

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NOS. 81 & 174
103RD GENERAL ASSEMBLY

0805H.06C

JOSEPH ENGLER, Chief Clerk

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2 320.131, 320.141, 320.151, 320.371, and 568.070, RSMo, are repealed and fourteen new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

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

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

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

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

11 (2) The U.S. Drought Monitor has designated the county as an area of severe,
12 extreme, or exceptional drought, the county commission may adopt an order or ordinance

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

13 issuing a burn ban, which may carry a penalty of up to a class A misdemeanor. State agencies
14 responsible for fire management or suppression activities and persons conducting agricultural
15 burning using best management practices shall not be subject to the provisions of this
16 subsection. The ability of an individual, organization, or corporation to sell fireworks shall
17 not be affected by the issuance of a burn ban. The county burn ban may prohibit the
18 explosion or ignition of any missile or skyrocket as the terms "missile" and "skyrocket" are
19 defined by the ~~[2012]~~ **2022** edition of the American Fireworks Standards Laboratory (AFSL),
20 but shall not ban the explosion or ignition of any other consumer fireworks as the term
21 "consumer fireworks" is defined under section 320.106.

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

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

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

3 (1) "American Pyrotechnics Association (APA), Standard 87-1", a **voluntary**
4 **standard**, or subsequent standard ~~[which]~~ **that** may amend or supersede this standard for
5 manufacturers, importers, and distributors of fireworks, **in which fireworks classifications**
6 **are assigned based upon the weight and type of chemical composition contained for each**
7 **specific type of device including, but not limited to, specific permissible and restricted**
8 **chemicals. Such standard shall be construed to include the following APA standards:**

9 (a) **APA 87-1A Standard for Construction, Classification, Approval, and**
10 **Transportation of Consumer Fireworks;**

11 (b) **APA 87-1B Standard for the Construction, Classification, Approval, and**
12 **Transportation of Display Fireworks; and**

13 (c) **APA 87-1C Standard for the Construction, Classification, Approval, and**
14 **Transportation of Entertainment and Technical Pyrotechnics;**

15

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

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

24 **(3) "Articles pyrotechnic", devices containing compositions, which produce a**
25 **visual and audible effect primarily used in the entertainment and technical training/**
26 **development industries, that comply with the limits and requirements of APA Standard**
27 **87-1C and that may not be offered for sale to the general public;**

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

31 ~~[(3)]~~ **(5) "Consumer fireworks", explosive and pyrotechnic devices designed for**
32 **sale and use by the general public that conform with requirements set forth by the**
33 **United States Consumer Product Safety Commission (CPSC) and designed primarily to**
34 **produce visible or audible effects by combustion [and includes] including, but not limited**
35 **to, aerial devices [and], ground devices, [all of which are classified as fireworks, UN0336,**
36 ~~within 49 CFR Part 172]~~ **fuses, and novelties in compliance with APA Standard 87-1A;**

37 ~~[(4)]~~ **(6) "Discharge site", the area immediately surrounding the fireworks mortars**
38 **used for an outdoor fireworks display;**

39 ~~[(5)]~~ **(7) "Dispenser", a device designed for the measurement and delivery of liquids**
40 **as fuel;**

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

45 ~~[(6)]~~ **(9) "Display fireworks", [explosive] devices [designed primarily to produce**
46 ~~visible or audible effects by combustion, deflagration or detonation. This term includes~~
47 ~~devices containing more than two grains (130 mg) of explosive composition intended for~~
48 ~~public display. These devices are classified as fireworks, UN0333 or UN0334 or UN0335,~~
49 ~~within 49 CFR Part 172]~~ **containing chemical compositions that are intended for use in**
50 **professional firework shows, designed to produce visible or audible effects, and comply**
51 **with the limits and requirements of APA Standard 87-1B;**

52 ~~[(7)]~~ **(10) "Display site", the immediate area where a fireworks display is conducted,**
53 **including the discharge site, the fallout area, and the required separation distance from**
54 **mortars to spectator viewing areas, but not spectator viewing areas or vehicle parking areas;**

