

**CHAPTER 70****(SB 273)**

AN ACT relating to fireworks.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 227.710 is amended to read as follows:

No person, firm, copartnership, or corporation shall offer for sale, expose for sale, sell at retail, keep with intent to sell, possess, use, or explode any fireworks, except as follows:

- (1) In cities the chief of the fire department, or mayor, or similar official where there is no fire department, and in counties outside of cities the county judge/executive, may grant permits for supervised public displays of fireworks by municipalities, fair associations, amusement parks, and other organizations or groups of individuals. Every display shall be handled by a competent operator to be approved by the public official by whom the permit is granted, and shall be of such character, and so located, discharged or fired as in the opinion of the official, after proper inspection, shall not be hazardous to property or endanger any person. Permits shall be filed with the Office of State Fire Marshal at least fifteen (15) days in advance of the date of the display. After the privilege is granted, sales, possession, use, and distribution of fireworks for the display shall be lawful for that purpose only. No permit granted under this subsection shall be transferable. ***For the purposes of this subsection, "public display of fireworks" shall include the use of pyrotechnic devices or pyrotechnic materials before a proximate audience, whether indoors or outdoors.***
- (2) The sale, at wholesale, of any fireworks for supervised displays by any resident manufacturer, wholesaler, dealer, or jobber, in accordance with regulations of the United States Bureau of Alcohol, Tobacco and Firearms, if the sale is to the person holding a display permit as outlined in subsection (1) of this section. The permit holder shall present the permit along with other verifiable identification at the time of sale.
- (3) The sale, at wholesale, of any kind of fireworks by any resident manufacturer, wholesaler, dealer, or jobber, provided the fireworks are intended for shipment directly out of state in accordance with regulations of the United States Department of Transportation.
- (4) The sale and use in emergency situations of pyrotechnic signaling devices and distress signals for marine, aviation, and highway use.
- (5) The use of fuses and railway torpedoes by railroads.
- (6) The sale and use of blank cartridges for use in a show or theater or for signal or ceremonial purpose in athletics or sports.
- (7) The use of any pyrotechnic device by military organizations.
- (8) The use of fireworks for agricultural purposes under the direct supervision of the United States Department of the Interior or any equivalent or local agency.
- (9) The sale of common fireworks as permitted pursuant to KRS 227.715.

Section 2. KRS 227.715 is amended to read as follows:

Except as provided in KRS 227.710, the common fireworks described in KRS 227.702(1) may be offered for sale, sold at retail, or kept with the intent to sell, only if the following requirements are met:

- (1) Any person or business intending to sell common fireworks shall register annually with the state fire marshal's office, which may assess a fee of no more than ~~fifty~~~~five~~ dollars (~~\$50~~)(~~\$5~~) for each site at which fireworks shall be sold. The registration requirement under this section shall not apply to permanent business establishments which are open year round and in which the sale of fireworks is ancillary to the primary course of business;
- (2) The annual registration required by subsection (1) of this section shall be received by the state fire marshal's office at least fifteen (15) days prior to offering fireworks for sale at the site for which the registration is intended;
- (3) Each site at which fireworks are offered for sale shall have its registration certificate displayed in a conspicuous location at the site;
- (4) Each site at which fireworks are offered for sale shall have a working fire extinguisher at the site, in compliance with NFPA Pamphlet 10;
- (5) No common fireworks item shall be offered for sale if it has as part of its device any wings, fins, or other mechanism designed to cause the device to fly, or if it carries a cautionary label which includes in its description any of the following terms: "explosive," "emits flaming pellets," "flaming balls," "firecracker," "report," or "rocket;"
- (6) No person or business shall give, offer for sale, or sell any common fireworks listed in KRS 227.702 to any person under sixteen (16) years of age;
- (7) The state fire marshal may revoke the registration of any site which is in violation of a requirement of this section, or any other requirement provided pursuant to this chapter. If the violation renders any property especially susceptible to fire loss, and there is present such hazard to human life or limb that the public safety imperatively requires emergency action, the fire marshal may take that action, as provided in KRS 227.330(6).

Section 3. KRS 227.720 is amended to read as follows:

No permit shall be issued under KRS 227.710 unless the applicant shall give bond or evidence of liability insurance deemed adequate by the official to whom application for the permit is made, in a sum not less than ~~one million~~~~ten thousand~~ dollars (~~\$1,000,000~~)(~~\$10,000~~). However, the local fire chief or state fire marshal may require a larger amount if in their judgment the situation requires it, conditioned for the payment of all damages which may be caused thereby either to a person or to property by reason of the permitted display, and arising from any acts of the licensee, his agents, employees or subcontractors.

**Approved April 7, 2004**