FIREWORKS

41 AS DEFINED UNDER STATE LAW IS ALLOWED:

42 JUNE 24 - JULY 6 AND DECEMBER 24 - JANUARY 3

43 THE SALE OF PERMISSIBLE CONSUMER FIREWORKS

44 AS DEFINED UNDER STATE LAW IS ALLOWED:

45 MAY 20 - JULY 6 AND DECEMBER 10 - JANUARY 3

46 ALL OTHER FIREWORKS ARE PROHIBITED, EXCEPT

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AS AUTHORIZED BY LOCAL FIRE DEPARTMENT PERMIT.
THE SALE AND USE OF NOVELTIES KNOWN AS SNAPPERS (POP-ITS),
PARTY POPPERS, GLOW WORMS, SNAKES, TOY SMOKE DEVICES AND
SPARKLERS ARE PERMITTED AT ALL TIMES.
PERMISSIBLE CONSUMER FIREWORKS MAY NOT BE SOLD TO
PERSONS UNDER SIXTEEN YEARS OF AGE.
CHECK WITH YOUR LOCAL FIRE DEPARTMENT FOR ADDITIONAL
REGULATIONS AND DATES BEFORE USING.

C. THIS ARTICLE DOES NOT PROHIBIT THE IMPOSITION BY ORDINANCE OF
FURTHER REGULATIONS AND PROHIBITIONS BY A GOVERNING BODY ON THE SALE, USE AND
POSSESSION OF FIREWORKS OTHER THAN PERMISSIBLE CONSUMER FIREWORKS. A
GOVERNING BODY MAY NOT ALLOW OR AUTHORIZE THE SALE, USE OR POSSESSION OF ANY
FIREWORKS IN VIOLATION OF THIS ARTICLE.

APPROVED BY THE GOVERNOR APRIL 13, 2015.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 14, 2015.