

SENATE BILL NO. 174

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR WEBBER.

1107S.01H

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 49.266, 253.195, 320.106, 320.111, 320.116, 320.121, 320.126, 320.131, 320.141, 320.151, 320.371, and 568.070, RSMo, and to enact in lieu thereof fourteen new sections relating to fireworks protections, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 49.266, 253.195, 320.106, 320.111, 2 320.116, 320.121, 320.126, 320.131, 320.141, 320.151, 320.371, 3 and 568.070, RSMo, are repealed and fourteen new sections 4 enacted in lieu thereof, to be known as sections 49.266, 5 253.195, 320.106, 320.111, 320.116, 320.121, 320.126, 320.127, 6 320.131, 320.141, 320.147, 320.151, 320.371, and 568.070, to 7 read as follows:

49.266. 1. The county commission in all counties of 2 the first, second, third, or fourth classification may by 3 order or ordinance promulgate reasonable regulations 4 concerning the use of county property, the hours, 5 conditions, methods and manner of such use and the 6 regulation of pedestrian and vehicular traffic and parking 7 thereon.

2. Violation of any regulation so adopted under 8 subsection 1 of this section is an infraction. 9

3. Upon a determination by the state fire marshal that 10 a burn ban order is appropriate for a county because: 11

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

12 (1) An actual or impending occurrence of a natural
13 disaster of major proportions within the county jeopardizes
14 the safety and welfare of the inhabitants of such county; and

15 (2) The U.S. Drought Monitor has designated the county
16 as an area of severe, extreme, or exceptional drought, the
17 county commission may adopt an order or ordinance issuing a
18 burn ban, which may carry a penalty of up to a class A
19 misdemeanor. State agencies responsible for fire management
20 or suppression activities and persons conducting
21 agricultural burning using best management practices shall
22 not be subject to the provisions of this subsection. The
23 ability of an individual, organization, or corporation to
24 sell fireworks shall not be affected by the issuance of a
25 burn ban. The county burn ban may prohibit the explosion or
26 ignition of any missile or skyrocket as the terms "missile"
27 and "skyrocket" are defined by the [2012] 2022 edition of
28 the American Fireworks Standards Laboratory (AFSL), but
29 shall not ban the explosion or ignition of any other
30 consumer fireworks as the term "consumer fireworks" is
31 defined under section 320.106.

32 4. The regulations so adopted shall be codified,
33 printed and made available for public use and adequate signs
34 concerning smoking, traffic and parking regulations shall be
35 posted.

253.195. Fireworks, as defined in section [320.110]
2 **320.106**, of any type are prohibited within the boundaries of
3 any state park except upon the written permission granted by
4 the department of natural resources.

320.106. As used in sections 320.106 to 320.161,
2 unless clearly indicated otherwise, the following terms mean:

3 (1) "American Pyrotechnics Association (APA), Standard
4 87-1", a **voluntary standard**, or subsequent standard [which]

5 that may amend or supersede this standard for manufacturers,
6 importers, and distributors of fireworks, in which fireworks
7 classifications are assigned based upon the weight and type
8 of chemical composition contained for each specific type of
9 device including, but not limited to, specific permissible
10 and restricted chemicals. Such standard shall be construed
11 to include the following APA standards:

12 (a) APA 87-1A Standard for Construction,
13 Classification, Approval, and Transportation of Consumer
14 Fireworks;

15 (b) APA 87-1B Standard for the Construction,
16 Classification, Approval, and Transportation of Display
17 Fireworks; and

18 (c) APA 87-1C Standard for the Construction,
19 Classification, Approval, and Transportation of
20 Entertainment and Technical Pyrotechnics;

21 As used in this chapter, the current editions of APA 87-1
22 are controlling. Any future editions or amendments to
23 future editions adopted related to standards contained in
24 APA 87-1 by the American Pyrotechnics Association shall only
25 be in effect upon formal review of the fire marshal's office
26 and promulgation of rules under their rulemaking authority
27 as set out in this chapter and chapter 536;

28 (2) "Annual retailer", any person engaged in the
29 business of making sales of consumer fireworks at wholesale
30 or retail within the state of Missouri during a calendar
31 year from the first day of January through the thirty-first
32 day of December;

33 (3) "Articles pyrotechnic", devices containing
34 compositions, which produce a visual and audible effect
35 primarily used in the entertainment and technical

36 training/development industries, that comply with the limits
37 and requirements of APA Standard 87-1C and that may not be
38 offered for sale to the general public;

39 (4) "Chemical composition", all pyrotechnic and
40 explosive composition **formulations** contained in fireworks
41 devices as defined in American Pyrotechnics Association
42 (APA), Standard 87-1;