55 ~~[(8)]~~ **(11) "Distributor", any person engaged in the business of selling fireworks to**
56 **wholesalers, [jobbers] annual retailers, seasonal retailers, other persons, or governmental**
57 **bodies that possess the necessary permits as specified in sections 320.106 to 320.161[;**
58 ~~including any person that imports any fireworks of any kind in any manner into the state of~~
59 ~~Missouri];~~

60 ~~[(9)]~~ **(12) "Fireworks"**, any composition or device for producing a visible~~[-audible, or~~
61 ~~both visible and]~~ **or an audible effect for entertainment purposes** by combustion,
62 deflagration, or detonation and that meets the definition of consumer~~[-proximate,]~~ **fireworks,**
63 **articles pyrotechnic**, or display fireworks as set forth ~~[by 49 CFR Part 171 to end, United~~
64 ~~States Department of Transportation hazardous materials regulations]~~ **in this section;**

65 ~~[(10)]~~ **(13) "Fireworks season"**, the period beginning on the twentieth day of June and
66 continuing through the tenth day of July of the same year and the period beginning on the
67 twentieth day of December and continuing through the second day of January of the next
68 year, which shall be the only periods of time that seasonal retailers may be permitted to sell
69 consumer fireworks;

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

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

76 **(15) "Flame effect operator"**, the single individual with overall responsibility for
77 flame effect operations and safety who has met additional requirements established by
78 promulgated rules and has successfully completed a proximate-audience training course
79 recognized and approved by the state fire marshal;

80 ~~[(12)]~~ **(16) "Licensed display operator"**, any person who supervises, manages, or
81 directs the discharge of outdoor display fireworks **or articles pyrotechnic**, either by manual
82 or electrical means; who has met additional requirements established by promulgated rule and
83 has successfully completed a display fireworks training course recognized and approved by
84 the state fire marshal;

85 **(17) "Licensed pyrotechnic effects operator"**, an individual who has
86 responsibility for pyrotechnic safety and who controls, initiates, or otherwise creates
87 special effects or uses fireworks or pyrotechnic material before a proximate audience or
88 in any indoor setting and who has met additional requirements established by
89 promulgated rules and has successfully completed a proximate audience training course
90 recognized and approved by the state fire marshal;

91 ~~[(13)]~~ **(18) "Manufacturer"**, any person engaged in the making, manufacture,
92 assembly, **altering**, or construction of fireworks of any kind within the state of Missouri **for**
93 **the purpose of selling or distributing;**

94 ~~[(14)]~~ **(19) "NFPA"**, National Fire Protection Association, an international codes and
95 standards organization;

96

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

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

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

~~[(16)]~~ (22) "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)]~~ (23) "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 classified within 49 CFR Part 172 as UN0431 or UN0432;

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

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

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

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

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

(28) "Substantial improvement", any repair, reconstruction, rehabilitation, alteration, addition, or other improvement of a building or structure, the cost of which equals or exceeds fifty percent of the market value of the structure before the

134 **improvement or repair is started. If the structure has substantial damage, any repairs**
135 **are considered improvement regardless of the actual repair work performed. The term**
136 **shall not include either of the following:**

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

140 **(b) Any alteration of a historic structure, provided that the alteration will not**
141 **preclude the structure's continued designation as a historic structure;**

142 ~~[(22)]~~ **(29)** "Wholesaler", any person engaged in the business of making sales of
143 consumer fireworks to any other person engaged in the business of making sales of consumer
144 fireworks at retail within the state of Missouri.

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

9 2. The state fire marshal has the authority and is authorized and directed to issue
10 permits for the sale of fireworks. No permit shall be issued to a person under the age of
11 eighteen years. All permits except for seasonal retailers shall be for the calendar year or any
12 fraction thereof and shall expire on the thirty-first day of December of each year.

13 3. Permits issued must be displayed in the permit holder's place of business. No
14 permit provided for herein shall be transferable nor shall a person operate under a permit
15 issued to another person or under a permit issued for another location. Manufacturer,
16 wholesaler, ~~[jobber]~~ **annual retailer**, and distributor permit holders operating out of multiple
17 locations shall obtain a permit for each location.

