

Fireworks Sales and Fallen Firefighters Memorial; SB 199

SB 199 permits year-round fireworks sales under certain conditions and makes additional changes to law related to the sale of fireworks. The bill also designates the existing Fallen Firefighters Memorial adjacent to the Kansas Firefighters Museum in Wichita as the official Fallen Firefighters Memorial of the State of Kansas and replaces the Kansas Firefighters Memorial Advisory Committee with the Kansas Firefighter Memorial Council (Council).

Permanent and Seasonal Fireworks Retailers

The bill allows the sale of fireworks to the public for personal use by individuals registered with the State Fire Marshal as permanent retailers from permanent structures at permanent locations within the state. The bill requires sales by permanent retailers to be made from a physical location.

The bill requires permanent retailers to register annually with the State Fire Marshal. This registration allows them to lawfully possess and convey fireworks, subject to applicable law. The registration must include certain business contact information, addresses for locations at which fireworks will be sold, and time periods in which the sales will occur.

Seasonal retailers are not required to register as such with the State Fire Marshal, but are limited to sales during the period of June 20 through July 7 of the calendar year.

Categories of Distributors

The bill replaces the definition of “distributor” with three categories of distributors and creates corresponding categories of license. “Unlimited distributor” is defined to mean a person engaged in any of the activities of distributors as found in continuing law in addition to the activities of permanent retailers established by the bill, while distributors of display fireworks and distributors of articles pyrotechnic are limited to distributing fireworks corresponding to the respective terms. [Note: The terms “display fireworks” and “articles pyrotechnic” are defined in rules and regulations of the State Fire Marshal and are not defined in the bill.]

The bill excludes from the definition of “unlimited distributor” but includes in the definition of “distributor of display fireworks” persons transporting fireworks through Kansas to another state; persons selling consumer fireworks as a seasonal or 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.

Additional Provisions

The bill makes 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.

The bill requires the State Fire Marshal to adopt rules and regulations to implement the provisions of the bill.

Official Fallen Firefighters Memorial of Kansas

The bill designates the Fallen Firefighters Memorial located adjacent to the Kansas Firefighters Museum in Wichita as the official Fallen Firefighters Memorial of the State of Kansas. The bill revises statutory language regarding the duties of the State Fire Marshal, duties of the Secretary of Administration, and the Kansas Firefighters Memorial Fund.

Kansas Firefighters Memorial Council

The bill establishes the Kansas Firefighters Memorial Council (Council) and abolishes the Firefighters Memorial Advisory Committee and transfer all of its powers, duties, functions, records, and other property to the Council.

Council Membership

The Council will be composed of the following members:

- One representative appointed by the Governor from each of the following organizations:
 - Fire Marshals Association of Kansas;
 - Kansas Council of Firefighters;
 - Kansas Firefighters Museum;
 - Kansas State Association of Fire Chiefs;
 - Kansas State Firefighters Association;
 - Kansas State Funeral Assistance Team; and
 - Wichita Park Board;
- The State Fire Marshal, or the State Fire Marshal's designee; and
- The Executive Director of the Kansas State Historical Society, or the Executive Director's designee.

Council Organization

The bill requires the members of the Council to organize annually by electing a chairperson and vice-chairperson and requires the Council to meet at least once annually at the call of the Chairperson.

The Secretary of Administration, or the Secretary's designee, will serve as secretary for the Council.

Council Duties

The bill requires the Council to make recommendations to the Governor and the Legislature regarding appropriate activities memorializing or commemorating the services of firefighters in Kansas including, but not limited to, recommendations concerning updates and repairs to the Fallen Firefighters Memorial.

The bill authorizes the Council to receive and solicit grants, gifts, contributions, and bequests to finance authorized expenditures, including those authorized for the Fallen Firefighters Memorial, and remit all moneys received for deposit in the State Treasury to the credit of the Kansas Firefighters Memorial Fund.