43 [(3)] (5) "Consumer fireworks", explosive and
44 **pyrotechnic** devices designed **for sale and use by the general**
45 **public that conform with requirements set forth by the**
46 **United States Consumer Product Safety Commission (CPSC) and**
47 **designed** primarily to produce visible or audible effects by
48 combustion [and includes] **including, but not limited to,**
49 aerial devices [and], ground devices, [all of which are
50 classified as fireworks, UN0336, within 49 CFR Part 172]
51 **fuses, and novelties in compliance with APA Standard 87-1A;**

52 [(4)] (6) "Discharge site", the area immediately
53 surrounding the fireworks mortars used for an outdoor
54 fireworks display;

55 [(5)] (7) "Dispenser", a device designed for the
56 measurement and delivery of liquids as fuel;

57 (8) "Display before a proximate audience", the
58 **discharge or use of fireworks or special effects before a**
59 **proximate audience or in any indoor setting, in accordance**
60 **with the guidelines established by NFPA 1126: Code Standard**
61 **for the Use of Pyrotechnics Before a Proximate Audience;**

62 [(6)] (9) "Display fireworks", [explosive] devices
63 [designed primarily to produce visible or audible effects by
64 combustion, deflagration or detonation. This term includes
65 devices containing more than two grains (130 mg) of
66 explosive composition intended for public display. These
67 devices are classified as fireworks, UN0333 or UN0334 or

68 UNO335, within 49 CFR Part 172] **containing chemical**
69 **compositions that are intended for use in professional**
70 **firework shows, designed to produce visible or audible**
71 **effects, and comply with the limits and requirements of APA**
72 **Standard 87-1B;**

73 [(7)] (10) "Display site", the immediate area where a
74 fireworks display is conducted, including the discharge
75 site, the fallout area, and the required separation distance
76 from mortars to spectator viewing areas, but not spectator
77 viewing areas or vehicle parking areas;

78 [(8)] (11) "Distributor", any person engaged in the
79 business of selling fireworks to wholesalers, [jobbers]
80 **annual retailers**, seasonal retailers, other persons, or
81 governmental bodies that possess the necessary permits as
82 specified in sections 320.106 to 320.161[, including any
83 person that imports any fireworks of any kind in any manner
84 into the state of Missouri];

85 [(9)] (12) "Fireworks", any composition or device for
86 producing a visible[, audible, or both visible and] **or an**
87 **audible effect for entertainment purposes** by combustion,
88 deflagration, or detonation and that meets the definition of
89 consumer[, proximate,] **fireworks, articles pyrotechnic**, or
90 display fireworks as set forth [by 49 CFR Part 171 to end,
91 United States Department of Transportation hazardous
92 materials regulations] **in this section;**

93 [(10)] (13) "Fireworks season", the period beginning
94 on the twentieth day of June and continuing through the
95 tenth day of July of the same year and the period beginning
96 on the twentieth day of December and continuing through the
97 second day of January of the next year, which shall be the
98 only periods of time that seasonal retailers may be
99 permitted to sell consumer fireworks;

100 [(11) "Jobber", any person engaged in the business of
101 making sales of consumer fireworks at wholesale or retail
102 within the state of Missouri to nonlicensed buyers for use
103 and distribution outside the state of Missouri during a
104 calendar year from the first day of January through the
105 thirty-first day of December;]

106 (14) "Flame effect", the combustion of solids,
107 liquids, or gases using atmospheric oxygen to produce
108 thermal, physical, visual, or audible phenomena before an
109 audience;

110 (15) "Flame effect operator", the single individual
111 with overall responsibility for flame effect operations and
112 safety who has met additional requirements established by
113 promulgated rules and has successfully completed a proximate-
114 audience training course recognized and approved by the
115 state fire marshal;

116 [(12)] (16) "Licensed display operator", any person
117 who supervises, manages, or directs the discharge of outdoor
118 display fireworks or articles pyrotechnic, either by manual
119 or electrical means; who has met additional requirements
120 established by promulgated rule and has successfully
121 completed a display fireworks training course recognized and
122 approved by the state fire marshal;

123 (17) "Licensed pyrotechnic effects operator", an
124 individual who has responsibility for pyrotechnic safety and
125 who controls, initiates, or otherwise creates special
126 effects or uses fireworks or pyrotechnic material before a
127 proximate audience or in any indoor setting and who has met
128 additional requirements established by promulgated rules and
129 has successfully completed a proximate audience training
130 course recognized and approved by the state fire marshal;

131 [(13)] (18) "Manufacturer", any person engaged in the
132 making, manufacture, assembly, **altering**, or construction of
133 fireworks of any kind within the state of Missouri **for the**
134 **purpose of selling or distributing;**

135 [(14)] (19) "NFPA", National Fire Protection
136 Association, an international codes and standards
137 organization;

138 **As used in chapter 320, the current editions of NFPA 1123,**
139 **NFPA 1124, and NFPA 1126 are controlling. Any future**
140 **editions or amendments to future editions adopted related to**
141 **standards contained in NFPA 1123, NFPA 1124, or NFPA 1126 by**
142 **the National Fire Protection Association shall only be in**
143 **effect upon formal review of the fire marshal's office and**
144 **promulgation of rules under their rulemaking authority as**
145 **set out in this chapter and chapter 536;**

