

HOUSE BILL No. 2373

By Representative Collins

2-8

1 AN ACT concerning fireworks; amending the Kansas fireworks act;
2 establishing the time period for sale of fireworks by seasonal retailers;
3 amending K.S.A. 31-502 and repealing the existing section.
4

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

6 Section 1. K.S.A. 31-502 is hereby amended to read as follows: 31-
7 502. As used in this act, unless the context otherwise requires:

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

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

12 (c) "Manufacturer" means any person engaged in the manufacture of
13 fireworks of any kind in the state of Kansas. Manufacturer shall also
14 include any person engaged in the assembly of consumer fireworks or
15 component parts into a finished item or assortment, but shall not include
16 repackaging finished goods into an assortment.

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

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

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

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

30 (e) "Distributor" ~~shall~~ *does* not include:

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

34 (2) anyone who sells consumer fireworks during a fireworks season
35 as a seasonal retailer;

36 (3) freight delivery companies or common carriers as defined in U.S.

1 department of transportation 49 C.F.R. § 171.8; or

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

4 (f) "Hobbyist manufacturer" means any person who manufactures
5 consumer fireworks, display fireworks or articles pyrotechnic for their
6 personal use.

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

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

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

18 (j) "Fireworks season" means ~~a period~~ *periods* in time ~~as set forth in~~
19 ~~the regulations authorized to be adopted by the state fire marshal during a~~
20 ~~from June 27 through July 5 and from December 26 through January 1 of~~
21 ~~each calendar year~~ *during* which seasonal retailers are permitted to sell
22 consumer fireworks to the public.

23 (k) "Fireworks display" means a private or public production of
24 display fireworks or articles pyrotechnic, or both, which are intended for
25 use and designed to produce visible or audible effects for entertainment
26 purposes by combustion, deflagration or detonation.

27 Sec. 2. K.S.A. 31-502 is hereby repealed.

28 Sec. 3. This act shall take effect and be in force from and after its
29 publication in the statute book.