

**Testimony on Senate Bill 199  
Before the Senate Commerce Committee  
Mark Engholm, State Fire Marshal  
February 11, 2025**

Chairperson, Vice Chair, Ranking Member and Members of the Committee:

Thank you for the opportunity to provide neutral testimony on Kansas Senate Bill 199, which would make sweeping changes to the Kansas Fireworks Act. I would like to take this opportunity to explain how the Office of the State Fire Marshal currently regulates the manufacture, storage, distribution, and sale of fireworks in Kansas, what the proposed language in this bill would mean to our office, and provide you with suggested amendments to the bill which would ensure that it aligns with other state statutes and the Kansas Fire Prevention Code.

Licensing, Permits, and Registration

Under current law, our office issues the following fireworks related licenses and permits:

	Currently Active
Display Operator	435
Proximate Pyrotechnic	37
Distributor	108
Hobbyist Manufacturer	1
Manufacturer	2
Bottle Rocket	3
Display Storage	64

Our office currently has a single staff member who spends approximately one half of their time providing information about fireworks licensing, reviewing applications, providing written testing for operators, compiling information from inspections, and administering licenses.

Under the changes proposed in Senate Bill 199, our office would increase the number and types of licenses, permits and registrations that we administer from 7 to 10:

- Distributor of Display Fireworks
- Distributor of Articles Pyrotechnic
- Manufacturer

- Bottle Rocket
- Hobbyist Manufacturer
- Licensed Display Fireworks Operator
- Licensed Proximate Pyrotechnic Operator
- Storage Permit
- Permanent Retailer
- Seasonal Retailer

The primary change in this bill, and the one that would have the greatest impact on the operation of our office, is the requirement that fireworks retailers register annually with our office. Under current law, our office has no contact with retailers (other than during inspections) and we have no data on how many retailers operate annually in our state. We estimate that we would need to move our existing staff member to working on the fireworks program full time and hire a part-time, seasonal staff member to assist with the timely processing of retail registrations each spring.

### Inspections & Enforcement

Our Special Agents conduct routine inspections of storage sites, distributors, manufacturers, and retailers to ensure they are complying with the Kansas Fireworks Act. For example, during the 2024 fireworks sales season (June 27<sup>th</sup> through July 5<sup>th</sup>), our Agents randomly inspected 178 retail fireworks locations around the state. In 14 instances, we found that the retail location was selling consumer fireworks that had not been purchased from a distributor licensed to operate in our state. In 3 instances, the Special Agents found and seized illegal fireworks from retailers.

As the bill would both double the length of seasonal retail sales (from 9 to 18 days) and create year-round sales locations, our Special Agents would need to dedicate more time to inspections and enforcement of the Fireworks Act.

### Funding

The State Fire Marshal's Office operates from fee funding and does not use any state general funds. The primary funding source is the Fire Marshal Fee Fund, which receives a portion of a surcharge that Kansas has historically placed on fire and lightning insurance premiums. The Boiler Safety program is primarily funded by the Boiler Safety Fund, which receives inspection and licensing fees, and the Elevator Safety Program is primarily funded through fees for passenger elevators.

Under currently practice, our office does not charge any fees for fireworks licensing and permits. However, if the changes in this bill are adopted it would increase costs for our agency, and we would respectfully request that we be allowed to charge reasonable fees to support the fireworks safety program.

## Firework Safety & Injuries

Consumer fireworks are estimated to cause 2,000 structure fires, 500 vehicle fires, and nearly 20,000 wildfires annually in the United States. Unfortunately, we do not have reliable statistics to share with you about the impact of fireworks on our fire departments and the insurance industry in Kansas. I am hopeful that the National Emergency Response Information System (NERIS), which will collect better data from fire departments starting in 2026, will allow us to reliably report on these impacts to our state in the future.

Health care providers in Kansas are asked to report the circumstances surrounding fireworks related injuries to our office. I have attached 2024 fireworks injury data to this testimony in case you have any questions related to injuries and at-risk populations, such as children.

I believe that we can logically conclude that making fireworks more readily available throughout the year will result in increased firework sales and use of fireworks, which logically translates to more firework related fire losses and fireworks related injuries in our state.

## Suggested Amendments

I respectfully submit the following suggested amendments to the bill. These amendments are intended to ensure that the language in the bill agrees with that in other statutes and the Kansas Fire Prevention Code, which includes the 2006 version of National Fire Protection Association (NFPA) Standard 1124 dealing with fireworks distribution and sales.

