

HOUSE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 1196

AN ACT

To repeal sections 320.094, 320.106, 320.111,
320.116, 320.126, 320.131, 320.136, 320.146,
320.151, and 320.161, RSMo, and to enact in
lieu thereof ten new sections relating to
fireworks regulations, with penalty
provisions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

Section A. Sections 320.094, 320.106, 320.111, 320.116,
320.126, 320.131, 320.136, 320.146, 320.151, and 320.161, RSMo,
are repealed and ten new sections enacted in lieu thereof, to be
known as sections 320.094, 320.106, 320.111, 320.116, 320.126,
320.131, 320.136, 320.146, 320.151, and 320.161, to read as
follows:

320.094. 1. The state treasurer shall annually transfer an
amount prescribed in subsection 2 of this section out of the
state revenues derived from premium taxes levied on insurance
companies pursuant to sections 148.310 to 148.461, RSMo, which
are deposited by the director of revenue in the general revenue
fund pursuant to section 148.330, RSMo, in a fund hereby created

1 in the state treasury, to be known as the "Fire Education Fund".
2 Any interest earned from investment of moneys in the fund, and
3 all moneys received from gifts, grants, or other moneys
4 appropriated by the general assembly, shall be credited to the
5 fund. The state treasurer shall administer the fund, and the
6 moneys in such fund shall be used solely as prescribed in this
7 section. Notwithstanding the provisions of section 33.080, RSMo,
8 to the contrary, moneys in the fire education fund at the end of
9 any biennium shall not be transferred to the credit of the
10 general revenue fund.

11 2. Beginning July 1, 1998, three percent of the amount of
12 premium taxes collected in the immediately preceding fiscal year
13 pursuant to sections 148.310 to 148.461, RSMo, which are
14 deposited in the general revenue fund that exceeds the amount of
15 premium taxes which were deposited in the general revenue fund in
16 the 1997 fiscal year shall be transferred from the general
17 revenue fund to the credit of the fire education fund. At the
18 end of each fiscal year, the commissioner of administration shall
19 determine the amount transferred to the credit of the fire
20 education fund in each fiscal year by computing the premium taxes
21 deposited in the general revenue fund in the prior fiscal year
22 and comparing such amount to the amount of premium taxes
23 deposited in the general revenue fund in the 1997 fiscal year.
24 An amount equal to three percent of the increase computed

1 pursuant to this section shall be transferred by the state
2 treasurer to the credit of the fire education fund; however, such
3 transfer in any fiscal year shall not exceed one million five
4 hundred thousand dollars.

5 3. There is hereby established a special trust fund, to be
6 known as the "Missouri Fire Education Trust Fund", which shall
7 consist of all moneys collected per subsection 2 of this section
8 transferred to the fund from the fire education fund pursuant to
9 this subsection, any earnings resulting from the investment of
10 moneys in the fund, and all moneys received from gifts, grants,
11 or other moneys appropriated by the general assembly. Each
12 fiscal year, an amount equal to forty percent of the moneys
13 transferred to the fire education fund collected pursuant to
14 subsection 2 of this section shall be transferred by the state
15 treasurer to the credit of the Missouri fire education trust
16 fund. The fund shall be administered by a board of trustees,
17 consisting of the state treasurer, two members of the senate
18 appointed by the president pro tem of the senate, two members of
19 the house of representatives appointed by the speaker of the
20 house, and two members appointed by the governor with the advice
21 and consent of the senate. Any member appointed due to such
22 person's membership in the senate or house of representatives
23 shall serve only as long as such person holds the office
24 referenced in this section. The state treasurer shall invest

1 moneys in the fund in a manner as provided by law. Subject to
2 appropriations, moneys in the fund shall be used solely for the
3 purposes described in this section, but such appropriations shall
4 be made only if the board recommends to the general assembly that
5 such moneys are needed in that fiscal year to adequately fund the
6 activities described in this section. Moneys shall accumulate in
7 the trust fund until the earnings from investment of moneys in
8 the fund can adequately support the activities described in this
9 section, as determined by the board. At such time, the board may
10 recommend that the general assembly adjust or eliminate the
11 funding mechanism described in this section. Notwithstanding the
12 provisions of section 33.080, RSMo, to the contrary, moneys in
13 the Missouri fire education trust fund at the end of any biennium
14 shall not be transferred to the credit of the general revenue
15 fund.

