

SUMMARY OF NO. 21-14

This proposed law would permit the possession, use, and sale of consumer fireworks by persons 21 years of age and older and would remove criminal penalties for such activities. The proposed law would provide for the regulation of consumer fireworks and subject the sale of consumer fireworks to the state sales tax.

The proposed law would prohibit sales of consumer fireworks to individuals under the influence of drugs or alcohol. The proposed law would also prohibit the possession, use, or sale of fireworks on the grounds of a school providing preschool, kindergarten, or grade 1-12 educational services. Under the proposed law, no person 21 years or older could be arrested, prosecuted, penalized, sanctioned, or disqualified under state laws, or be subject to seizure or forfeiture of property for possession, use, or purchase of consumer fireworks on that person's property or on other's property with consent. The proposed law would not prevent a person or legal entity from regulating or banning the use of consumer fireworks on property that individual or entity owns, occupies, or manages.

The proposed law would create a three-member Consumer Fireworks Regulation Commission appointed by the Governor that would regulate consumer fireworks use, including by selling for a limited fee licenses for the sale of consumer fireworks. The

proposed law would also create an 11-member Consumer Fireworks Advisory Board to advise the Consumer Fireworks Regulation Commission. The proposed law would require the newly created Consumer Fireworks Regulation Commission to promulgate regulations regarding civil penalties and fines for failure to comply with its regulatory regime. Such penalties would include: penalties for the sale of consumer fireworks to an individual under the age of 21, penalties for the use of consumer fireworks outside of the hours of 12:00 p.m. to 11:00 p.m. (except that on December 31, July 4, and the weekends immediately before and after July 4, such time shall be extended to 12:00 p.m. to 12:30 a.m.), and penalties for the use of consumer fireworks on property not owned by the user and for which the user does not have permission.

The proposed law would make legal possession, use, or purchase of consumer fireworks on January 1, 2024, if the newly created Consumer Fireworks Regulation Commission has not, by that date, promulgated regulations allowing for such use, purchase, or possession.