146 (20) "Outdoor fireworks display", a presentation of
147 fireworks before a public audience in accordance with the
148 guidelines established by NFPA 1123: Code for Fireworks
149 Display;

150 [(15)] (21) "Permanent structure", buildings and
151 structures with permanent foundations other than tents,
152 mobile homes, **stands**, and trailers;

153 [(16)] (22) "Permit", the written authority of the
154 state fire marshal issued pursuant to sections 320.106 to
155 320.161 to sell, possess, manufacture, discharge, or
156 distribute fireworks;

157 [(17)] (23) "Person", any corporation, association,
158 partnership or individual or group thereof;

159 [(18) "Proximate fireworks", a chemical mixture used
160 in the entertainment industry to produce visible or audible

161 effects by combustion, deflagration, or detonation, as
162 classified within 49 CFR Part 172 as UN0431 or UN0432;
163 (19) "Pyrotechnic operator" or "special effects
164 operator", an individual who has responsibility for
165 pyrotechnic safety and who controls, initiates, or otherwise
166 creates special effects for proximate fireworks and who has
167 met additional requirements established by promulgated rules
168 and has successfully completed a proximate fireworks
169 training course recognized and approved by the state fire
170 marshal;]

171 (24) "Proximate audience", an audience closer to
172 pyrotechnic devices than permitted by NFPA 1123: Code for
173 Fireworks Display;

174 [(20)] (25) "Sale", an exchange of articles of
175 fireworks for money, including barter, exchange, [gift] or
176 offer thereof, and each such transaction made by any person,
177 whether as a principal proprietor, salesman, agent,
178 association, copartnership or one or more individuals;

179 [(21)] (26) "Seasonal retailer", any person within the
180 state of Missouri engaged in the business of making sales of
181 consumer fireworks in Missouri only during a fireworks
182 season [as defined by subdivision (10) of this section];

183 (27) "Substantial damage", damage of any origin
184 sustained by a structure whereby the cost of restoring the
185 structure to its before-damaged condition would equal or
186 exceed fifty percent of the market value of the structure
187 before the damage occurred;

188 (28) "Substantial improvement", any repair,
189 reconstruction, rehabilitation, alteration, addition, or
190 other improvement of a building or structure, the cost of
191 which equals or exceeds fifty percent of the market value of
192 the structure before the improvement or repair is started.

193 If the structure has substantial damage, any repairs are
194 considered improvement regardless of the actual repair work
195 performed. The term shall not include either of the
196 following:

197 (a) Any project for improvement of a building required
198 to correct existing health, sanitary, or safety code
199 violations identified by the building official and that are
200 the minimum necessary to ensure safe living conditions; or

201 (b) Any alteration of a historic structure, provided
202 that the alteration will not preclude the structure's
203 continued designation as a historic structure;

204 [(22)] (29) "Wholesaler", any person engaged in the
205 business of making sales of consumer fireworks to any other
206 person engaged in the business of making sales of consumer
207 fireworks at retail within the state of Missouri.

320.111. 1. It is unlawful for any person to
2 manufacture, sell, offer for sale, ship or cause to be
3 shipped into or within the state of Missouri except as
4 herein provided any item of fireworks, without first having
5 secured the required applicable permit as a manufacturer,
6 distributor, wholesaler, [jobber] **annual retailer**, or
7 seasonal retailer from the state fire marshal and applicable
8 federal permit or license. Possession of said permit is a
9 condition precedent to manufacturing, selling or offering
10 for sale, shipping or causing to be shipped any fireworks
11 into the state of Missouri, except as herein provided. This
12 provision applies to nonresidents as well as residents of
13 the state of Missouri.

14 2. The state fire marshal has the authority and is
15 authorized and directed to issue permits for the sale of
16 fireworks. No permit shall be issued to a person under the
17 age of eighteen years. All permits except for seasonal

18 retailers shall be for the calendar year or any fraction
19 thereof and shall expire on the thirty-first day of December
20 of each year.

21 3. Permits issued must be displayed in the permit
22 holder's place of business. No permit provided for herein
23 shall be transferable nor shall a person operate under a
24 permit issued to another person or under a permit issued for
25 another location. Manufacturer, wholesaler, **[jobber] annual**
26 **retailer**, and distributor permit holders operating out of
27 multiple locations shall obtain a permit for each location.

28 4. Failure to make application for a permit by May
29 thirty-first of the calendar year may result in the fire
30 marshal's refusal to issue a **[license] permit** to the
31 **[licensee] permittee** or applicant for such calendar year.

32 5. Any false statement or declaration made on a permit
33 application may result in the state fire marshal's refusal
34 to issue such permit to the requesting person for a period
35 of time not to exceed three years.

