## **SENATE BILL NO. 361**

June 05, 2019, Introduced by Senator ANANICH and referred to the Committee on Agriculture.

A bill to amend 2011 PA 256, entitled "Michigan fireworks safety act,"

by amending section 12 (MCL 28.462), as amended by 2018 PA 634.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 12. (1) A person shall not ignite, discharge, or use
- 2 consumer fireworks on public property, school property, church
- 3 property, or the property of another person without that
- 4 organization's or person's express permission to use those
- 5 fireworks on those premises. Except as otherwise provided in this

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- 1 section, a person that violates this subsection is responsible for
- 2 a state civil infraction and may be ordered to pay a civil fine of
- **3** not more than \$500.00.
- 4 (2) A person shall not sell consumer fireworks to a minor. A
- 5 person that violates this subsection shall be ordered to pay a
- 6 civil fine of not more than \$1,000.00, or, for a second or
- 7 subsequent violation of this subsection, a civil fine of not more
- 8 than \$2,500.00. For a second or subsequent violation, the
- 9 department shall suspend the person's consumer fireworks
- 10 certificate for 90 days beginning on the date a civil fine is
- 11 ordered. The age of an individual purchasing consumer fireworks
- 12 shall be verified by any of the following:
- 13 (a) An operator's or chauffeur's license issued under the
- 14 Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923.
- (b) An official state personal identification card issued
- 16 under 1972 PA 222, MCL 28.291 to 28.300.
- 17 (c) An enhanced driver license or enhanced official state
- 18 personal identification card issued under the enhanced driver
- 19 license and enhanced official state personal identification card
- 20 act, 2008 PA 23, MCL 28.301 to 28.308.
- 21 (d) A military identification card.
- (e) A passport.
- 23 (f) Any other bona fide photograph identification that
- 24 establishes the identity and age of the individual.
- 25 (3) An individual shall not discharge, ignite, or use consumer
- 26 fireworks or low-impact fireworks while under the influence of
- 27 alcoholic liquor, a controlled substance, or a combination of
- 28 alcoholic liquor and a controlled substance. A person that violates
- 29 this subsection is responsible for a state civil infraction and may

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- 1 be ordered to pay a civil fine of not more than \$1,000.00. As used
- 2 in this subsection:
- 3 (a) "Alcoholic liquor" means that term as defined in section
- 4 1d of the Michigan vehicle code, 1949 PA 300, MCL 257.1d.
- 5 (b) "Controlled substance" means that term as defined in
- 6 section 8b of the Michigan vehicle code, 1949 PA 300, MCL 257.8b.
- 7 (4) An individual who violates the smoking prohibition
- 8 described in NFPA 1124, 7.3.11.1, regardless of the type or
- 9 quantity of consumer or low-impact fireworks present, is
- 10 responsible for a civil fine of \$1,000.00.
- 11 (5) Signage stating the smoking prohibition described in
- 12 subsection (4) satisfies the requirements of NFPA 1124.
- 13 (6) A person shall not ignite, discharge, or use consumer
- 14 fireworks or low-impact fireworks in a manner that is intended to
- 15 harass, scare, or injure livestock. As used in this subsection,
- 16 "livestock" means that term as defined in section 5-3 of the animal
- 17 industry act, 1988 PA 466, MCL 287.705.MCL 287.703.
- 18 Enacting section 1. This amendatory act takes effect 90 days
- 19 after the date it is enacted into law.
- 20 Enacting section 2. This amendatory act does not take effect
- 21 unless Senate Bill No. 174
- of the 100th Legislature is enacted into law.