16 4. The moneys in the fire education fund, after any
17 distribution pursuant to subsection 3 of this section, [shall be
18 distributed to the University of Missouri Fire & Rescue Training
19 Institute and the institute shall use the moneys received under
20 this subsection] shall be appropriated to the division of fire
21 safety to coordinate education needs in cooperation with
22 community colleges, colleges, regional training facilities, fire
23 and emergency services training entities and universities of this
24 state and shall provide training and continuing education to

1 firefighters in this state relating to fire department operations
2 and the personal safety of firefighters while performing fire
3 department activities. Programs and activities funded under this
4 subsection must be approved by the Missouri fire education
5 commission established in subsection 5 of this section. These
6 funds shall primarily be used to provide field education
7 throughout the state, with not more than two percent of funds
8 under this subsection expended on administrative costs.

9 5. There is established the "Missouri Fire Education
10 Commission", to be domiciled in the division of fire safety
11 within the department of public safety. The commission shall be
12 composed of five members appointed by the governor with the
13 advice and consent of the senate, consisting of one firefighter
14 serving as a volunteer of a volunteer fire protection
15 association, one full-time firefighter employed by a recognized
16 fire department or fire protection district, one firefighter
17 training officer, one person serving as the chief of a volunteer
18 fire protection association, and one chief fire officer from a
19 recognized fire department or fire protection district. No more
20 than three members appointed by the governor shall be of the same
21 political party. The terms of office for the members appointed
22 by the governor shall be four years and until their successors
23 are selected and qualified, except that, of those first
24 appointed, two shall have a term of four years, two shall have a

1 term of three years and one shall have a term of two years.

2 There is no limitation on the number of terms an appointed member
3 may serve. The governor may appoint a member for the remaining
4 portion of the unexpired term created by a vacancy. The governor
5 may remove any appointed member for cause. The members shall at
6 their initial meeting select a chair. All members of the
7 commission shall serve without compensation for their duties, but
8 shall be reimbursed for necessary travel and other expenses
9 incurred in the performance of their official duties. The
10 commission shall meet at least quarterly at the call of the chair
11 and shall review and determine appropriate programs and
12 activities for which funds may be expended under subsection 4 of
13 this section.

14 320.106. As used in sections 320.106 to 320.161, unless
15 clearly indicated otherwise, the following terms mean:

16 (1) ["Distributor", any person engaged in the business of
17 selling fireworks to wholesalers, jobbers, seasonal retailers,
18 other persons, or governmental bodies that possess the necessary
19 permits as specified in sections 320.106 to 320.161, including
20 any person that imports any fireworks of any kind in any manner
21 into the state of Missouri;] "American Pyrotechnics Association
22 (APA), Standard 87-1"; or subsequent standard which may amend or
23 supersede this standard for manufacturers, importers and
24 distributors of fireworks;

1 (2) "Chemical composition", all pyrotechnic and explosive
2 composition contained in fireworks devices as defined in American
3 Pyrotechnics Association (APA), Standard 87-1;

4 [(2)] (3) "Consumer fireworks", explosive devices designed
5 primarily to produce visible or audible effects by combustion[.
6 This term] and includes aerial devices and ground devices , all
7 of which are classified as fireworks, UN0336, 1.4G by regulation
8 of the United States Department of Transportation, as amended
9 from time to time, and which were formerly classified as class C
10 common fireworks by regulation of the United States Department of
11 Transportation;

