

HOUSE BILL NO. 5931

June 25, 2020, Introduced by Reps. Hammoud, Pagan, Brenda Carter, Liberati, Hood, Sowerby, Guerra, Manoogian, Anthony, Gay-Dagnogo, Clemente, Shannon, Elder and Love and referred to the Committee on Regulatory Reform.

A bill to amend 2011 PA 256, entitled
"Michigan fireworks safety act,"
by amending section 5 (MCL 28.455), as amended by 2018 PA 634.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. (1) A person shall not sell consumer fireworks from a
2 retail location unless all of the following conditions are met:
3 (a) Except as provided in subdivision (b), the retail location
4 and any adjacent or directly associated retail storage satisfies
5 the applicable requirements of NFPA 101 and NFPA 1124 for consumer
6 and low-impact fireworks that are not in conflict with this act and



1 the Stille-DeRossett-Hale single state construction code act, 1972
2 PA 230, MCL 125.1501 to 125.1531. Any provision of the Stille-
3 DeRossett-Hale single state construction code act, 1972 PA 230, MCL
4 125.1501 to 125.1531, that is inconsistent with the applicable
5 requirements of NFPA 101 and NFPA 1124 is superseded to the extent
6 of the inconsistency or conflict.

7 (b) If the retail location is a permanent building or
8 structure, the building or structure is equipped with a fire
9 suppression system in compliance with NFPA 1124. Beginning on ~~the~~
10 ~~effective date of the 2018 act that added this sentence~~ **December**
11 **28, 2018**, and notwithstanding the NFPA 1124 requirements regarding
12 automatic sprinkler systems, if the retail location is in a
13 permanent multitenant building or structure, the building or
14 structure must be equipped with an automatic sprinkler system. The
15 requirement for an automatic sprinkler system described in this
16 subdivision does not apply to the retail location of a person that
17 held a consumer fireworks certificate for a retail location of the
18 same address in a permanent building or structure during the
19 calendar year before ~~the effective date of the 2018 act that added~~
20 ~~this sentence~~. **December 28, 2018.**

21 (c) The retailer at that retail location is licensed under
22 section 3 of the general sales tax act, 1933 PA 167, MCL 205.53.

23 (d) The retailer has a valid federal taxpayer identification
24 number. This requirement does not apply to a retailer that is a
25 sole proprietorship.

26 (e) **The retailer displays a sign in a conspicuous place at the**
27 **retail location that clearly describes all of the following:**

28 (i) **Any limitations on the hours of the day or night during**
29 **which a person may ignite, discharge, or use consumer fireworks**



1 under any ordinance adopted under section 7 in a local unit of
2 government in which the retail location is located.

3 (ii) The limitations on the use of fireworks on property of
4 another person or organization under section 12(1).

5 (iii) The prohibition against the sale of consumer fireworks to
6 minors under section 12(2) and the limitations on the use of
7 fireworks by a minor without adult supervision under section 12(7).

8 (iv) The limitations on the use of fireworks while under the
9 influence of alcohol or controlled substances under section 12(3).

10 (v) A person's liability for the death or injury of an
11 individual or for property damage caused by the use of fireworks.

12 (2) A person that fails or neglects to comply with subsection
13 (1) is responsible for a civil fine of not more than \$2,500.00 for
14 each violation. The department shall determine the amount of the
15 fine imposed under this subsection by applying a scale, as
16 developed by the department, that reflects the severity of the
17 violation. Each day that a person is in noncompliance is a separate
18 violation.

19 (3) During any period of time in which a person is selling
20 consumer fireworks, the person shall add as an additional insured,
21 or obtain and maintain public liability and product liability
22 insurance coverage for, each retail location at which the person is
23 selling consumer fireworks, in an amount not less than
24 \$10,000,000.00 per occurrence. If the department determines that a
25 person has failed or neglected to comply with this subsection, the
26 department shall order the person to immediately cease operations
27 and pay a civil fine of not more than \$5,000.00.

28 (4) A retailer shall provide with every purchase of consumer
29 fireworks a notice listing the dates and times permitted under this



1 act for the ignition, discharge, and use of consumer fireworks. The
2 notice ~~shall~~**must** begin with the following statement: "State law
3 permits, under MCL 28.457, the ignition, discharge, and use of
4 consumer fireworks at the following times:". The retailer may
5 provide the notice in a form and manner determined by the retailer,
6 including, but not limited to, printing or stamping the notice on,
7 or affixing the notice to, a receipt, bag, or the product being
8 purchased, or a printed handout provided at the time of purchase.
9 Posting the notice on a wall, window, display, or otherwise, at the
10 retail location, does not satisfy the requirements of this
11 subsection. A retailer who fails to provide the notice required by
12 this subsection is responsible for a civil fine of \$100.00 for each
13 day on which 1 or more violations occur. The department shall
14 provide for the remittance of the fine collected under this
15 subsection to the local law enforcement agency responsible for
16 enforcing the notice requirement.

17 (5) A person shall not engage in the retail sale of consumer
18 fireworks over the telephone, internet, or other like manner unless
19 the consumer fireworks are picked up or shipped from a permanent
20 location for which the person holds a valid consumer fireworks
21 certificate.

22 Enacting section 1. This amendatory act takes effect 90 days
23 after the date it is enacted into law.

24 Enacting section 2. This amendatory act does not take effect
25 unless Senate Bill No. ____ or House Bill No. 5932 (request no.
26 07119'20) of the 100th Legislature is enacted into law.

