

HOUSE BILL No. 2724

By Committee on Commerce, Labor and Economic Development

Requested by Representative Collins

2-6

1 AN ACT concerning fireworks; relating to the Kansas fireworks act;
2 permitting a fireworks retailer to sell fireworks at any time during the
3 calendar year; amending K.S.A. 31-502 and 31-503 and repealing the
4 existing sections.

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

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

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

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

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

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

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

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

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

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

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

35 (2) anyone who sells consumer fireworks ~~during a fireworks season~~

1 as a ~~seasonal~~ fireworks retailer;

2 (3) freight delivery companies or common carriers as defined in U.S.
3 department of transportation 49 C.F.R. § 171.8; or

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

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

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

12 (h) "~~Seasonal~~Fireworks retailer" means a person who receives
13 consumer fireworks and sells, delivers, consigns, gives or otherwise
14 furnishes consumer fireworks only to the public for their personal use ~~and~~
15 ~~only during a fireworks season~~ *at any time during the calendar year*.

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

20 (j) "~~Fireworks season~~" means ~~a period in time as set forth in the~~
21 ~~regulations authorized to be adopted by the state fire marshal during a~~
22 ~~calendar year in which seasonal retailers are permitted to sell consumer~~
23 ~~fireworks to the public.~~

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

28 Sec. 2. K.S.A. 31-503 is hereby amended to read as follows: 31-503.

29 (a) Any person who intends to sell, offer for sale, possess with intent to
30 sell, any consumer fireworks, display fireworks or articles pyrotechnic or
31 discharge, use, display fireworks or articles pyrotechnic shall first obtain
32 the appropriate license from the state fire marshal. ~~This shall not include~~
33 ~~seasonal~~ *This licensing requirement does not apply to fireworks retailers.*

34 (b) The types of license shall be as follows:

35 (1) Manufacturer;

36 (2) hobbyist manufacturer;

37 (3) distributor;

38 (4) display fireworks operator; and

39 (5) proximate pyrotechnic operator.

40 (c) Before a license holder may operate, such license holder must
41 satisfy the requirements of this act and regulations adopted by the state fire
42 marshal.

43 (d) The license holder shall be at least 21 years of age upon applying

1 for a license.

2 (e) Licenses shall not be transferable.

3 (f) The state fire marshal shall not charge or collect fees for licensure.

4 The licenses shall be valid for the following period of time:

5 (1) A manufacturer license shall be valid for a period of one year. A
6 holder of a manufacturer license is not required to have any additional
7 licenses in order to manufacture and sell any fireworks defined by this act.

8 (2) A hobbyist manufacturer license shall be valid for a period of four
9 years.

10 (3) A distributor license shall be valid for a period of one year.

11 (4) A display fireworks operator license shall be valid for a period of
12 four years.

13 (5) A proximate pyrotechnics operator license shall be valid for a
14 period of four years.

15 (g) A permit to conduct a fireworks display shall be obtained by the
16 sponsor or operator of a fireworks display from and approved by the city
17 or county where the fireworks display is to be discharged.

18 (h) No fee shall be charged for a license or permit under this section
19 for any person who is an officer or employee of the state or any political or
20 taxing subdivision of the state when that person is acting on behalf of the
21 state or political or taxing subdivision.

22 Sec. 3. K.S.A. 31-502 and 31-503 are hereby repealed.

23 Sec. 4. This act shall take effect and be in force from and after its
24 publication in the statute book.