36 6. The state fire marshal is authorized **[and directed**
37 **to charge the following] to assess permit and licensing** fees
38 for permits **and licenses**:

39 (1) Manufacturer, a fee of **[seven hundred seventy-**
40 **five] one thousand** dollars per calendar year;

41 (2) Distributor, a fee of **[seven hundred seventy-five]**
42 **one thousand** dollars per calendar year;

43 (3) Wholesaler, a fee of **[two hundred seventy-five]**
44 **five hundred** dollars per calendar year;

45 (4) **[Jobber] Annual retailer**, a fee of **[five] seven**
46 hundred **[twenty-five] fifty** dollars per calendar year per
47 sales location;

48 (5) Seasonal retailer, a fee of **[fifty] one hundred**
49 dollars per calendar year per sales location;

50 (6) **[Display] Outdoor fireworks display permit**, a fee
51 of one hundred dollars per calendar year per location;

52 (7) **[Proximate fireworks display permit] Display**
53 **before proximate audience**, a fee of one hundred dollars per
54 calendar year per location;

55 (8) **[Licensed] Display operator license**, a fee of one
56 hundred dollars for a three-year license;

57 (9) **Pyrotechnic effects operator license**, a fee of one
58 hundred dollars for a three-year license.

59 7. A holder of a manufacturer's permit shall not be
60 required to have any additional permits in order to sell to
61 distributors, wholesalers, **[jobbers] annual retailers** or
62 seasonal retailers, or to sell display, or **[proximate**
63 **fireworks] articles pyrotechnic**.

64 8. A holder of a distributor's permit shall not be
65 required to have any additional permits in order to sell to
66 wholesalers, **[jobbers] annual retailers**, seasonal retailers
67 or to sell display **fireworks**, or **[proximate fireworks]**
68 **articles pyrotechnic**.

69 9. A holder of **[a jobber's] an annual retailer** permit
70 shall not be required to have any additional permit in order
71 to sell consumer fireworks at retail during the fireworks
72 season from such **[jobber's] annual retailer's** permanent
73 structure.

74 10. **(1)** All fees collected for permits issued
75 pursuant to this section shall be deposited **[to the credit**
76 **of the fire education fund created pursuant to section**
77 **320.094] as follows:**

78 **(a) Eighty percent into the fire education fund**
79 **created under section 320.094; and**

80 **(b) Twenty percent into the cigarette fire safety**
81 **standard and firefighter protection act fund created under**
82 **section 320.371.**

83 **(2)** Any person engaged in more than one permit
84 classification shall pay one permit fee based upon the
85 permit classification yielding the highest amount of revenue.

86 11. The state fire marshal is charged with the
87 enforcement of the provisions of sections 320.106 to 320.161
88 and may call upon any state, county or city peace officer
89 for assistance in the enforcement of the provisions of
90 sections 320.106 to 320.161. The state fire marshal may
91 promulgate rules pursuant to the requirements of this
92 section and chapter 536 necessary to carry out his or her
93 responsibilities under this act including rules requiring
94 training, examination, and licensing of licensed **display**
95 operators and pyrotechnic **effects** operators engaging in or
96 responsible for the handling and use of display **fireworks**
97 and [proximate fireworks] **articles pyrotechnic**. The test
98 shall incorporate the rules of the state fire marshal, which
99 shall be based upon nationally recognized standards. No
100 rule or portion of a rule promulgated pursuant to this
101 chapter shall become effective unless it has been
102 promulgated pursuant to the provisions of chapter 536.

103 12. The state fire marshal, upon notification by the
104 department of revenue, may withhold permits from applicants
105 upon evidence that all state sales taxes for the preceding
106 year or years have not been paid; except, this subsection
107 shall not apply if an applicant is pursuing any proper
108 remedy at law challenging the amount, collection, or
109 assessment of any sales tax.

110 13. A holder of a distributor, wholesaler, or
111 [jobber's] **annual retailer's** permit shall be required to

112 operate out of a permanent structure in compliance with all
113 applicable building and fire regulations in the city or
114 county in which said person is operating a fireworks
115 business. Seasonal retail permit locations shall be in
116 compliance with all applicable building and fire
117 regulations. The applicant may be subject to a fire safety
118 inspection by the state fire marshal based upon promulgated
119 rules and regulations adopted by the state fire marshal.

120 14. It is unlawful for any manufacturer, distributor,
121 wholesaler, or [jobber] **annual retailer** to sell consumer
122 fireworks to a seasonal retailer who has not acquired an
123 appropriate permit from the state fire marshal for the
124 current permit period. A seasonal retailer shall acquire
125 and present the appropriate permit from the state fire
126 marshal before any manufacturer, distributor, wholesaler or
127 [jobber] **annual retailer** is allowed to sell consumer
128 fireworks to such seasonal retailer, provided that such
129 seasonal retailer is purchasing the consumer fireworks for
130 resale in this state.