12 (4) "Discharge site", the area immediately surrounding the
13 fireworks mortars used for an outdoor fireworks display;

14 (5) "Display site", the immediate area where a fireworks
15 display is conducted, including the discharge site, the fallout
16 area, and the required separation distance from mortars to
17 spectator viewing areas, but not spectator viewing areas or
18 vehicle parking areas;

19 (6) "Display fireworks", explosive devices designed
20 primarily to produce visible or audible effects by combustion,
21 deflagration or detonation. This term includes devices
22 containing more than two grains (130 mg) of explosive composition
23 intended for public display. These devices are classified as
24 fireworks, UN0335, 1.3G by regulation of the United States

1 Department of Transportation, as amended from time to time, and
2 which were formerly classified as class B display fireworks by
3 regulation of the United States Department of Transportation;

4 (7) "Distributor", any person engaged in the business of
5 selling fireworks to wholesalers, jobbers, seasonal retailers,
6 other persons, or governmental bodies that possess the necessary
7 permits as specified in sections 320.106 to 320.161, including
8 any person that imports any fireworks of any kind in any manner
9 into the state of Missouri;

10 (8) "Fireworks", any composition or device for producing a
11 visible, audible, or both visible and audible effect by
12 combustion, deflagration, or detonation and that meets the
13 definition of consumer, proximate, or display fireworks as set
14 forth by 49 CFR Part 171 to end, United States Department of
15 Transportation hazardous materials regulations, and American
16 Pyrotechnics Association 87-1 standards;

17 [(3)] (9) "Fireworks season", the period beginning on the
18 twentieth day of June and continuing through the tenth day of
19 July of the same year and the period beginning on the twentieth
20 day of December and continuing through the second day of January
21 of the next year, which shall be the only periods of time that
22 seasonal retailers may be permitted to sell consumer fireworks;

23 [(4)] (10) "Jobber", any person engaged in the business of
24 making sales of consumer fireworks at wholesale or retail, within

1 the state of Missouri to nonlicensed buyers for use and
2 distribution outside the state of Missouri during a calendar year
3 from the first day of January through the thirty-first day of
4 December;

5 (11) "Licensed operator", any person who supervises,
6 manages, or directs the discharge of outdoor display fireworks,
7 either by manual or electrical means; who has met additional
8 requirements established by promulgated rule and has successfully
9 completed a display fireworks training course recognized and
10 approved by the state fire marshal;

11 [(5)] (12) "Manufacturer", any person engaged in the
12 making, manufacture, assembly or construction of fireworks of any
13 kind within the state of Missouri;

14 (13) "NFPA", National Fire Protection Association; an
15 international codes and standards organization;

16 [(6)] (14) "Permanent structure", buildings and structures
17 with permanent foundations other than tents, mobile homes, and
18 trailers;

19 [(7)] (15) "Permit", the written authority of the state
20 fire marshal issued pursuant to sections 320.106 to 320.161 to
21 sell, possess, manufacture, discharge, or distribute fireworks;

22 [(8)] (16) "Person", any corporation, association,
23 partnership or individual or group thereof;

24 (17) "Proximate fireworks", a chemical mixture used in the

1 entertainment industry to produce visible or audible effects by
2 combustion, deflagration, or detonation, as defined by the most
3 current edition of the American Pyrotechnics Association (APA),
4 Standard 87-1, section 3.8, specific requirements for theatrical
5 pyrotechnics;

6 (18) "Pyrotechnic operator" or "special effects operator",
7 an individual who has responsibility for pyrotechnic safety and
8 who controls, initiates, or otherwise creates special effects for
9 proximate fireworks and who has met additional requirements
10 established by promulgated rules and has successfully completed a
11 proximate fireworks training course recognized and approved by
12 the state fire marshal;

13 [(9)] (19) "Sale", an exchange of articles of fireworks for
14 money, including barter, exchange, gift or offer thereof, and
15 each such transaction made by any person, whether as a principal
16 proprietor, salesman, agent, association, copartnership or one or
17 more individuals;