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

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

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

- 26 (1) Manufacturer, a fee of ~~[seven hundred seventy five]~~ **one thousand** dollars per
27 calendar year;
- 28 (2) Distributor, a fee of ~~[seven hundred seventy five]~~ **one thousand** dollars per
29 calendar year;
- 30 (3) Wholesaler, a fee of ~~[two hundred seventy five]~~ **five hundred** dollars per calendar
31 year;
- 32 (4) ~~[Jobber]~~ **Annual retailer**, a fee of ~~[five]~~ **seven** hundred ~~[twenty five]~~ **fifty** dollars
33 per calendar year per sales location;
- 34 (5) Seasonal retailer, a fee of ~~[fifty]~~ **one hundred fifty** dollars per calendar year per
35 sales location;
- 36 (6) ~~[Display]~~ **Outdoor fireworks display permit**, a fee of one hundred dollars per
37 calendar year per location;
- 38 (7) ~~[Proximate fireworks display permit]~~ **Display before proximate audience**, a fee
39 of one hundred dollars per calendar year per location;
- 40 (8) ~~[Licensed]~~ **Display operator license**, a fee of one hundred dollars for a three-year
41 license;
- 42 (9) Pyrotechnic **effects** operator **license**, a fee of one hundred dollars for a three-year
43 license.
- 44 7. A holder of a manufacturer's permit shall not be required to have any additional
45 permits in order to sell to distributors, wholesalers, ~~[jobbers]~~ **annual retailers** or seasonal
46 retailers, or to sell display, or ~~[proximate fireworks]~~ **articles pyrotechnic**.
- 47 8. A holder of a distributor's permit shall not be required to have any additional
48 permits in order to sell to wholesalers, ~~[jobbers]~~ **annual retailers**, seasonal retailers or to sell
49 display **fireworks**, or ~~[proximate fireworks]~~ **articles pyrotechnic**.
- 50 9. A holder of ~~[a jobber's]~~ **an annual retailer** permit shall not be required to have any
51 additional permit in order to sell consumer fireworks at retail during the fireworks season
52 from such ~~[jobber's]~~ **annual retailer's** permanent structure.
- 53 10. (1) All fees collected ~~[for permits issued]~~ pursuant to this section shall be
54 deposited ~~[to the credit of the fire education fund created pursuant to section 320.094]~~ **as**
55 **follows:**
- 56 (a) **Eighty percent into the fire education fund created under section 320.094;**
57 **and**
- 58 (b) **Twenty percent into the cigarette fire safety standard and firefighter**
59 **protection act fund created under section 320.371.**
- 60 (2) Any person engaged in more than one permit classification shall pay one permit
61 fee based upon the permit classification yielding the highest amount of revenue.

62 11. The state fire marshal is charged with the enforcement of the provisions of
63 sections 320.106 to 320.161 and may call upon any state, county or city peace officer for
64 assistance in the enforcement of the provisions of sections 320.106 to 320.161. The state fire
65 marshal may promulgate rules pursuant to the requirements of this section and chapter 536
66 necessary to carry out his or her responsibilities under this act including rules requiring
67 training, examination, and licensing of licensed **display** operators and pyrotechnic **effects**
68 operators engaging in or responsible for the handling and use of display **fireworks** and
69 [~~proximate fireworks~~] **articles pyrotechnic**. The test shall incorporate the rules of the state
70 fire marshal, which shall be based upon nationally recognized standards. No rule or portion
71 of a rule promulgated pursuant to this chapter shall become effective unless it has been
72 promulgated pursuant to the provisions of chapter 536.

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

78 13. A holder of a distributor, wholesaler, or [~~jobber's~~] **annual retailer's** permit shall
79 be required to operate out of a permanent structure in compliance with all applicable building
80 and fire regulations in the city or county in which said person is operating a fireworks
81 business. Seasonal retail permit locations shall be in compliance with all applicable building
82 and fire regulations. The applicant may be subject to a fire safety inspection by the state fire
83 marshal based upon promulgated rules and regulations adopted by the state fire marshal.