131 15. The state fire marshal and the marshal's deputies
132 may conduct inspections of any premises and all portions of
133 buildings where fireworks are stored, manufactured, kept or
134 being offered for sale. All persons selling, offering for
135 sale, barter, gift, exchange, or offer thereof any fireworks
136 shall cooperate fully with the state fire marshal and the
137 marshal's deputies during any such inspection. This
138 inspection shall be performed during normal business hours.

139 16. In addition to any other penalty, any person who
140 manufactures, sells, offers for sale, ships or causes to be
141 shipped into or caused to be shipped into the state of
142 Missouri, for use in Missouri, any items of fireworks
143 without first having the required applicable permit shall be

144 assessed a civil penalty of up to a one thousand dollar fine
145 for each day of operation up to a maximum of ten thousand
146 dollars.

320.116. 1. The state fire marshal may revoke any
2 permit **or license** issued pursuant to sections 320.106 to
3 320.161 upon evidence that the holder has **willfully** violated
4 any of the provisions of sections 320.106 to 320.161. **If a**
5 **holder of a permit has multiple permitted locations, any**
6 **suspension or revocation shall only apply to the permitted**
7 **location where the violation resulting in suspension or**
8 **revocation occurred.**

9 2. **The state fire marshal may refuse to issue a**
10 **license or permit to any applicant when the permit or**
11 **license of the individual, corporation, or partner is under**
12 **suspension or revocation. The state fire marshal may refuse**
13 **to issue a license or permit to a person who is a partner,**
14 **shareholder, manager, officer, spouse, or relative of the**
15 **applicant or a party to the applicant.**

16 3. The state fire marshal, in his or her discretion,
17 may refuse to issue a permit, for a period not to exceed
18 three years, to a person whose permit has been revoked for
19 the possession or sale of illegal fireworks, as referred to
20 in section 320.136.

21 **[3.] 4.** The state fire marshal, the marshal's
22 deputies, the marshal's designees or any authorized police
23 or peace officer shall seize as contraband any illegal
24 fireworks as defined pursuant to sections 320.106 to
25 320.161. Such illegal fireworks seized in the enforcement
26 of sections 320.106 to 320.161 shall be held in custody of
27 the state fire marshal in proper storage facilities. The
28 person surrendering the fireworks may bring an in rem
29 proceeding in the circuit court of the county where the

30 fireworks were seized. Upon hearing, the circuit court may
31 authorize the return of all or part of the confiscated
32 fireworks or the court may authorize and direct that such
33 contraband fireworks be destroyed. If a proceeding is not
34 brought within thirty days, the fireworks shall be destroyed
35 by the state fire marshal. The state fire marshal shall
36 seize, take, remove or cause to be removed, at the expense
37 of the owner, all stocks of fireworks offered or exposed for
38 sale, stored or held in violation of the provisions of
39 sections 320.106 to 320.161. All costs, including any
40 expenses incurred with the seizure, shall be the
41 responsibility of the adjudicated party if case disposition
42 is in the favor of the state fire marshal.

43 [4.] 5. Any person aggrieved by any official action of
44 the state fire marshal affecting their permit status
45 including revocation, suspension, failure to renew a permit,
46 or refusal to grant a permit may seek a determination
47 thereon by the administrative hearing commission pursuant to
48 the provisions of section 621.045.

320.121. 1. The provisions of sections 320.106 to
2 320.161 shall not be construed to abrogate or in any way
3 affect the powers of the following political subdivisions to
4 regulate or prohibit fireworks within its corporate limits:

- 5 (1) Any city, town, or village in this state; or
- 6 (2) Any county operating under a charter form of
7 government.

8 2. It is unlawful for any manufacturer, distributor,
9 wholesaler, [jobber] **annual retailer**, or seasonal retailer
10 to sell or ship by common carrier fireworks to consumers
11 within the corporate limits of the following political
12 subdivisions which prohibit the sale or possession of
13 fireworks:

- 14 (1) Any city, town, or village in this state; or
15 (2) Any county operating under a charter form of
16 government.

320.126. 1. Any person, entity, partnership,
2 corporation, or association transporting display **fireworks**
3 or [proximate fireworks] **articles pyrotechnic** or display
4 **fireworks** and [proximate fireworks] **articles pyrotechnic**
5 into the state of Missouri for the purpose of resale [or to
6 conduct a display] shall be permitted by the state fire
7 marshal as a distributor or manufacturer and have obtained
8 **any** applicable federal license or permit.

