

SUBSTITUTE FOR  
HOUSE BILL NO. 5941

A bill to amend 1941 PA 207, entitled  
"Fire prevention code,"  
by amending section 7a (MCL 29.7a) and by adding section 7d.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 7a. (1) ~~If~~**SUBJECT TO SECTION 7D, IF** the state fire  
2 marshal or the commanding officer of the fire department of a city,  
3 village, township, or county, or a fire fighter in uniform acting  
4 under the orders and directions of the commanding officer  
5 determines a dangerous condition exists, the state fire marshal,  
6 the commanding officer of the fire department of a city, village,  
7 township, or county, or the fire fighter in uniform acting under  
8 the orders and direction of the commanding officer upon finding an  
9 emergency condition dangerous to persons or property, may take all  
10 necessary steps and prescribe all necessary restrictions and  
11 requirements to protect persons and property until the dangerous

1 condition is abated.

2 (2) ~~The~~ **SUBJECT TO SECTION 7D, THE** state fire marshal, the  
3 commanding officer of the fire department of a city, village,  
4 township, or county, or a fire fighter in uniform acting under the  
5 orders and directions of the commanding officer, responding to a  
6 fire or emergency call, who, upon arriving at the scene of a fire  
7 or emergency, finds a condition dangerous to persons or property,  
8 may take all necessary steps and requirements to protect persons  
9 and property until the dangerous condition is abated.

10 (3) The state fire marshal or the commanding officer of the  
11 fire department of a city, village, township, or county, or a fire  
12 fighter in uniform acting under the orders and direction of the  
13 commanding officer may investigate causes and effects related to  
14 dangerous conditions.

15 **SEC. 7D. (1) IF THE ENVIRONMENTAL CONCERNS BASED ON THE**  
16 **DEPARTMENT OF NATURAL RESOURCES FIRE DIVISION CRITERIA ARE ELEVATED**  
17 **TO EXTREME FIRE CONDITIONS OR IF THE ENVIRONMENTAL CONCERNS BASED**  
18 **ON THE DEPARTMENT OF NATURAL RESOURCES FIRE DIVISION CRITERIA ARE**  
19 **ELEVATED TO VERY HIGH FOR 72 CONSECUTIVE HOURS, THE COMMANDING**  
20 **OFFICER OF THE FIRE DEPARTMENT OF A CITY, VILLAGE, TOWNSHIP, OR**  
21 **COUNTY, IN CONSULTATION WITH THE DEPARTMENT OF NATURAL RESOURCES,**  
22 **HAS THE AUTHORITY TO ENFORCE A NO BURNING RESTRICTION THAT INCLUDES**  
23 **A BAN ON THE IGNITION, DISCHARGE, AND USE OF CONSUMER FIREWORKS**  
24 **WITHIN A CITY, VILLAGE, TOWNSHIP, OR COUNTY. IF A NO BURNING**  
25 **RESTRICTION IS INSTITUTED UNDER THIS SUBSECTION, THE COMMANDING**  
26 **OFFICER OF THE FIRE DEPARTMENT ENFORCING THE RESTRICTION SHALL**  
27 **ENSURE THAT ADEQUATE NOTICE OF THE RESTRICTION IS PROVIDED TO THE**

House Bill No. 5941 as amended December 20, 2018

1 PUBLIC.

2 (2) THE GOVERNOR, DEPARTMENT OF NATURAL RESOURCES, OR STATE  
3 FIRE MARSHAL MAY ENFORCE A STATEWIDE NO BURNING RESTRICTION,  
4 INCLUDING A BAN ON THE IGNITION, DISCHARGE, AND USE OF FIREWORKS AS  
5 PROVIDED UNDER SUBSECTION (1).

6 (3) NOT MORE THAN 24 HOURS AFTER THE FIRE CONDITION IS  
7 DOWNGRADED FROM EXTREME OR VERY HIGH FIRE CONDITION, THE COMMANDING  
8 OFFICER OF THE FIRE DEPARTMENT OF A CITY, VILLAGE, TOWNSHIP, OR  
9 COUNTY THAT ENFORCED A NO BURNING RESTRICTION UNDER SUBSECTION (1)  
10 THAT INCLUDED A BAN ON THE IGNITION, DISCHARGE, AND USE OF CONSUMER  
11 FIREWORKS SHALL LIFT THE RESTRICTION AND INFORM THE PUBLIC THAT THE  
12 RESTRICTION HAS BEEN LIFTED IN THE SAME MANNER THAT THE RESTRICTION  
13 WAS ANNOUNCED OR MADE KNOWN TO THE PUBLIC.

14 (4) AS USED IN THIS SECTION, "CONSUMER FIREWORKS" MEANS THAT  
15 TERM AS DEFINED IN SECTION 2 OF THE MICHIGAN FIREWORKS SAFETY ACT,  
16 2011 PA 256, MCL 28.452.

<<Enacting section 1. This amendatory act does not take effect  
unless all of the following bills of the 99th Legislature are enacted  
into law:

- (a) House Bill No. 5939.
- (b) House Bill No. 5940.>>