84 14. It is unlawful for any manufacturer, distributor, wholesaler, or [~~jobber~~] **annual**
85 **retailer** to sell consumer fireworks to a seasonal retailer who has not acquired an appropriate
86 permit from the state fire marshal for the current permit period. A seasonal retailer shall
87 acquire and present the appropriate permit from the state fire marshal before any
88 manufacturer, distributor, wholesaler or [~~jobber~~] **annual retailer** is allowed to sell
89 consumer fireworks to such seasonal retailer, provided that such seasonal retailer is
90 purchasing the consumer fireworks for resale in this state.

91 15. The state fire marshal and the marshal's deputies may conduct inspections of any
92 premises and all portions of buildings where fireworks are stored, manufactured, kept or
93 being offered for sale. All persons selling, offering for sale, barter, gift, exchange, or offer
94 thereof any fireworks shall cooperate fully with the state fire marshal and the marshal's
95 deputies during any such inspection. This inspection shall be performed during normal
96 business hours.

97 16. In addition to any other penalty, any person who manufactures, sells, offers for
98 sale, ships or causes to be shipped into or caused to be shipped into the state of Missouri, for

99 use in Missouri, any items of fireworks without first having the required applicable permit
100 shall be assessed a civil penalty of up to a one thousand dollar fine for each day of operation
101 up to a maximum of ten thousand dollars.

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

6 2. The state fire marshal may revoke or suspend any permit issued under
7 sections 320.106 to 320.161 upon evidence that the influence of alcohol or any illicit
8 controlled substance is taking place by any permit holder, employee, or representative
9 within the permitted annual or seasonal retail sales location during normal business
10 hours.

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

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

19 ~~[3-]~~ 5. The state fire marshal, the marshal's deputies, the marshal's designees or any
20 authorized police or peace officer shall seize as contraband any illegal fireworks as defined
21 pursuant to sections 320.106 to 320.161. Such illegal fireworks seized in the enforcement of
22 sections 320.106 to 320.161 shall be held in custody of the state fire marshal in proper storage
23 facilities. The person surrendering the fireworks may bring an in rem proceeding in the
24 circuit court of the county where the fireworks were seized. Upon hearing, the circuit court
25 may authorize the return of all or part of the confiscated fireworks or the court may authorize
26 and direct that such contraband fireworks be destroyed. If a proceeding is not brought within
27 thirty days, the fireworks shall be destroyed by the state fire marshal. The state fire marshal
28 shall seize, take, remove or cause to be removed, at the expense of the owner, all stocks of
29 fireworks offered or exposed for sale, stored or held in violation of the provisions of sections
30 320.106 to 320.161. All costs, including any expenses incurred with the seizure, shall be the
31 responsibility of the adjudicated party if case disposition is in the favor of the state fire
32 marshal.

33 ~~[4-]~~ 6. Any person aggrieved by any official action of the state fire marshal affecting
34 their permit status including revocation, suspension, failure to renew a permit, or refusal to

35 grant a permit may seek a determination thereon by the administrative hearing commission
36 pursuant to the provisions of section 621.045.

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

4 (1) Any city, town, or village in this state; or

5 (2) Any county operating under a charter form of government.

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

10 (1) Any city, town, or village in this state; or

11 (2) Any county operating under a charter form of government.

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

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

15 3. Possession of display ~~[or proximate fireworks for resale to holders of a permit for~~
16 ~~display or proximate]~~ **fireworks or articles pyrotechnic** shall be confined to holders of a state
17 manufacturer or distributor permit ~~[and applicable federal license or permit]~~ **or holders or**
18 **either a valid state issued display operator license or pyrotechnic effect operator license.**
19 **For possession of display fireworks, proof of any required federal license or permit shall**
20 **be maintained by the possessor.**

21 4. ~~[Permits for display or proximate fireworks may be granted to municipalities, fair~~
22 ~~associations, amusement parks, organizations, persons, firms or corporations. Such permits~~
23 ~~may be granted upon application and approval by the state fire marshal or local fire service~~
24 ~~authorities of the community where the display is proposed to be held. All applications~~