9 2. [Sale of display or proximate fireworks shall be
10 limited to a holder of a federal license or permit and a
11 distributor or manufacturer permit issued by the state fire
12 marshal] **Only holders of a state issued manufacturer or**
13 **distributor permit shall be allowed to sell display**
14 **fireworks and articles pyrotechnic within the state of**
15 **Missouri. A permitted manufacturer or distributor may sell**
16 **display fireworks and articles pyrotechnic only to those**
17 **persons who maintain either a state issued manufacturer or**
18 **distributor permit or a valid state issued display operator**
19 **license or pyrotechnic effect operator license. For the**
20 **sale of display fireworks, proof of any required federal**
21 **license or permit shall be required prior to finalizing any**
22 **sale or transfer.**

23 3. Possession of display [or proximate fireworks for
24 resale to holders of a permit for display or proximate]
25 fireworks **or articles pyrotechnic** shall be confined to
26 holders of a state manufacturer or distributor permit [and
27 applicable federal license or permit] **or holders or either a**
28 **valid state issued display operator license or pyrotechnic**
29 **effect operator license. For possession of display**

30 fireworks, proof of any required federal license or permit
31 shall be maintained by the possessor.

32 4. [Permits for display or proximate fireworks may be
33 granted to municipalities, fair associations, amusement
34 parks, organizations, persons, firms or corporations. Such
35 permits may be granted upon application and approval by the
36 state fire marshal or local fire service authorities of the
37 community where the display is proposed to be held. All
38 applications submitted for display or proximate fireworks
39 permits must be submitted to the office of the state fire
40 marshal a minimum of ten working days prior to the date of
41 the event. The application shall be made on a form provided
42 or approved by the state fire marshal. Every such display
43 shall be supervised, managed, or directed by a Missouri
44 licensed operator, or pyrotechnic operator on site pursuant
45 to subdivisions (11) and (18) of section 320.106 and shall
46 be located, discharged, or fired so as in the opinion of the
47 permitting authority, after proper inspection based on the
48 most current edition of the National Fire Protection
49 Association standards, NFPA 1123, 1124, and 1126, to not be
50 hazardous to any person or property. After a permit has
51 been granted, the sale, possession, use and distribution of
52 fireworks for such display shall be lawful for that purpose
53 only. A copy of all permits issued for display or proximate
54 fireworks shall be forwarded by the permit holder to the
55 state fire marshal's office. No permit granted hereunder
56 shall be transferable and shall apply to only one location.
57 No holder of a manufacturer or distributor permit shall
58 sell, barter, or transfer display or proximate fireworks to
59 anyone not possessing an applicable permit or license.

60 5. Possession of display or proximate fireworks shall
61 be limited to a holder of a display or proximate fireworks

62 permit issued by the authority having jurisdiction where the
63 display or proximate fireworks is proposed to be held or the
64 state fire marshal or holder of a state manufacturer or
65 distributor permit and applicable federal license or permit.

66 6. Before issuing any permit for a display or
67 proximate fireworks, the municipality, fair association,
68 amusement park, organization, firm, persons, or corporation
69 making application therefor shall furnish proof of financial
70 responsibility in an amount established by promulgated rule
71 to the permitting authority in order to satisfy claims for
72 damages to property or personal injuries arising out of any
73 act or omission on the part of such person, firm or
74 corporation or any agent or employee thereof.

75 7. Any establishment where proximate fireworks are to
76 be discharged shall be inspected by the state fire marshal
77 or local fire department having jurisdiction for compliance
78 with NFPA 101 Life Safety Code or equivalent nationally
79 recognized code in relation to means of egress, occupancy
80 load, and automatic sprinkler and fire alarm systems. All
81 permits issued will be forwarded to the state fire marshal
82 by the permit holder. Permits will be issued in the same
83 manner as those required in this section] **This section shall**
84 **not be construed to prohibit a holder of a manufacturer or**
85 **distributor permit from transporting or selling display**
86 **fireworks or articles pyrotechnic to persons who are not**
87 **residents of this state.**

320.127. 1. **Permits for outdoor fireworks displays or**
2 **displays before a proximate audience may be granted to**
3 **municipalities, fair associations, amusement parks,**
4 **organizations, persons, firms, or corporations. Such**
5 **permits may be granted upon application and approval by the**
6 **state fire marshal or local fire service authorities of the**

7 community where the outdoor fireworks display or the display
8 before a proximate audience is proposed to be held. All
9 applications submitted to the state fire marshal for an
10 outdoor fireworks display permit or a display before a
11 proximate audience permit shall be submitted to the office
12 of the state fire marshal a minimum of ten working days
13 prior to the date of the event. The application shall be
14 made on a form provided or approved by the state fire
15 marshal. Every such outdoor fireworks display or display
16 before a proximate audience shall be supervised, managed, or
17 directed by a Missouri licensed display operator, or
18 pyrotechnic effects operator on site and shall be located,
19 discharged, or fired so as in the opinion of the permitting
20 authority, after proper inspection based on the National
21 Fire Protection Association standards, NFPA 1123, 1124, and
22 1126, to not be hazardous to any person or property. A copy
23 of all permits issued for outdoor fireworks displays or
24 displays before a proximate audience issued by a local fire
25 service authority shall be forwarded by the permit holder to
26 the state fire marshal's office upon request. No permit
27 granted hereunder shall be transferable and each permit
28 shall apply to only one location.

