

HOUSE _____ **AMENDMENT NO.** _____

Offered By

AMEND House Committee Substitute for House Bill No. 1458, Page 3, Section 302.291, Line 78,
by inserting after all of said section and line the following:

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

(1) "American Pyrotechnics Association (APA), Standard 87-1", or subsequent standard
which may amend or supersede this standard for manufacturers, importers and distributors of
fireworks;

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

(3) "Consumer fireworks", explosive devices designed primarily to produce visible or
audible effects by combustion and includes aerial devices and ground devices, all of which are
classified as fireworks, UNO336, [1.4G by regulation of the United States Department of
Transportation, as amended from time to time, and which were formerly classified as class C
common fireworks by regulation of the United States Department of Transportation] within 49
CFR Part 172;

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

(5) "Dispenser", a device designed for the measurement and delivery of liquids as fuel;

(6) "Display fireworks", explosive devices designed primarily to produce visible or
audible effects by combustion, deflagration or detonation. This term includes devices containing
more than two grains (130 mg) of explosive composition intended for public display. These
devices are classified as fireworks, UN0333 or UN0334 or UNO335, [1.3G by regulation of the
United States Department of Transportation, as amended from time to time, and which were
formerly classified as class B display fireworks by regulation of the United States Department of
Transportation] within 49 CFR Part 172;

(7) "Display site", the immediate area where a fireworks display is conducted, including
the discharge site, the fallout area, and the required separation distance from mortars to spectator

viewing areas, but not spectator viewing areas or vehicle parking areas;

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

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

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

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

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

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

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

(15) "Permanent structure", buildings and structures with permanent foundations other than tents, mobile homes, and trailers;

(16) "Permit", the written authority of the state fire marshal issued pursuant to sections 320.106 to 320.161 to sell, possess, manufacture, discharge, or distribute fireworks;

(17) "Person", any corporation, association, partnership or individual or group thereof;

(18) "Proximate fireworks", a chemical mixture used in the entertainment industry to produce visible or audible effects by combustion, deflagration, or detonation, as [defined by the most current edition of the American Pyrotechnics Association (APA), Standard 87-1, section 3.8, specific requirements for theatrical pyrotechnics] classified within 49 CFR Part 172 as UN0431 or

1 UN0432;

2 (19) "Pyrotechnic operator" or "special effects operator", an individual who has
3 responsibility for pyrotechnic safety and who controls, initiates, or otherwise creates special
4 effects for proximate fireworks and who has met additional requirements established by
5 promulgated rules and has successfully completed a proximate fireworks training course
6 recognized and approved by the state fire marshal;

7 (20) "Sale", an exchange of articles of fireworks for money, including barter, exchange,
8 gift or offer thereof, and each such transaction made by any person, whether as a principal
9 proprietor, salesman, agent, association, copartnership or one or more individuals;

10 (21) "Seasonal retailer", any person within the state of Missouri engaged in the business
11 of making sales of consumer fireworks in Missouri only during a fireworks season as defined by
12 subdivision (10) of this section;

13 (22) "Wholesaler", any person engaged in the business of making sales of consumer
14 fireworks to any other person engaged in the business of making sales of consumer fireworks at
15 retail within the state of Missouri.

16 320.131. 1. It is unlawful for any person to possess, sell or use within the state of
17 Missouri, or ship into the state of Missouri, except as provided in section 320.126, any
18 pyrotechnics commonly known as "fireworks" and defined as consumer fireworks in subdivision
19 (3) of section 320.106 other than items now or hereafter classified as fireworks UNO336, 1.4G by
20 the United States Department of Transportation that comply with the construction, chemical
21 composition, labeling and other regulations relative to consumer fireworks regulations
22 promulgated by the United States Consumer Product Safety Commission and permitted for use by
23 the general public pursuant to such commission's regulations.

24 2. No wholesaler, jobber, or seasonal retailer, or any other person shall sell, offer for sale,
25 store, display, or have in their possession any consumer fireworks that have not been approved as
26 fireworks UNO336, 1.4G by the United States Department of Transportation.

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

31 4. This section does not prohibit a manufacturer, distributor or any other person
32 possessing the proper permits as specified by state and federal law from storing, selling, shipping
33 or otherwise transporting display or proximate fireworks[, defined as fireworks UNO335,
34 1.3G/UNO431, 1.4G or UNO432, 1.4S by the United States Department of Transportation,
35 provided they possess the proper permits as specified by state and federal law].

36 5. Matches, toy pistols, toy canes, toy guns, party poppers, or other devices in which paper

1 caps containing twenty-five hundredths grains or less of explosive compound, provided that they
2 are so constructed that the hand cannot come into contact with the cap when in place for use, and
3 toy pistol paper caps which contain less than twenty-five hundredths grains of explosive mixture
4 shall be permitted for sale and use at all times and shall not be regulated by the provisions of
5 sections 320.106 to 320.161.

6 320.136. Ground salutes commonly known as "cherry bombs", "M-80's", "M-100's",
7 "M-1000's", and any other tubular salutes or any items described as prohibited chemical
8 components or forbidden devices as listed in the American Pyrotechnics Association Standard
9 87-1 or which exceed the [federal] limits set for consumer fireworks [UNO336, 1.4G formerly
10 known as class C common fireworks, display fireworks UNO335, 1.3F, and proximate fireworks
11 UNO431, 1.4F/UNO432, 1.4S by the United States Department of Transportation], display
12 fireworks, or proximate fireworks for explosive composition are expressly prohibited from
13 shipment into, manufacture, possession, sale, or use within the state of Missouri for consumer use.
14 Possession, sale, manufacture, or transport of this type of illegal explosive shall be punished as
15 provided by the provisions of section 571.020.”; and

16
17 Further amend said bill, Page 8, Section 1, Line 27, by inserting after all of said section and line
18 the following:

19
20 “Section B. Because immediate action is necessary to ensure compliance with federal
21 regulations prior to the sale of fireworks for the Independence Day holiday, Sections 320.106,
22 320.131, and 320.136 of Section A of this act is deemed necessary for the immediate preservation
23 of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act
24 within the meaning of the constitution, and Sections 320.106, 320.131, and 320.136 of Section A
25 this act shall be in full force and effect upon its passage and approval.”; and

26
27 Further amend said bill by amending the title, enacting clause, and intersectional references
28 accordingly.