~~25 submitted for display or proximate fireworks permits must be submitted to the office of the
26 state fire marshal a minimum of ten working days prior to the date of the event. The
27 application shall be made on a form provided or approved by the state fire marshal. Every
28 such display shall be supervised, managed, or directed by a Missouri licensed operator, or
29 pyrotechnic operator on site pursuant to subdivisions (11) and (18) of section 320.106 and
30 shall be located, discharged, or fired so as in the opinion of the permitting authority, after
31 proper inspection based on the most current edition of the National Fire Protection
32 Association standards, NFPA 1123, 1124, and 1126, to not be hazardous to any person or
33 property. After a permit has been granted, the sale, possession, use and distribution of
34 fireworks for such display shall be lawful for that purpose only. A copy of all permits issued
35 for display or proximate fireworks shall be forwarded by the permit holder to the state fire
36 marshal's office. No permit granted hereunder shall be transferable and shall apply to only
37 one location. No holder of a manufacturer or distributor permit shall sell, barter, or transfer
38 display or proximate fireworks to anyone not possessing an applicable permit or license.~~

~~39 5. Possession of display or proximate fireworks shall be limited to a holder of a
40 display or proximate fireworks permit issued by the authority having jurisdiction where the
41 display or proximate fireworks is proposed to be held or the state fire marshal or holder of a
42 state manufacturer or distributor permit and applicable federal license or permit.~~

~~43 6. Before issuing any permit for a display or proximate fireworks, the municipality,
44 fair association, amusement park, organization, firm, persons, or corporation making
45 application therefor shall furnish proof of financial responsibility in an amount established by
46 promulgated rule to the permitting authority in order to satisfy claims for damages to property
47 or personal injuries arising out of any act or omission on the part of such person, firm or
48 corporation or any agent or employee thereof.~~

~~49 7. Any establishment where proximate fireworks are to be discharged shall be
50 inspected by the state fire marshal or local fire department having jurisdiction for compliance
51 with NFPA 101 Life Safety Code or equivalent nationally recognized code in relation to
52 means of egress, occupancy load, and automatic sprinkler and fire alarm systems. All permits
53 issued will be forwarded to the state fire marshal by the permit holder. Permits will be issued
54 in the same manner as those required in this section] This section shall not be construed to
55 prohibit a holder of a manufacturer or distributor permit from transporting or selling
56 display fireworks or articles pyrotechnic to persons who are not residents of this state.~~

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

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

20 2. Before issuing any permit for outdoor fireworks display or a display before a
21 proximate audience, the municipality, fair association, amusement park, organization,
22 firm, persons, or corporation making application therefore shall furnish proof of
23 financial responsibility in an amount established by promulgated rule to the permitting
24 authority in order to satisfy claims for damages to property or personal injuries arising
25 out of any act or omission on the part of such person, firm, or corporation or any agent
26 or employee thereof.

27 3. Any establishment, venue, or shoot site where an outdoor fireworks display or
28 a display before a proximate audience is to take place shall be inspected by the state fire
29 marshal or local fire department having jurisdiction for compliance with NFPA 1123
30 Code for Fireworks Display, NFPA 1126 Code for the Use of Pyrotechnics Before a
31 Proximate Audience, and NFPA 101 Life Safety Code or equivalent nationally
32 recognized code in relation to means of egress, occupancy load, and automatic
33 sprinkler and fire alarm systems. All permits issued shall be forwarded to the state fire
34 marshal by the permit holder, upon the state fire marshal's request. Permits shall be
35 issued in the same manner as those required in this section.

36 4. Notwithstanding any provisions of this section to the contrary, a holder of a
37 valid state issued display operator license conducting a private outdoor firework display
38 for a non-commercial purpose shall not be subject to the permitting requirements in
39 subsections 1 through 3 of this section; provided, however, that all such non-commercial,
40 private outdoor firework displays shall be conducted in compliance with NFPA 1123 and
41 any ordinance, rule, or regulation promulgated by the local authority having
42 jurisdiction over the location where the private outdoor firework display will be held.

43 The state fire marshal may, through its rule making authority set out in chapters 320
44 and 536, establish a reasonable notice-only rule requiring the licensed display operator
45 to notify the local authority having jurisdiction over such matters at least five calendar
46 days prior to the private outdoor firework display event described in this subsection.
47 For the purposes of this section, "non-commercial purpose" shall mean not connected
48 with or engaged in for a commercial purpose or in exchange for any monetary
49 consideration.