18 [(10)] (20) "Seasonal retailer", any person within the
19 state of Missouri engaged in the business of making sales of
20 consumer fireworks in Missouri only during a fireworks season as
21 defined by subdivision [(3)] (9) of this section;

22 [(11) "Special fireworks", explosive devices designed
23 primarily to produce visible or audible effects by combustion,
24 deflagration or detonation. This term includes devices

1 containing more than two grains (130 mg) of explosive composition
2 intended for public display. These devices are classified as
3 fireworks, UN0335, 1.3G by regulation of the United States
4 Department of Transportation, as amended from time to time, and
5 which were formerly classified as class B display fireworks by
6 regulation of the United States Department of Transportation;

7 (12)] (21) "Wholesaler", any person engaged in the business
8 of making sales of consumer fireworks to any other person engaged
9 in the business of making sales of consumer fireworks at retail
10 within the state of Missouri.

11 320.111. 1. It is unlawful for any person to manufacture,
12 sell, offer for sale, ship or cause to be shipped into or within
13 the state of Missouri except as herein provided, any item of
14 fireworks, without first having secured the required applicable
15 permit as a manufacturer, distributor, wholesaler, jobber or
16 seasonal retailer from the state fire marshal and applicable
17 federal permit or license. Possession of said permit is a
18 condition precedent to manufacturing, selling or offering for
19 sale, shipping or causing to be shipped any fireworks into the
20 state of Missouri, except as herein provided. This provision
21 applies to nonresidents as well as residents of the state of
22 Missouri.

23 2. The state fire marshal has the authority and is
24 authorized and directed to issue permits for the sale of

1 fireworks. No permit shall be issued to a person under the age
2 of eighteen years. All permits except for seasonal retailers
3 shall be for the calendar year or any fraction thereof and shall
4 expire on the thirty-first day of December of each year.

5 3. Permits issued must be displayed in the permit holder's
6 place of business. No permit provided for herein shall be
7 transferable nor shall a person operate under a permit issued to
8 another person or under a permit issued for another location.
9 Manufacturer, wholesaler, jobber, and distributor permit holders
10 operating out of multiple locations shall obtain a permit for
11 each location.

12 4. Failure to make application for a permit by May
13 thirty-first of the calendar year may result in the fire
14 marshal's refusal to issue a license to the licensee or applicant
15 for such calendar year.

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

20 6. The state fire marshal is authorized and directed to
21 charge the following fees for permits:

22 (1) Manufacturer, a fee of seven hundred [fifty] seventy-
23 five dollars per calendar year;

24 (2) Distributor, a fee of seven hundred [fifty] seventy-

1 five dollars per calendar year;

2 (3) Wholesaler, a fee of two hundred ~~[fifty]~~ seventy-five
3 dollars per calendar year;

4 (4) Jobber, a fee of five hundred twenty-five dollars per
5 calendar year per sales location;

6 (5) Seasonal retailer, a fee of ~~[twenty-five]~~ fifty dollars
7 per calendar year per sales location;

8 (6) ~~[Special]~~ Display fireworks ~~[(displays)]~~, a fee of
9 ~~[twenty-five]~~ one hundred dollars per calendar year per location;

10 (7) Proximate fireworks display permit, a fee of one
11 hundred dollars per calendar year per location;

12 (8) Licensed operator, a fee of one hundred dollars for a
13 three-year license;

14 (9) Pyrotechnic operator, a fee of one hundred dollars for
15 a three-year license.

16 [6.] 7. A holder of a manufacturer's permit shall not be
17 required to have any additional permits in order to sell to
18 distributors, wholesalers, jobbers or seasonal retailers, or to
19 sell ~~[special]~~ display, or proximate fireworks.

20 [7.] 8. A holder of a distributor's permit shall not be
21 required to have any additional permits in order to sell to
22 wholesalers, jobbers, seasonal retailers or to sell ~~[special]~~
23 display, or proximate fireworks.

