

# SENATE BILL NO. 1395

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN (16).

5551S.01I

KRISTINA MARTIN, Secretary

## AN ACT

To repeal sections 49.266, 253.195, 320.106, 320.111, 320.116, 320.121, 320.126, 320.131, 320.141, 320.146, 320.151, 320.371, and 568.070, RSMo, and to enact in lieu thereof thirteen new sections relating to fireworks protections, with penalty provisions.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 49.266, 253.195, 320.106, 320.111, 2 320.116, 320.121, 320.126, 320.131, 320.141, 320.146, 320.151, 3 320.371, and 568.070, RSMo, are repealed and thirteen new 4 sections enacted in lieu thereof, to be known as sections 5 49.266, 253.195, 320.106, 320.111, 320.116, 320.121, 320.126, 6 320.131, 320.141, 320.147, 320.151, 320.371, and 568.070, to 7 read as follows:

49.266. 1. The county commission in all counties of 2 the first, second, third, or fourth classification may by 3 order or ordinance promulgate reasonable regulations 4 concerning the use of county property, the hours, 5 conditions, methods and manner of such use and the 6 regulation of pedestrian and vehicular traffic and parking 7 thereon.

2. Violation of any regulation so adopted under 9 subsection 1 of this section is an infraction.

10 3. Upon a determination by the state fire marshal that 11 a burn ban order is appropriate for a county because:

**EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

12 (1) An actual or impending occurrence of a natural  
13 disaster of major proportions within the county jeopardizes  
14 the safety and welfare of the inhabitants of such county; and

15 (2) The U.S. Drought Monitor has designated the county  
16 as an area of severe, extreme, or exceptional drought, the  
17 county commission may adopt an order or ordinance issuing a  
18 burn ban, which may carry a penalty of up to a class A  
19 misdemeanor. State agencies responsible for fire management  
20 or suppression activities and persons conducting  
21 agricultural burning using best management practices shall  
22 not be subject to the provisions of this subsection. The  
23 ability of an individual, organization, or corporation to  
24 sell fireworks shall not be affected by the issuance of a  
25 burn ban. The county burn ban may prohibit the explosion or  
26 ignition of any missile or skyrocket as the terms "missile"  
27 and "skyrocket" are defined by the [2012] 2022 edition of  
28 the American Fireworks Standards Laboratory (AFSL), but  
29 shall not ban the explosion or ignition of any other  
30 consumer fireworks as the term "consumer fireworks" is  
31 defined under section 320.106.

32 4. The regulations so adopted shall be codified,  
33 printed and made available for public use and adequate signs  
34 concerning smoking, traffic and parking regulations shall be  
35 posted.

253.195. Fireworks, as defined in section [320.110]  
2 **320.106**, of any type are prohibited within the boundaries of  
3 any state park except upon the written permission granted by  
4 the department of natural resources.

320.106. As used in sections 320.106 to 320.161,  
2 unless clearly indicated otherwise, the following terms mean:

3 (1) "American Pyrotechnics Association (APA), Standard  
4 87-1", a **voluntary standard**, or subsequent standard [which]

5 **that** may amend or supersede this standard for manufacturers,  
6 importers, and distributors of fireworks, **in which fireworks**  
7 **classifications are assigned based upon the weight and type**  
8 **of chemical composition contained for each specific type of**  
9 **device including, but not limited to, specific permissible**  
10 **and restricted chemicals. Such standard shall be construed**  
11 **to include the following APA standards:**

12 (a) APA 87-1A Standard for Construction,  
13 Classification, Approval, and Transportation of Consumer  
14 Fireworks;

15 (b) APA 87-1B Standard for the Construction,  
16 Classification, Approval, and Transportation of Display  
17 Fireworks; and

18 (c) APA 87-1C Standard for the Construction,  
19 Classification, Approval, and Transportation of  
20 Entertainment and Technical Pyrotechnics;

21 (2) "Annual retailer", any person engaged in the  
22 business of making sales of consumer fireworks at wholesale  
23 or retail within the state of Missouri during a calendar  
24 year from the first day of January through the thirty-first  
25 day of December;

26 (3) "Chemical composition", all pyrotechnic and  
27 explosive composition **formulations** contained in fireworks  
28 devices as defined in American Pyrotechnics Association  
29 (APA), Standard 87-1;