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

10 2. No wholesaler, ~~[jobber]~~ **annual retailer**, or seasonal retailer, or any other person
11 shall sell, offer for sale, store, display, or have in their possession any consumer fireworks
12 ~~[that have not been approved as fireworks UNO336, 1.4G by the United States Department of~~
13 ~~Transportation]~~ **that do not comply with the construction, chemical composition, labeling,**
14 **and other regulations relative to consumer fireworks regulations promulgated by the**
15 **United States Consumer Product Safety Commission and permitted for use by the**
16 **general public pursuant to such commission's regulations.**

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

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

25 ~~[5.]~~ 4. Matches, toy pistols, toy canes, toy guns, party poppers, or other devices in
26 which paper caps containing twenty-five hundredths grains or less of explosive compound,
27 provided that they are so constructed that the hand cannot come into contact with the cap
28 when in place for use, and toy pistol paper caps which contain less than twenty-five
29 hundredths grains of explosive mixture shall be permitted for sale and use at all times and
30 shall not be regulated by the provisions of sections 320.106 to 320.161.

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

320.147. 1. A person selling or offering fireworks for sale or barter or trade
2 **shall permit the state fire marshal and the marshal's deputies to conduct inspections,**
3 **based on the code of state regulations, of the business premises or any location where**
4 **fireworks are stored, kept, or sold. Such person shall cooperate with such inspection or**
5 **investigation. Failure to cooperate or refusal to allow an inspection shall result in**
6 **suspension or revocation of the permittee's permit or refusal of a permit to be issued.**
7 **Such inspection shall be performed during normal business hours.**
8 **2. All new construction or substantial improvements of a permanent structure**
9 **shall be constructed with all applicable building codes or fire codes adopted by the local**
10 **political subdivision to whom has authority over such matter. All new construction or**
11 **substantial improvements of a permanent structure located in a jurisdiction without a**
12 **local building code or fire code shall submit a full set of construction plans to the state**
13 **fire marshal for review. The state fire marshal may review such plans for compliance**
14 **with fire protection standards and issue recommendations.**

320.151. 1. It is unlawful to attempt to sell or to sell at retail any fireworks to
2 children under the age of fourteen years except when such child is in the presence of a parent
3 or guardian.
4 2. It is unlawful for any person under the age of sixteen to sell fireworks or work in a
5 facility where fireworks are stored, sold, or offered for sale unless supervised by an adult.
6 3. It is unlawful to explode or ignite consumer fireworks within six hundred feet of
7 any church, hospital, mental health facility, school, or within one hundred feet of any location
8 where fireworks are stored, sold, or offered for sale.
9 4. No person shall ignite or discharge any permissible articles of consumer fireworks
10 within or throw the same from a motorized vehicle including watercraft or any other means of
11 transportation, except where display permit has been issued for a floating vessel or floating
12 platform, nor shall any person place or throw any ignited article of fireworks into or at a
13 motorized vehicle including watercraft or any other means of transportation, or at or near any
14 person or group of people.

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

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

22 7. ~~[Proximate fireworks shall not be allowed to be stored with consumer fireworks.~~

23 8.] All storage and transportation of fireworks shall be in accordance with all federal
24 and state rules and regulations.

25 ~~[9-]~~ 8. Nothing in sections 320.106 to 320.161 shall be construed to prevent
26 permittees from demonstrating or testing fireworks. Any such demonstration or test shall
27 require the notification and approval of the local fire service or the state fire marshal.

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

6 2. Notwithstanding the provisions of section 33.080 to the contrary, any moneys
7 remaining in the fund at the end of the biennium shall not revert to the credit of the general
8 revenue fund.

9 3. The state treasurer shall invest moneys in the fund in the same manner as other
10 funds are invested. Any interest and moneys earned on such investments shall be credited to
11 the fund.

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

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

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

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

- 14 2. The offense of unlawful transactions with a child is a class B misdemeanor.

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