29 2. Before issuing any permit for outdoor fireworks
30 display or a display before a proximate audience, the
31 municipality, fair association, amusement park,
32 organization, firm, persons, or corporation making
33 application therefore shall furnish proof of financial
34 responsibility in an amount established by promulgated rule
35 to the permitting authority in order to satisfy claims for
36 damages to property or personal injuries arising out of any
37 act or omission on the part of such person, firm, or
38 corporation or any agent or employee thereof.

39 3. Any establishment, venue, or shoot site where an
40 outdoor fireworks display or a display before a proximate
41 audience is to take place shall be inspected by the state
42 fire marshal or local fire department having jurisdiction
43 for compliance with NFPA 1123 Code for Fireworks Display,
44 NFPA 1126 Code for the Use of Pyrotechnics Before a
45 Proximate Audience, and NFPA 101 Life Safety Code or
46 equivalent nationally recognized code in relation to means
47 of egress, occupancy load, and automatic sprinkler and fire
48 alarm systems. All permits issued shall be forwarded to the
49 state fire marshal by the permit holder, upon the state fire
50 marshal's request. Permits shall be issued in the same
51 manner as those required in this section.

52 4. Notwithstanding any provisions of this section to
53 the contrary, a holder of a valid state issued display
54 operator license conducting a private outdoor firework
55 display for a non-commercial purpose shall not be subject to
56 the permitting requirements in subsections 1 through 3 of
57 this section; provided, however, that all such non-
58 commercial, private outdoor firework displays shall be
59 conducted in compliance with NFPA 1123. For the purposes of
60 this section, "non-commercial purpose" shall mean not
61 connected with or engaged in for a commercial purpose or in
62 exchange for any monetary consideration.

320.131. 1. It is unlawful for any person to possess,
2 sell or use within the state of Missouri, or ship into the
3 state of Missouri, except as provided in section 320.126,
4 any pyrotechnics commonly known as "fireworks" and defined
5 as consumer fireworks in [subdivision (3) of] section
6 320.106 [other than items now or hereafter classified as
7 fireworks UN0336, 1.4G by the United States Department of
8 Transportation] that comply with the construction, chemical

9 composition, labeling and other regulations relative to
10 consumer fireworks regulations promulgated by the United
11 States Consumer Product Safety Commission and permitted for
12 use by the general public pursuant to such commission's
13 regulations.

14 2. No wholesaler, [jobber] **annual retailer**, or
15 seasonal retailer, or any other person shall sell, offer for
16 sale, store, display, or have in their possession any
17 consumer fireworks [that have not been approved as fireworks
18 UN0336, 1.4G by the United States Department of
19 Transportation] **that do not comply with the construction,**
20 **chemical composition, labeling and other regulations**
21 **relative to consumer fireworks regulations promulgated by**
22 **the United States Consumer Product Safety Commission and**
23 **permitted for use by the general public pursuant to such**
24 **commission's regulations.**

25 3. [No jobber, wholesaler, manufacturer, or
26 distributor shall sell to seasonal retailer dealers, or any
27 other person, in this state for the purpose of resale, or
28 use, in this state, any consumer fireworks which do not have
29 the numbers and letter "1.4G" printed within an orange,
30 diamond-shaped label printed on or attached to the fireworks
31 shipping carton.]

32 4.] This section does not prohibit a manufacturer,
33 distributor or any other person possessing the proper
34 permits as specified by state and federal law from storing,
35 selling, shipping or otherwise transporting display
36 **fireworks** or [proximate fireworks] **articles pyrotechnic.**

37 [5.] 4. Matches, toy pistols, toy canes, toy guns,
38 party poppers, or other devices in which paper caps
39 containing twenty-five hundredths grains or less of
40 explosive compound, provided that they are so constructed

41 that the hand cannot come into contact with the cap when in
42 place for use, and toy pistol paper caps which contain less
43 than twenty-five hundredths grains of explosive mixture
44 shall be permitted for sale and use at all times and shall
45 not be regulated by the provisions of sections 320.106 to
46 320.161.

320.141. Permissible items of consumer fireworks
2 defined in section 320.131 may be sold at wholesale or
3 retail by holders of [a jobber's] **an annual retailer** permit
4 to [nonlicensed] **nonpermitted** buyers [from outside the state
5 of Missouri] during a calendar year from the first day of
6 January until the thirty-first day of December. Permissible
7 items of consumer fireworks defined in section 320.131 may
8 be sold at retail by holders of a seasonal retail permit
9 during the selling periods of the twentieth day of June
10 through the tenth day of July and the twentieth day of
11 December through the second day of January.