### Suggested Additional Definitions:

- “Articles Pyrotechnic” means pyrotechnic devices for professional use that are similar to consumer fireworks in chemical composition and construction, but not intended or labeled for consumer use.
- “Consumer Firework” means any small device designed to produce visible effects by combustion and which must comply with the construction, chemical composition, and labeling regulations of the U.S. Consumer Product Safety Commission. Some small devices designed to produce audible effects are included, such as whistling devices, ground devices containing 50 mg or less of explosive materials, and aerial devices containing 130 mg or less of explosive materials. This term does not include fused setpieces containing components which together exceed 50 mg of salute powder.
- “Display firework” means salutes containing more than 2 grains (130 mg) of flash powder, aerial shells containing more than 40 grams of pyrotechnic compositions (excluding the lift charge), and other display pieces which exceed the limits of explosive materials for classification as consumer fireworks. Display fireworks also include fused set pieces containing components which together exceed 50 mg of salute powder.

Suggested amendments to bill language:

Page 3, Line 40: (k) “Storage” means the safekeeping of fireworks in a warehouse or magazine or comparable appropriate depository. Consumer fireworks ~~that are~~ **with a total quantity of 125 pounds of pyrotechnic composition or less** located at the destination of their retail sale and being held in anticipation of retail sale are not considered as in “storage”. (To align with current Kansas Fire Prevention Code NFPA Standard 1124 7.3.1.1)

Page 5, Insert Line 13: **(f) The license holder shall not have been convicted of any crime punishable as a felony under the laws of Kansas or a crime under the law of another jurisdiction which is substantially the same as such felony.** (To align with federal law and with current practice of the agency)

Page 5, Line 14: The state fire marshal **may collect a reasonable fee from applicants** ~~shall not charge or collect fees for~~ licensure. The licenses shall be valid for the following period of time: (To allow our office to collect reasonable fees to offset administrative costs)

Page 5, Line 19: (2) A Hobbyist Manufacturer license shall be valid for a period of 4 years. **A Hobbyist Manufacturer licensee shall also be required to hold a Display Fireworks Operator’s License.**

Page 5, Line 33: (j) ~~The retail sale of consumer fireworks through the internet or by mail shall be prohibited.~~ All retail sales of consumer fireworks shall be **conducted in person** ~~made~~ by a registered seasonal or permanent retailer at a physical location registered with the state fire marshal. (We are concerned that the existing language would criminalize seasonal firework retailers who collect pre-orders of fireworks via websites and email and then deliver them personally at the beginning of fireworks retail season. This practice is common in firework fundraisers by non-profit entities. The suggested language would ensure that the actual sale is conducted at a registered retail location in person.)

Page 5, Line 37: (k) (k) Any person who intends to sell consumer fireworks ~~at retail~~ as a seasonal retailer or a permanent retailer shall register annually ~~as a seasonal retailer or permanent retailer~~ with the state fire marshal. Such registration shall entitle the person to engage in the possession for purposes of retail sale, delivery, consignment, gifting or other distribution ~~at retail~~ of consumer fireworks to any person as a seasonal retailer or permanent retailer, respectively, subject to the provisions, limitations and requirements of this act and regulations of the state fire marshal. ~~for a seasonal retailer or permanent retailer, as applicable.~~ Registration shall be effective for one year from the date of registration. Registration shall be made in the form and manner as determined by the state fire marshal. Registration requirements shall include submission by a registrant of permanent business contact information, the address of the physical location or locations that retail sales will occur, the time period or periods sales will occur and any other information that may be required by the state fire marshal. **The state fire marshal may collect a reasonable fee from seasonal retailer and permanent retailer applicants for the administration and enforcement of this act.** (To allow our office to collect reasonable fees to offset administrative costs)

Page 6, Line 10: ~~(l) The state fire marshal shall adopt rules and regulations as necessary for the purpose of implementing the provisions of subsections (c), (j) and (k).~~ (This language could be construed to conflict with KSA 31-506, which gives the fire marshal authority to adopt rules and regulations necessary to carry out the requirements of the Kansas Fireworks Act.)

Additional Suggested Amendments to related statutes:

KSA 31-504. Display fireworks storage facility permit, fee.

(a) The owner of any display fireworks storage facility shall obtain a storage site permit from the state fire marshal for permanent or temporary storage. Storage permits are not required for day boxes used at a display site.