30 [(3)] (4) "Consumer fireworks", explosive **and**  
31 **pyrotechnic** devices designed **for sale and use by the general**  
32 **public that conform with requirements set forth by the**  
33 **United States Consumer Product Safety Commission (CPSC) and**  
34 **designed** primarily to produce visible or audible effects by  
35 combustion **[and includes] including, but not limited to,**  
36 aerial devices **[and]**, ground devices, **[all of which are**

37 classified as fireworks, UN0336, within 49 CFR Part 172]

38 **fuses, and novelties;**

39 [(4)] (5) "Discharge site", the area immediately  
40 surrounding the fireworks mortars used for an outdoor  
41 fireworks display;

42 [(5)] (6) "Dispenser", a device designed for the  
43 measurement and delivery of liquids as fuel;

44 [(6)] (7) "Display fireworks", [explosive] devices  
45 [designed primarily to produce visible or audible effects by  
46 combustion, deflagration or detonation. This term includes  
47 devices containing more than two grains (130 mg) of  
48 explosive composition intended for public display. These  
49 devices are classified as fireworks, UN0333 or UN0334 or  
50 UN0335, within 49 CFR Part 172] **containing chemical**  
51 **compositions that are intended for use in professional**  
52 **firework shows, designed to produce visible or audible**  
53 **effects, and comply with the limits and requirements of APA**  
54 **Standard 87-1B and APA Standard 87-1C;**

55 [(7)] (8) "Display site", the immediate area where a  
56 fireworks display is conducted, including the discharge  
57 site, the fallout area, and the required separation distance  
58 from mortars to spectator viewing areas, but not spectator  
59 viewing areas or vehicle parking areas;

60 [(8)] (9) "Distributor", any person engaged in the  
61 business of selling fireworks to wholesalers, [jobbers]  
62 **annual retailers**, seasonal retailers, other persons, or  
63 governmental bodies that possess the necessary permits as  
64 specified in sections 320.106 to 320.161[, including any  
65 person that imports any fireworks of any kind in any manner  
66 into the state of Missouri];

67 [(9)] (10) "Fireworks", any composition or device for  
68 producing a visible[, audible, or both visible and] **or an**

69 audible effect **for entertainment purposes** by combustion,  
70 deflagration, or detonation and that meets the definition of  
71 consumer[, proximate,] **fireworks** or display fireworks as set  
72 forth [by 49 CFR Part 171 to end, United States Department  
73 of Transportation hazardous materials regulations] **in this**  
74 **section;**

75 [(10)] (11) "Fireworks season", the period beginning  
76 on the twentieth day of June and continuing through the  
77 tenth day of July of the same year and the period beginning  
78 on the twentieth day of December and continuing through the  
79 second day of January of the next year, which shall be the  
80 only periods of time that seasonal retailers may be  
81 permitted to sell consumer fireworks;

82 [(11) "Jobber", any person engaged in the business of  
83 making sales of consumer fireworks at wholesale or retail  
84 within the state of Missouri to nonlicensed buyers for use  
85 and distribution outside the state of Missouri during a  
86 calendar year from the first day of January through the  
87 thirty-first day of December;]

88 (12) "Flame effect", the combustion of solids,  
89 liquids, or gases using atmospheric oxygen to produce  
90 thermal, physical, visual, or audible phenomena before an  
91 audience;

92 (13) "Flame effect operator", the single individual  
93 with overall responsibility for flame effect operations and  
94 safety who has met additional requirements established by  
95 promulgated rules and has successfully completed a proximate-  
96 audience training course recognized and approved by the  
97 state fire marshal;

98 (14) "Hobbyist", an individual holding the required  
99 federal or state permits or licenses who manufactures  
100 fireworks for noncommerce activities that will be shot on

101 **the permit holder's property and not transported on any**  
102 **roadway;**

103 (15) "Licensed **display** operator", any person who  
104 supervises, manages, or directs the discharge of outdoor  
105 display fireworks **or "for professional use only" fireworks,**  
106 either by manual or electrical means; who has met additional  
107 requirements established by promulgated rule and has  
108 successfully completed a display fireworks training course  
109 recognized and approved by the state fire marshal;

110 [(13)] (16) "Manufacturer", any person engaged in the  
111 making, manufacture, assembly, **altering,** or construction of  
112 fireworks of any kind within the state of Missouri **for the**  
113 **purpose of selling or distributing;**

114 [(14)] (17) "NFPA", National Fire Protection  
115 Association, an international codes and standards  
116 organization;

117 [(15)] (18) "Permanent structure", buildings and  
118 structures with permanent foundations other than tents,  
119 mobile homes, **stands,** and trailers;