24 [8.] 9. A holder of a jobber's permit shall not be required

1 to have any additional permit in order to sell consumer fireworks
2 at retail during the fireworks season from such jobber's
3 permanent structure.

4 [9.] 10. All fees collected for permits issued pursuant to
5 this section shall be [paid to the Missouri department of revenue
6 and deposited in the general revenue fund] deposited to the
7 credit of the fire education fund created pursuant to section
8 320.094. Any person engaged in more than one permit
9 classification shall pay one permit fee based upon the permit
10 classification yielding the highest amount of revenue.

11 [10.] 11. The state fire marshal is charged with the
12 enforcement of the provisions of sections 320.106 to 320.161 and
13 may call upon any state, county or city peace officer for
14 assistance in the enforcement of the provisions of sections
15 320.106 to 320.161. The state fire marshal may promulgate rules
16 pursuant to the requirements of this section and chapter 536,
17 RSMo, necessary to carry out his or her responsibilities under
18 this act including rules requiring training, examination, and
19 licensing of licensed operators and pyrotechnic operators
20 engaging in or responsible for the handling and use of display
21 and proximate fireworks. The test shall incorporate the rules of
22 the state fire marshal, which shall be based upon nationally
23 recognized standards. No rule or portion of a rule promulgated
24 pursuant to this chapter shall become effective unless it has

1 been promulgated pursuant to the provisions of chapter 536, RSMo.

2 [11.] 12. The state fire marshal, upon notification by the
3 department of revenue, may withhold permits from applicants upon
4 evidence that all state sales taxes for the preceding year or
5 years have not been paid; except, this subsection shall not apply
6 if an applicant is pursuing any proper remedy at law challenging
7 the amount, collection, or assessment of any sales tax.

8 [12.] 13. A holder of a distributor, wholesaler, or
9 jobber's permit shall be required to operate out of a permanent
10 structure in compliance with all applicable building and fire
11 regulations in the city or county in which said person is
12 [selling consumer] operating a fireworks business. Seasonal
13 retail permit locations shall be in compliance with all
14 applicable building and fire regulations, the applicant may be
15 subject to a fire safety inspection by the state fire marshal
16 based upon promulgated rules and regulations adopted by the state
17 fire marshal.

18 [13.] 14. It is unlawful for any manufacturer, distributor,
19 wholesaler, or jobber to sell consumer fireworks to a seasonal
20 retailer who has not acquired an appropriate permit from the
21 state fire marshal for the current permit period. A seasonal
22 retailer shall acquire and present the appropriate permit from
23 the state fire marshal before any manufacturer, distributor,
24 wholesaler or jobber is allowed to sell consumer fireworks to

1 such seasonal retailer, provided that such seasonal retailer is
2 purchasing the consumer fireworks for resale in this state.

3 [14.] 15. The state fire marshal and the marshal's deputies
4 may conduct inspections of any premises and all portions of
5 buildings where fireworks are stored, manufactured, kept or being
6 offered for sale. [Licensees] All persons selling, offering for
7 sale, barter, gift, exchange, or offer thereof any fireworks
8 shall cooperate fully with the state fire marshal and the
9 marshal's deputies during any such inspection. This inspection
10 shall be performed during normal business hours.

11 16. In addition to any other penalty, any person who
12 manufactures, sells, offers for sale, ships or causes to be
13 shipped into or caused to be shipped into the state of Missouri,
14 for use in Missouri, any items of fireworks without first having
15 the required applicable permit, shall be assessed a civil penalty
16 of up to a one thousand dollar fine for each day of operation up
17 to a maximum of ten thousand dollars.

18 320.116. 1. The state fire marshal may revoke any permit
19 issued pursuant to sections 320.106 to 320.161 upon evidence that
20 the holder has violated any of the provisions of sections 320.106
21 to 320.161.