(b) A storage site permit shall be valid for a period of four years. **The state fire marshal may charge storage facility applicants a reasonable fee.** ~~No fee for a storage site permit shall be charged.~~

31-508. Same; permit to possess or transport. (a) Any person who manufactures bottle rockets or sells bottle rockets at wholesale and who desires to possess, sell or transport any bottle rockets in this state pursuant to

K.S.A. 31-507, and amendments thereto, shall register annually with the state fire marshal. Such registration shall entitle the manufacturer or wholesaler to possess, sell and transport bottle rockets in this state for the purpose of selling to another registered wholesaler or to a non-registered person provided the purchaser submits a certificate for resale outside the state of Kansas to the registered seller in accordance with K.S.A. 31-507, and amendments thereto. Registration shall be effective for one year from the date of registration. **The state fire marshal may charge a reasonable fee for such registration.**

(b) The provisions of this section shall not require registration by a purchaser when the sale occurs in Kansas and the purchaser will transport the bottle rockets out of the state of Kansas for resale and provides the registered seller with a certificate for sale outside the state in accordance with K.S.A. 31-507, and amendments thereto.

(c) The state fire marshal shall adopt rules and regulations necessary to enforce the provisions of K.S.A. 31-507, and amendments thereto, and this section.

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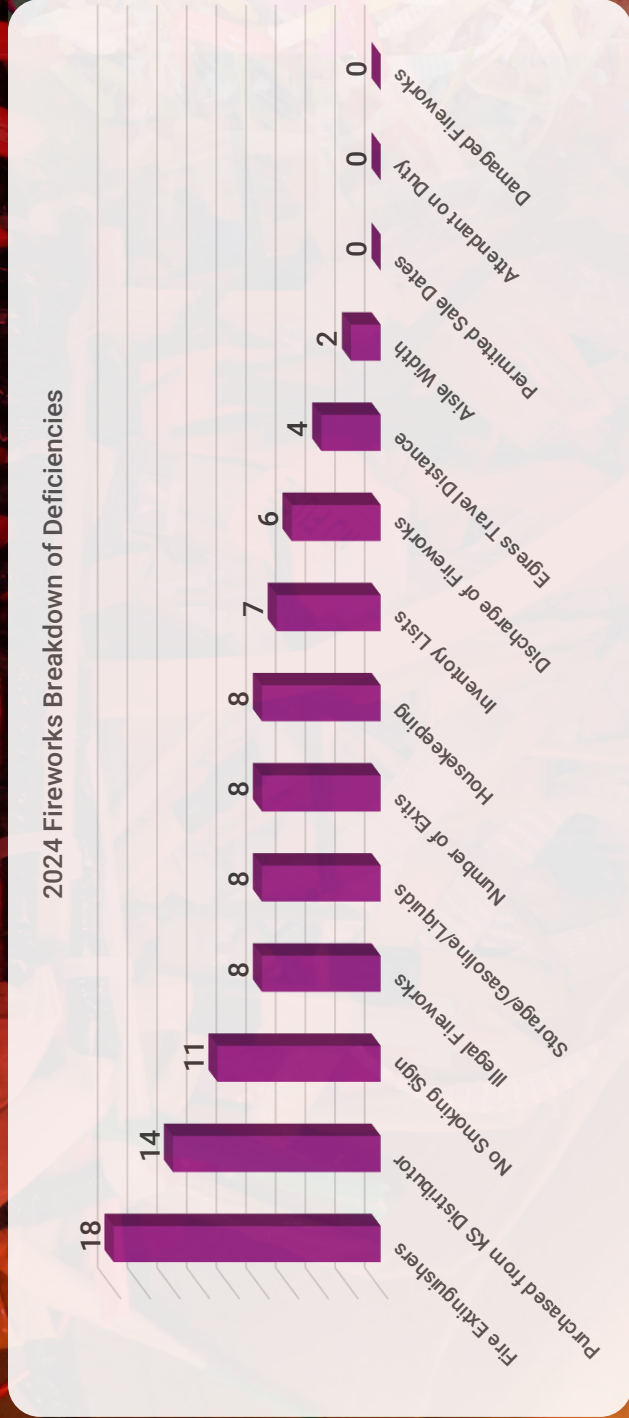
# FIREWORK INSPECTIONS

