

SENATE BILL NO. 17

January 17, 2023, Introduced by Senators WOJNO, MCCANN, CHANG, ANTHONY, HERTEL, KLINEFELT, MCMORROW, CHERRY, SANTANA, BAYER and POLEHANKI and referred to the Committee on Local Government.

A bill to amend 2011 PA 256, entitled "Michigan fireworks safety act," by amending sections 7 and 12 (MCL 28.457 and 28.462), section 7 as amended by 2018 PA 635 and section 12 as amended by 2019 PA 138.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7. (1) Except as **otherwise** provided in this act, a local
2 unit of government shall not enact or enforce an ordinance, code,
3 or regulation ~~pertaini~~**ng that pertains** to or **regulates**, in any
4 manner, ~~regulating~~ the sale, display, storage, transportation, or

1 distribution of fireworks regulated under this act.

2 (2) A local unit of government may enact an ordinance
 3 ~~regulating~~**that regulates** the ignition, discharge, and use of
 4 consumer fireworks, including, but not limited to, an ordinance
 5 ~~prescribing~~**that prescribes** the hours of the day or night ~~during~~
 6 ~~which~~**that** a person may ignite, discharge, or use consumer
 7 fireworks. ~~If~~**Except as otherwise provided in subsection (3), if** a
 8 local unit of government enacts an ordinance under this subsection,
 9 the ordinance ~~shall~~**must** not regulate the ignition, discharge, or
 10 use of consumer fireworks on the following days after 11 a.m.:

11 (a) December 31 until 1 a.m. on January 1.

12 (b) The Saturday and Sunday immediately preceding Memorial Day
 13 until ~~11:45~~**11** p.m. on each of those days.

14 (c) ~~June 29 to~~**July 3 and July 4** until 11:45 p.m. on each of
 15 those days.

16 (d) July 5, if that date is a Friday or Saturday, until 11:45
 17 p.m.

18 (e) The Saturday and Sunday immediately preceding Labor Day
 19 until 11:45 p.m. on each of those days.

20 (3) **A local unit of government with a population density of**
 21 **over 3,400 residents per square mile may enact an ordinance that**
 22 **regulates the ignition, discharge, or use of consumer fireworks,**
 23 **except on the following days:**

24 (a) December 31 until 1 a.m. on January 1.

25 (b) Memorial Day until 11 p.m.

26 (c) July 4 until 11:45 p.m.

27 (d) Labor Day until 11:45 p.m.

28 (4) ~~(3)~~An ordinance under subsection (2) ~~shall~~**or (3) must**
 29 impose a civil fine of ~~\$1,000.00~~**\$2,000.00** for each violation of

1 the ordinance and no other fine or sanction. The ordinance must
 2 provide for the remittance of ~~\$500.00~~ **\$1,000.00** of the fine
 3 collected under the ordinance to the local law enforcement agency
 4 responsible for enforcing the ordinance.

5 **(5)** ~~(4) Beginning August 1, 2019, a~~ **A** local unit of government
 6 ~~with a population of 100,000 or more or a local unit of government~~
 7 ~~located in a county with a population of 750,000 or more~~ may enact
 8 or enforce an ordinance that regulates the use of a temporary
 9 structure. An ordinance established under this subsection may
 10 include, but is not limited to, a restriction on the number of
 11 permits issued for a temporary structure, regulation of the
 12 distance required between 2 or more temporary structures, or a
 13 zoning ordinance that regulates the use of a temporary structure.
 14 An ordinance established under this subsection may not prohibit the
 15 temporary storage, transportation, or distribution of fireworks by
 16 a consumer fireworks certificate holder at a retail location that
 17 is a permanent building or structure. As used in this subsection,
 18 "temporary structure" means a movable structure that is used in the
 19 sale, display, storage, transportation, or distribution of
 20 fireworks, including, but not limited to, a tent or a stand.

21 Sec. 12. (1) A person shall not ignite, discharge, or use
 22 consumer fireworks on public property, school property, church
 23 property, or the property of another person without that
 24 organization's or person's express permission to use those
 25 fireworks on those premises. Except as otherwise provided in this
 26 section, a person that violates this subsection is responsible for
 27 a state civil infraction and may be ordered to pay a civil fine of
 28 not more than ~~\$500.00~~ **\$1,000.00**.

29 (2) A person shall not sell consumer fireworks to a minor. A

1 person that violates this subsection shall be ordered to pay a
2 civil fine of not more than ~~\$1,000.00~~, **\$2,500.00**, or, for a second
3 or subsequent violation of this subsection, a civil fine of not
4 more than ~~\$2,500.00~~. **\$5,000.00**. For a second or subsequent
5 violation, the department shall suspend the person's consumer
6 fireworks certificate, **if that person holds a consumer fireworks**
7 **certificate**, for 90 days beginning on the date a civil fine is
8 ordered. The age of an individual ~~purchasing~~ **who purchases** consumer
9 fireworks ~~shall~~ **must** be verified by any of the following:

10 (a) An operator's or chauffeur's license issued under the
11 Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923.

12 (b) An official state personal identification card issued
13 under 1972 PA 222, MCL 28.291 to 28.300.

14 (c) An enhanced driver license or enhanced official state
15 personal identification card issued under the enhanced driver
16 license and enhanced official state personal identification card
17 act, 2008 PA 23, MCL 28.301 to 28.308.

18 (d) A military identification card.

19 (e) A passport.

20 (f) Any other bona fide photograph identification that
21 establishes the identity and age of the individual.

22 (3) An individual shall not discharge, ignite, or use consumer
23 fireworks or low-impact fireworks while under the influence of
24 alcoholic liquor, a controlled substance, or a combination of
25 alcoholic liquor and a controlled substance. ~~A person that~~ **An**
26 **individual who** violates this subsection is responsible for a state
27 civil infraction and may be ordered to pay a civil fine of not more
28 than \$1,000.00. As used in this subsection:

29 (a) "Alcoholic liquor" means that term as defined in section

1 1d of the Michigan vehicle code, 1949 PA 300, MCL 257.1d.

2 (b) "Controlled substance" means that term as defined in
3 section 8b of the Michigan vehicle code, 1949 PA 300, MCL 257.8b.

4 (4) An individual who violates the smoking prohibition
5 described in NFPA 1124, 7.3.11.1, regardless of the type or
6 quantity of consumer or low-impact fireworks present, is
7 responsible for a civil fine of \$1,000.00.

8 (5) Signage stating the smoking prohibition described in
9 subsection (4) satisfies the requirements of NFPA 1124.

10 (6) A person shall not ignite, discharge, or use consumer
11 fireworks or low-impact fireworks in a manner that is intended to
12 harass, scare, or injure livestock. As used in this subsection,
13 "livestock" means that term as defined in section 3 of the animal
14 industry act, 1988 PA 466, MCL 287.703.