120 [(16)] (19) "Permit", the written authority of the  
121 state fire marshal issued pursuant to sections 320.106 to  
122 320.161 to sell, possess, manufacture, discharge, or  
123 distribute fireworks;

124 [(17)] (20) "Person", any corporation, association,  
125 partnership or individual or group thereof;

126 [(18)] (21) "**Proximate audience**", **an audience closer**  
127 **to pyrotechnic devices than permitted by NFPA 1123, Code for**  
128 **Fireworks Display;**

129 (22) "Proximate fireworks", a chemical mixture used in  
130 the entertainment industry to produce visible or audible  
131 effects by combustion, deflagration, or detonation, as  
132 [classified] **described** within 49 CFR [Part 172] **172.101** as

133 **Articles, pyrotechnic for technical purposes, 1.4G, UN0431**  
134 **or Articles, pyrotechnic for technical purposes, 1.4S,**  
135 **UN0432. Classification Approvals may be assigned in**  
136 **compliance with APA Standard 87-1C or the approval**  
137 **procedures specified in 49 CFR 173.56(b) or (f);**

138 [(19)] (23) "Pyrotechnic [operator" or "special]  
139 effects operator", an individual who has responsibility for  
140 pyrotechnic safety and who controls, initiates, or otherwise  
141 creates special effects [for proximate fireworks] or uses  
142 "for professional use only" articles before a proximate  
143 audience and who has met additional requirements established  
144 by promulgated rules and has successfully completed a  
145 proximate [fireworks] audience training course recognized  
146 and approved by the state fire marshal;

147 [(20)] (24) "Sale", an exchange of articles of  
148 fireworks for money, including barter, exchange, [gift] or  
149 offer thereof, and each such transaction made by any person,  
150 whether as a principal proprietor, salesman, agent,  
151 association, copartnership or one or more individuals;

152 [(21)] (25) "Seasonal retailer", any person within the  
153 state of Missouri engaged in the business of making sales of  
154 consumer fireworks in Missouri only during a fireworks  
155 season [as defined by subdivision (10) of this section];

156 [(22)] (26) "Substantial damage", damage of any origin  
157 sustained by a structure whereby the cost of restoring the  
158 structure to its before-damaged condition would equal or  
159 exceed fifty percent of the market value of the structure  
160 before the damage occurred;

161 (27) "Substantial improvement", any repair,  
162 reconstruction, rehabilitation, alteration, addition, or  
163 other improvement of a building or structure, the cost of  
164 which equals or exceeds fifty percent of the market value of

165 the structure before the improvement or repair is started.  
166 If the structure has substantial damage, any repairs are  
167 considered improvement regardless of the actual repair work  
168 performed. The term shall not include either of the  
169 following:

170 (a) Any project for improvement of a building required  
171 to correct existing health, sanitary, or safety code  
172 violations identified by the building official and that are  
173 the minimum necessary to ensure safe living conditions; or

174 (b) Any alteration of a historic structure, provided  
175 that the alteration will not preclude the structure's  
176 continued designation as a historic structure;

177 (28) "Wholesaler", any person engaged in the business  
178 of making sales of consumer fireworks to any other person  
179 engaged in the business of making sales of consumer  
180 fireworks at retail within the state of Missouri.

320.111. 1. It is unlawful for any person to  
2 manufacture, sell, offer for sale, ship or cause to be  
3 shipped into or within the state of Missouri except as  
4 herein provided any item of fireworks, without first having  
5 secured the required applicable permit as a manufacturer,  
6 distributor, wholesaler, [jobber] **annual retailer**, or  
7 seasonal retailer from the state fire marshal and applicable  
8 federal permit or license. Possession of said permit is a  
9 condition precedent to manufacturing, selling or offering  
10 for sale, shipping or causing to be shipped any fireworks  
11 into the state of Missouri, except as herein provided. This  
12 provision applies to nonresidents as well as residents of  
13 the state of Missouri.

14 2. The state fire marshal has the authority and is  
15 authorized and directed to issue permits for the sale of  
16 fireworks. No permit shall be issued to a person under the



17 age of eighteen years. All permits except for seasonal  
18 retailers shall be for the calendar year or any fraction  
19 thereof and shall expire on the thirty-first day of December  
20 of each year.

21 3. Permits issued must be displayed in the permit  
22 holder's place of business. No permit provided for herein  
23 shall be transferable nor shall a person operate under a  
24 permit issued to another person or under a permit issued for  
25 another location. Manufacturer, wholesaler, **[jobber] annual**  
26 **retailer**, and distributor permit holders operating out of  
27 multiple locations shall obtain a permit for each location.

