

HOUSE BILL NO. 5004

September 19, 2019, Introduced by Reps. Yaroch, Vaupel, Peterson, Brixie, Wozniak and Marino and referred to the Committee on Regulatory Reform.

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



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~~ **who purchases** consumer
12 fireworks ~~shall~~ **must** 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.

15 (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.

22 (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~~ **An**
29 **individual who** violates this subsection is responsible for a state



1 civil infraction and may be ordered to pay a civil fine of not more
2 than \$1,000.00. As used 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 of the animal
17 industry act, 1988 PA 466, MCL 287.705.

18 **(7) An individual shall not ignite, discharge, or use consumer**
19 **fireworks or low-impact fireworks within 200 feet of a property**
20 **that is not owned or leased by the individual that ignites,**
21 **discharges, or uses those fireworks without the express permission**
22 **of the owner or lessee of the property.**