22 2. The state fire marshal, in his or her discretion, may
23 refuse to issue a permit, for a period not to exceed three years,
24 to a person whose permit has been revoked [as the result of a

1 conviction] for the possession or sale of illegal fireworks, as
2 referred to in section 320.136.

3 3. The state fire marshal, the marshal's deputies, the
4 marshal's designees or any authorized police or peace officer
5 shall seize as contraband any illegal fireworks as defined
6 pursuant to sections 320.106 to 320.161. Such illegal fireworks
7 seized in the enforcement of sections 320.106 to 320.161 shall be
8 held in custody of the state fire marshal in proper storage
9 facilities. The person surrendering the fireworks may bring an
10 in rem proceeding in the circuit court of the county where the
11 fireworks were seized. Upon hearing, the circuit court may
12 authorize the return of all or part of the confiscated fireworks
13 or the court may authorize and direct that such contraband
14 fireworks be destroyed. If a proceeding is not brought within
15 thirty days, the fireworks shall be destroyed by the state fire
16 marshal. The state fire marshal shall seize, take, remove or
17 cause to be removed, at the expense of the owner, all stocks of
18 fireworks offered or exposed for sale, stored or held in
19 violation of the provisions of sections 320.106 to 320.161. All
20 costs, including any expenses incurred with the seizure, shall be
21 the responsibility of the adjudicated party if case disposition
22 is in the favor of the state fire marshal.

23 4. Any person aggrieved by any official action of the state
24 fire marshal affecting their [licensed] permit status including

1 revocation, suspension, failure to renew a [license] permit, or
2 refusal to grant a [license] permit may seek a determination
3 thereon by the administrative hearing commission pursuant to the
4 provisions of section 621.045, RSMo.

5 320.126. 1. Any person [possessing or], entity,
6 partnership, corporation, or association transporting [special]
7 display or proximate fireworks or display and proximate fireworks
8 into the state of Missouri for the purpose of resale or to
9 conduct a [special firework] display shall be [licensed]
10 permitted by the state fire marshal as a distributor or
11 manufacturer and have obtained applicable federal license or
12 permit.

13 2. [Possession and] Sale of [special] display or proximate
14 fireworks shall be limited to a holder of a federal license or
15 permit and a distributor or manufacturer permit issued [for
16 special fireworks displays] by the state fire marshal.

17 3. Possession of [special] display or proximate fireworks
18 for resale to holders of a permit for [public] display or
19 proximate fireworks shall be confined to holders of a state
20 manufacturer or distributor permit and applicable federal license
21 or permit.

22 4. Permits for [public displays for special] display or
23 proximate fireworks may be granted to municipalities, fair
24 associations, amusement parks, organizations, persons, firms or

1 corporations. Such permits may be granted upon application and
2 approval by the state fire marshal or local fire service
3 authorities of the community where the display is proposed to be
4 held. All applications submitted for display or proximate
5 fireworks permits, must be submitted to the office of the state
6 fire marshal a minimum of ten working days prior to the date of
7 the event. The application shall be made on a form provided or
8 approved by the state fire marshal. Every such display shall be
9 supervised, managed, or directed by a Missouri licensed operator,
10 or pyrotechnic operator on site pursuant to subsections 11 and 18
11 of section 320.106 and shall be located, discharged, or fired so
12 as in the opinion of the [chief of the fire department, after
13 proper inspection] permitting authority, after proper inspection
14 based on the most current edition of the National Fire Protection
15 Association standards, NFPA 1123, 1124, and 1126, to not be
16 hazardous to any person or property. After a permit has been
17 granted, the sale, possession, use and distribution of fireworks
18 for such display shall be lawful for that purpose only. A copy
19 of all permits issued for [special] display or proximate
20 fireworks [displays] shall be forwarded by the permit holder to
21 the state fire marshal's office. No permit granted hereunder
22 shall be transferable and shall apply to only one location. No
23 holder of a manufacturer or distributor permit shall sell,
24 barter, or transfer display or proximate fireworks to anyone not

1 possessing an applicable permit or license.