28 4. Failure to make application for a permit by May  
29 thirty-first of the calendar year may result in the fire  
30 marshal's refusal to issue a license to the licensee or  
31 applicant for such calendar year.

32 5. Any false statement or declaration made on a permit  
33 application may result in the state fire marshal's refusal  
34 to issue such permit to the requesting person for a period  
35 of time not to exceed three years.

36 6. The state fire marshal is authorized **[and directed**  
37 **to charge the following] to assess permit and licensing fees**  
38 **and penalties** for **[permits:**

39 (1) Manufacturer, a fee of seven hundred seventy-five  
40 dollars per calendar year;

41 (2) Distributor, a fee of seven hundred seventy-five  
42 dollars per calendar year;

43 (3) Wholesaler, a fee of two hundred seventy-five  
44 dollars per calendar year;

45 (4) Jobber, a fee of five hundred twenty-five dollars  
46 per calendar year per sales location;

47 (5) Seasonal retailer, a fee of fifty dollars per  
48 calendar year per sales location;

49 (6) Display fireworks, a fee of one hundred dollars  
50 per calendar year per location;

51 (7) Proximate fireworks display permit, a fee of one  
52 hundred dollars per calendar year per location;

53 (8) Licensed operator, a fee of one hundred dollars  
54 for a three-year license;

55 (9) Pyrotechnic operator, a fee of one hundred dollars  
56 for a three-year license] **the fireworks industry. Permit**  
57 **and licensing fees shall be fixed by rules or regulations**  
58 **promulgated by the state fire marshal under chapter 536.**

59 7. A holder of a manufacturer's permit shall not be  
60 required to have any additional permits in order to sell to  
61 distributors, wholesalers, [jobbers] **annual retailers** or  
62 seasonal retailers, or to sell display, or proximate  
63 fireworks.

64 8. A holder of a distributor's permit shall not be  
65 required to have any additional permits in order to sell to  
66 wholesalers, [jobbers] **annual retailers**, seasonal retailers  
67 or to sell display, or proximate fireworks.

68 9. A holder of [a jobber's] **an annual retailer** permit  
69 shall not be required to have any additional permit in order  
70 to sell consumer fireworks at retail during the fireworks  
71 season from such [jobber's] **annual retailer's** permanent  
72 structure.

73 10. (1) All fees collected for permits issued  
74 pursuant to this section shall be deposited [to the credit  
75 of the fire education fund created pursuant to section  
76 320.094] **as follows:**

77 (a) **Eighty percent into the fire education fund**  
78 **created under section 320.094; and**

79           **(b) Twenty percent into the cigarette fire safety**  
80 **standard and firefighter protection act fund created under**  
81 **section 320.371.**

82           **(2)** Any person engaged in more than one permit  
83 classification shall pay one permit fee based upon the  
84 permit classification yielding the highest amount of revenue.

85           11. The state fire marshal is charged with the  
86 enforcement of the provisions of sections 320.106 to 320.161  
87 and may call upon any state, county or city peace officer  
88 for assistance in the enforcement of the provisions of  
89 sections 320.106 to 320.161. The state fire marshal may  
90 promulgate rules pursuant to the requirements of this  
91 section and chapter 536 necessary to carry out his or her  
92 responsibilities under this act including rules requiring  
93 training, examination, and licensing of licensed operators  
94 and pyrotechnic operators engaging in or responsible for the  
95 handling and use of display and proximate fireworks. The  
96 test shall incorporate the rules of the state fire marshal,  
97 which shall be based upon nationally recognized standards.  
98 No rule or portion of a rule promulgated pursuant to this  
99 chapter shall become effective unless it has been  
100 promulgated pursuant to the provisions of chapter 536.

101           12. The state fire marshal, upon notification by the  
102 department of revenue, may withhold permits from applicants  
103 upon evidence that all state sales taxes for the preceding  
104 year or years have not been paid; except, this subsection  
105 shall not apply if an applicant is pursuing any proper  
106 remedy at law challenging the amount, collection, or  
107 assessment of any sales tax.

108           13. A holder of a distributor, wholesaler, or  
109 **[jobber's] annual retailer's** permit shall be required to  
110 operate out of a permanent structure in compliance with all

111 applicable building and fire regulations in the city or  
112 county in which said person is operating a fireworks  
113 business. Seasonal retail permit locations shall be in  
114 compliance with all applicable building and fire  
115 regulations. The applicant may be subject to a fire safety  
116 inspection by the state fire marshal based upon promulgated  
117 rules and regulations adopted by the state fire marshal.