320.147. 1. A person selling or offering fireworks
2 **for sale or barter or trade shall permit the state fire**
3 **marshal and the marshal's deputies to conduct inspections,**
4 **based on the code of state regulations, of the business**
5 **premises or any location where fireworks are stored, kept,**
6 **or sold. Such person shall cooperate with such inspection**
7 **or investigation. Failure to cooperate or refusal to allow**
8 **an inspection shall result in suspension or revocation of**
9 **the permittee's permit or refusal of a permit to be issued.**
10 **Such inspection shall be performed during normal business**
11 **hours.**

12 **2. All new construction or substantial improvements of**
13 **a permanent structure shall be constructed with all**
14 **applicable building codes or fire codes adopted by the local**
15 **political subdivision to whom has authority over such**

16 **matter. All new construction or substantial improvements of**
17 **a permanent structure located in a jurisdiction without a**
18 **local building code or fire code shall submit a full set of**
19 **architectural plans to the state fire marshal for review.**
20 **The state fire marshal may review such plans for compliance**
21 **with fire protection standards and issue recommendations.**

320.151. 1. It is unlawful to attempt to sell or to
2 sell at retail any fireworks to children under the age of
3 fourteen years except when such child is in the presence of
4 a parent or guardian.

5 2. It is unlawful for any person under the age of
6 sixteen to sell fireworks or work in a facility where
7 fireworks are stored, sold, or offered for sale unless
8 supervised by an adult.

9 3. It is unlawful to explode or ignite consumer
10 fireworks within six hundred feet of any church, hospital,
11 mental health facility, school, or within one hundred feet
12 of any location where fireworks are stored, sold, or offered
13 for sale.

14 4. No person shall ignite or discharge any permissible
15 articles of consumer fireworks within or throw the same from
16 a motorized vehicle including watercraft or any other means
17 of transportation, except where display permit has been
18 issued for a floating vessel or floating platform, nor shall
19 any person place or throw any ignited article of fireworks
20 into or at a motorized vehicle including watercraft or any
21 other means of transportation, or at or near any person or
22 group of people.

23 5. No person shall ignite or discharge consumer
24 fireworks within three hundred feet of any permanent storage
25 of ignitable liquid, gases, gasoline pump, gasoline filling

26 station, or any nonpermanent structure where fireworks are
27 stored, sold or offered for sale.

28 6. No items of explosive or pyrotechnic composition
29 other than [fireworks as defined by subdivisions (3), (5),
30 and (17) of section 320.106] **consumer fireworks, display
31 fireworks, or articles pyrotechnic** shall be displayed, sold,
32 or offered for sale within the applicable permit location as
33 identified on such permit granted by the state fire marshal.

34 7. [Proximate fireworks shall not be allowed to be
35 stored with consumer fireworks.]

36 8.] All storage and transportation of fireworks shall
37 be in accordance with all federal and state rules and
38 regulations.

39 [9.] 8. Nothing in sections 320.106 to 320.161 shall
40 be construed to prevent permittees from demonstrating or
41 testing fireworks. Any such demonstration or test shall
42 require the notification and approval of the local fire
43 service or the state fire marshal.

320.371. 1. There is hereby created in the state
2 treasury the "Cigarette Fire Safety Standard and Firefighter
3 Protection Act Fund" which shall consist of moneys collected
4 under sections **320.106 to 320.161 and sections** 320.350 to
5 320.374. The fund shall be administered by the state fire
6 marshal. Upon appropriation, moneys in the fund shall be
7 made available to the state fire marshal to support fire
8 safety and prevention programs.

9 2. Notwithstanding the provisions of section 33.080 to
10 the contrary, any moneys remaining in the fund at the end of
11 the biennium shall not revert to the credit of the general
12 revenue fund.

13 3. The state treasurer shall invest moneys in the fund
14 in the same manner as other funds are invested. Any

15 interest and moneys earned on such investments shall be
16 credited to the fund.

568.070. 1. A person commits the offense of unlawful
2 transactions with a child if he or she:

3 (1) Being a pawnbroker, junk dealer, dealer in
4 secondhand goods, or any employee of such person, with
5 criminal negligence buys or receives any personal property
6 other than agricultural products from an unemancipated
7 minor, unless the child's custodial parent or guardian has
8 consented in writing to the transaction; or

9 (2) Knowingly permits a minor child to enter or remain
10 in a place where illegal activity in controlled substances,
11 as defined in chapter 579, is maintained or conducted; or

12 (3) With criminal negligence sells blasting caps, bulk
13 gunpowder, or explosives to a child under the age of
14 seventeen, or fireworks as defined in section [320.110]
15 **320.106**, to a child under the age of fourteen, unless the
16 child's custodial parent or guardian has consented in
17 writing to the transaction. Criminal negligence as to the
18 age of the child is not an element of this crime.

19 2. The offense of unlawful transactions with a child
20 is a class B misdemeanor.

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