2 5. Possession of display or proximate fireworks shall be
3 limited to a holder of a display or proximate fireworks permit
4 issued by the authority having jurisdiction where the display or
5 proximate fireworks is proposed to be held or the state fire
6 marshal or holder of a state manufacturer or distributor permit
7 and applicable federal license or permit.

8 [5.] 6. Before issuing any permit for a [special] display
9 or proximate fireworks [display shall be issued,] the
10 municipality, fair association, amusement park, organization,
11 firm, persons, or corporation making application therefor shall
12 furnish proof of financial responsibility in an amount
13 established by promulgated rule to the permitting authority in
14 order to satisfy claims for damages to property or personal
15 injuries arising out of any act or omission on the part of such
16 person, firm or corporation or any agent or employee thereof.

17 7. Any establishment where proximate fireworks are to be
18 discharged shall be inspected by the state fire marshal or local
19 fire department having jurisdiction for compliance with NFPA 101
20 Life Safety Code or equivalent nationally recognized code in
21 relation to means of egress, occupancy load, and automatic
22 sprinkler and fire alarm systems. All permits issued will be
23 forwarded to the state fire marshal by the permit holder.
24 Permits will be issued in the same manner as those required in

1 section 320.126.

2 320.131. 1. It is unlawful for any person to possess, sell
3 or use within the state of Missouri, or ship into the state of
4 Missouri, except as provided in section 320.126, any pyrotechnics
5 commonly known as "fireworks" and defined as consumer fireworks
6 in subdivision [(2)] (3) of section 320.106 other than items now
7 or hereafter classified as fireworks UNO336, 1.4G by the United
8 States Department of Transportation that comply with the
9 construction, chemical composition, labeling and other
10 regulations relative to consumer fireworks regulations
11 promulgated by the United States Consumer Product Safety
12 Commission and permitted for use by the general public pursuant
13 to such commission's regulations.

14 2. No [retailer, dealer] wholesaler, jobber, or seasonal
15 retailer, or any other person shall sell, offer for sale, store,
16 display, or have in their possession any consumer fireworks that
17 have not been approved as fireworks UNO336, 1.4G by the United
18 States Department of Transportation.

19 3. No jobber, wholesaler, manufacturer, or distributor
20 shall sell to seasonal retailer dealers, or any other person, in
21 this state for the purpose of resale, or use, in this state, any
22 consumer fireworks which do not have the numbers and letter
23 "1.4G" printed within an orange, diamond- shaped label printed on
24 or attached to the fireworks shipping carton.

1 4. This section does not prohibit a manufacturer,
2 distributor or any other person from storing, selling, shipping
3 or otherwise transporting [special] display or proximate
4 fireworks, defined as fireworks UN0335, 1.3G/UN0431, 1.4G or
5 UN0432, 1.4S by the United States Department of Transportation,
6 provided they possess the proper [licensing] permits as specified
7 by state and federal law.

8 5. Matches, toy pistols, toy canes, toy guns, party
9 poppers, or other devices in which paper caps containing
10 twenty-five hundredths grains or less of explosive compound,
11 provided that they are so constructed that the hand cannot come
12 into contact with the cap when in place for use, and toy pistol
13 paper caps which contain less than twenty-five hundredths grains
14 of explosive mixture shall be permitted for sale and use at all
15 times and shall not be regulated by the provisions of sections
16 320.106 to 320.161.

17 320.136. Ground salutes commonly known as "cherry bombs",
18 "M-80's", "M-100's", "M-1000's", and [various] any other tubular
19 salutes or any items described as prohibited chemical components
20 or forbidden devices as listed in the American Pyrotechnics
21 Association Standard 87-1 or which exceed the federal limits set
22 for fireworks UN0336, 1.4G formerly known as class C common
23 fireworks, display fireworks UN0335, 1.3F, and proximate
24 fireworks UN0431, 1.4F/UN 0432, 1.4S by the United States

1 Department of Transportation for explosive composition are
2 expressly prohibited from shipment into, manufacture, possession,
3 sale, [and] or use within the state of Missouri for [any purpose]
4 consumer use. Possession, sale, manufacture, or transport of
5 this type of illegal explosive shall be punished as provided by
6 the provisions of section 571.020, RSMo.

