

MEMORANDUM

To: The Senate Committee on Commerce

From: The Office of Revisor of Statutes

Date: 2/11/2025

Re: S.B. 199, as Introduced

Summary

Under the current law, the definition of "Distributor" broadly includes anyone engaged in the distribution of fireworks of any kind in Kansas, with certain exclusions. "Fireworks season" is defined by the state fire marshal's regulations, and there are five license types: manufacturer, hobbyist manufacturer, distributor, display fireworks operator and proximate pyrotechnic operator. Seasonal retailers of consumer fireworks are not currently required to be licensed or registered with the state fire marshal.

S.B. 199 would replace the broad "Distributor" definition with three specific categories: "Distributor of display fireworks," "Distributor of articles pyrotechnic," and "Unlimited distributor." It would redefine "Fireworks season" as June 20 through July 7 and add new license types. S.B. 199 would prohibit internet and mail sales, require annual registration for seasonal and permanent retailers, and make it unlawful to handle "For Professional Use Only" fireworks without a license.

Comparison

Topic	Current Law	S.B. 199
Definition of Distributor	"Distributor" is defined broadly to include anyone engaged in the distribution of fireworks of any kind in Kansas. Certain exclusions apply.	S.B. 199 would replace the single, broad "Distributor" definition with three new distributor definitions: "Distributor of display fireworks," "Distributor of articles pyrotechnic," and "Unlimited distributor." The "Unlimited distributor" definition would encompass the activities

KANSAS OFFICE *of*
REVISOR *of* STATUTES

LEGISLATURE *of* THE STATE *of* KANSAS

Topic	Current Law	S.B. 199
		previously included in the single "Distributor" definition.
Distributor Exclusions	Current law excludes from the definition of "Distributor" anyone transporting fireworks through Kansas to another state, anyone selling consumer fireworks as a seasonal retailer, freight delivery companies or common carriers, and out-of-state persons selling, transporting, delivering, or giving fireworks to a licensed manufacturer or distributor.	S.B. 199 would exclude from the definition of "Unlimited distributor" any person transporting fireworks through Kansas to another state, any person selling consumer fireworks as a seasonal retailer, any person selling consumer fireworks year-round as a permanent retailer, freight delivery companies or common carriers, and out-of-state persons selling, transporting, delivering, or giving fireworks to a licensed manufacturer or distributor. The definition of "Distributor of display fireworks" would exclude those listed in the definition of "Unlimited distributor."
Definition of Fireworks Season	"Fireworks season" is defined as a period determined by the state fire marshal's regulations. K.A.R. 22-6-5 ("the period beginning on June 27 and ending on July 5")	"Fireworks season" would be defined as the period from June 20 through July 7.
Definition of Permanent Retailer	Not defined.	S.B. 199 would define "Permanent retailer" as any person engaged in the year-round retail sale of consumer fireworks from a permanent structure at a permanent location within the state.
Internet and Mail Sales of Consumer Fireworks	Not addressed.	S.B. 199 would prohibit the retail sale of consumer fireworks through the internet or by mail. All retail sales would have to be made by a registered seasonal or permanent retailer at a physical location registered with the state fire marshal.
Registration of Seasonal and Permanent Retailers	Not addressed.	S.B. 199 would require any person intending to sell consumer fireworks at retail as a seasonal or permanent retailer to register annually with the state fire marshal. The registration would entitle the person to engage in the retail sale of consumer fireworks, subject to the act's provisions and the state fire marshal's regulations. Registration would be effective for

KANSAS OFFICE *of*
REVISOR *of* STATUTES

LEGISLATURE *of* THE STATE *of* KANSAS

Topic	Current Law	S.B. 199
		one year and require submission of permanent business contact information, sales location addresses, sales time periods, and other information required by the state fire marshal.
License Types	Current law lists five license types: manufacturer, hobbyist manufacturer, distributor, display fireworks operator, and proximate pyrotechnic operator.	S.B. 199 would add "distributor of display fireworks," "distributor of articles pyrotechnic," and "unlimited distributor" to the list of license types.
"For Professional Use Only" Fireworks	Not addressed.	S.B. 199 would make it unlawful to possess, purchase, sell, or offer for sale fireworks labeled "For Professional Use Only" without a current license issued by the state fire marshal.
Rulemaking Authority	The fire marshal is granted general rules and regulation authority to administer the Kansas fireworks act (K.S.A. 31-506)	S.B. 199 would authorize the state fire marshal to adopt rules and regulations to implement the provisions of K.S.A. 31-503(c), (j) and (k).

S.B. 199 would become effective upon publication in the statute book.