**178** Total Inspections Conducted

Fireworks Seized

**59** Inspections That Found Violations

**94** Deficiencies Found In The 59 Inspections With Violations

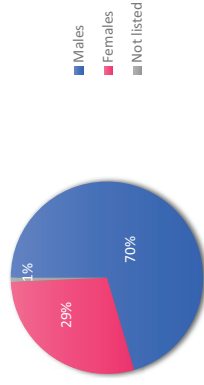


# FIREWORK INJURIES\*

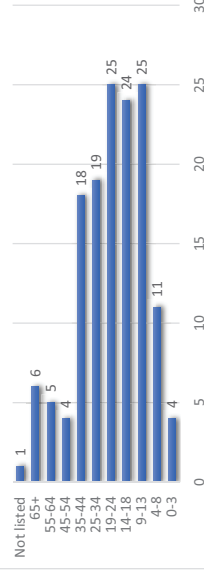
There were a total of 142 firework-related injuries reported in 2024. The individual shooting the firework was most likely to be injured and the hands were the most common body part to be injured. More than half of the reported injuries occurred on the 4th of July and more than half of the individuals received burns. With the exception of three age groups, all saw a decrease in injuries. Injuries were more than halved for the 0-3 year old age group. Injuries more than doubled for the 9-13 year old age group. As in past years, the highest incidences of injuries were caused by mortars or artillery fireworks and other fireworks like parachutes, fountains and spinning items.



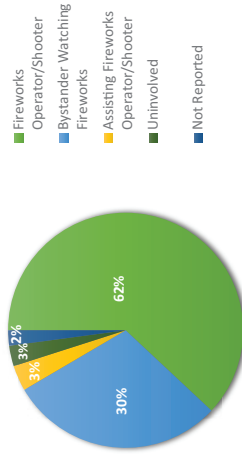
Gender of Injured Party



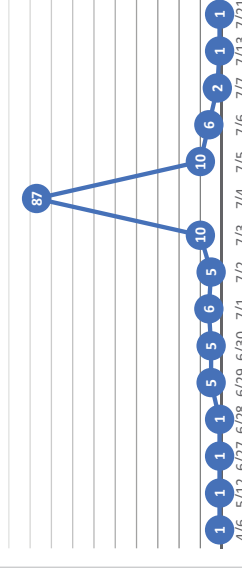
Age of Injured Party



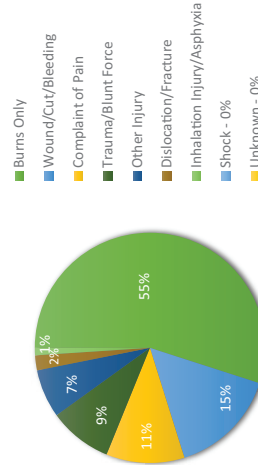
Activity of Injured Party



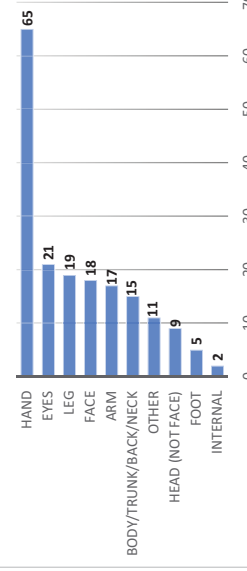
Date of Injury



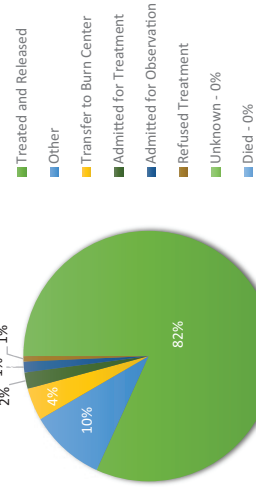
Injury Type



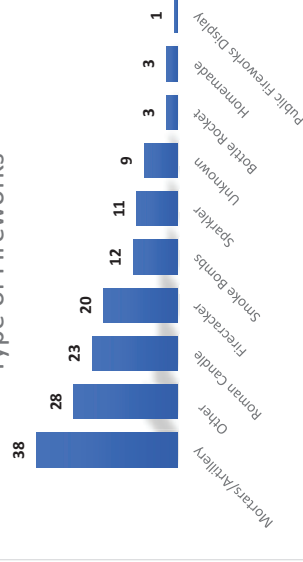
Part of Body Injured



Disposition of Injured Person



Type of Fireworks



\*Statistics are current as of 08/05/2024 and are gathered from a voluntary report submitted by healthcare facilities in Kansas.