7 320.146. 1. It shall be unlawful to expose fireworks to
8 direct sunlight through glass to the merchandise displayed,
9 except where the fireworks are in the original package. All
10 fireworks which the public may examine shall be kept for sale in
11 original packages, except where an attendant is on duty at all
12 times where fireworks are offered for sale. Fireworks shall be
13 kept in showcases out of the reach of the public when an
14 attendant is not on duty. One or more signs reading,
15 "FIREWORKS--NO SMOKING" shall be displayed at all places where
16 fireworks are stored or sold in letters not less than four inches
17 in height.

18 2. Fireworks shall not be stored, kept or sold within fifty
19 feet of any gasoline pump, gasoline filling station, gasoline
20 bulk station, or any building in which gasoline or volatile
21 liquids are sold in quantities in excess of one gallon. The
22 provisions of this subsection shall not apply to stores where
23 cleaners, paints, and oils are sold in the original containers to
24 consumers.

1 3. It shall be unlawful to permit the presence of lighted
2 cigars, cigarettes, pipes, or any other open flame within [ten]
3 twenty-five feet of where fireworks are manufactured, stored,
4 kept, or offered for sale.

5 4. Fireworks shall not be manufactured, stored, kept or
6 sold within [fifty] one hundred feet of any [area in which]
7 dispensing unit for ignitable liquids or gases [are stored above
8 the surface of the ground].

9 320.151. 1. It is unlawful to attempt to sell or to sell
10 at retail any fireworks to children under the age of fourteen
11 years except when such child is in the presence of a parent or
12 guardian.

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

16 3. It is unlawful to explode or ignite consumer fireworks
17 within six hundred feet of any church, hospital, mental health
18 facility, school, or within one hundred feet of [a permanent
19 structure] any location where fireworks are stored, sold, or
20 offered for sale.

21 4. No person shall ignite or discharge any permissible
22 articles of consumer fireworks within or throw the same from a
23 [motor] motorized vehicle including watercraft or any other means
24 of transportation, except where display permit has been issued

1 for a floating vessel or floating platform, nor shall any person
2 place or throw any ignited article of fireworks into or at a
3 [motor] motorized vehicle including watercraft or any other means
4 of transportation, or at or near any person or group of people.

5 5. No person shall ignite or discharge consumer fireworks
6 within three hundred feet of any permanent storage of ignitable
7 liquid, gases, gasoline pump, gasoline filling station, or any
8 nonpermanent structure where fireworks are stored, sold or
9 offered for sale.

10 6. No items of explosive or pyrotechnic composition other
11 than fireworks as defined by subsections (3), (6), and (17) of
12 section 320.106 shall be displayed, sold, or offered for sale
13 within the applicable permit location as identified on such
14 permit granted by the state fire marshal.

15 7. Proximate fireworks shall not be allowed to be stored
16 with consumer fireworks.

17 8. All storage and transportation of fireworks shall be in
18 accordance with all federal and state rules and regulations.

19 9. Nothing in sections 320.106 to 320.161 shall be
20 construed to prevent permittees from demonstrating or testing
21 fireworks. Any such demonstration or test shall require the
22 notification and approval of the local fire service or the state
23 fire marshal.

24 320.161. [1.] Any person violating any provision of

1 sections 320.106 to 320.161 [except section 320.136] is guilty of
2 a class [B] A misdemeanor, except that a person violating section
3 320.136 is guilty of a class C felony.

4 [2. Any person violating the provisions of section 320.136
5 is guilty of a class A misdemeanor.]