118 14. It is unlawful for any manufacturer, distributor,  
119 wholesaler, or [jobber] **annual retailer** to sell consumer  
120 fireworks to a seasonal retailer who has not acquired an  
121 appropriate permit from the state fire marshal for the  
122 current permit period. A seasonal retailer shall acquire  
123 and present the appropriate permit from the state fire  
124 marshal before any manufacturer, distributor, wholesaler or  
125 [jobber] **annual retailer** is allowed to sell consumer  
126 fireworks to such seasonal retailer, provided that such  
127 seasonal retailer is purchasing the consumer fireworks for  
128 resale in this state.

129 15. The state fire marshal and the marshal's deputies  
130 may conduct inspections of any premises and all portions of  
131 buildings where fireworks are stored, manufactured, kept or  
132 being offered for sale. All persons selling, offering for  
133 sale, barter, gift, exchange, or offer thereof any fireworks  
134 shall cooperate fully with the state fire marshal and the  
135 marshal's deputies during any such inspection. This  
136 inspection shall be performed during normal business hours.

137 16. In addition to any other penalty, any person who  
138 manufactures, sells, offers for sale, ships or causes to be  
139 shipped into or caused to be shipped into the state of  
140 Missouri, for use in Missouri, any items of fireworks  
141 without first having the required applicable permit shall be  
142 assessed a civil penalty of up to a one thousand dollar fine

143 for each day of operation up to a maximum of ten thousand  
144 dollars.

320.116. 1. The state fire marshal may revoke any  
2 permit issued pursuant to sections 320.106 to 320.161 upon  
3 evidence that the holder has violated any of the provisions  
4 of sections 320.106 to 320.161.

5 **2. The state fire marshal may revoke or suspend any**  
6 **permit issued under sections 320.106 to 320.161 upon**  
7 **evidence that the influence of alcohol, marijuana, or any**  
8 **illicit controlled substance is taking place by any permit**  
9 **holder, employee, or representative within the permitted**  
10 **location.**

11 **3. The state fire marshal may refuse to issue a**  
12 **license or permit to any applicant when the permit or**  
13 **license of the individual, corporation, or partner is under**  
14 **suspension or revocation. The state fire marshal may refuse**  
15 **to issue a license or permit to a person who is a partner,**  
16 **shareholder, manager, officer, spouse, or relative of the**  
17 **applicant or a party to the applicant or is in a position to**  
18 **obtain any financial gain if the application is granted**  
19 **during the period of suspension or revocation.**

20 **4. The state fire marshal, in his or her discretion,**  
21 **may refuse to issue a permit, for a period not to exceed**  
22 **three years, to a person whose permit has been revoked for**  
23 **the possession or sale of illegal fireworks, as referred to**  
24 **in section 320.136.**

25 **[3.] 5. The state fire marshal, the marshal's**  
26 **deputies, the marshal's designees or any authorized police**  
27 **or peace officer shall seize as contraband any illegal**  
28 **fireworks as defined pursuant to sections 320.106 to**  
29 **320.161. Such illegal fireworks seized in the enforcement**  
30 **of sections 320.106 to 320.161 shall be held in custody of**

31 the state fire marshal in proper storage facilities. The  
32 person surrendering the fireworks may bring an in rem  
33 proceeding in the circuit court of the county where the  
34 fireworks were seized. Upon hearing, the circuit court may  
35 authorize the return of all or part of the confiscated  
36 fireworks or the court may authorize and direct that such  
37 contraband fireworks be destroyed. If a proceeding is not  
38 brought within thirty days, the fireworks shall be destroyed  
39 by the state fire marshal. The state fire marshal shall  
40 seize, take, remove or cause to be removed, at the expense  
41 of the owner, all stocks of fireworks offered or exposed for  
42 sale, stored or held in violation of the provisions of  
43 sections 320.106 to 320.161. All costs, including any  
44 expenses incurred with the seizure, shall be the  
45 responsibility of the adjudicated party if case disposition  
46 is in the favor of the state fire marshal.

47 [4.] 6. Any person aggrieved by any official action of  
48 the state fire marshal affecting their permit status  
49 including revocation, suspension, failure to renew a permit,  
50 or refusal to grant a permit may seek a determination  
51 thereon by the administrative hearing commission pursuant to  
52 the provisions of section 621.045.

320.121. 1. The provisions of sections 320.106 to  
2 320.161 shall not be construed to abrogate or in any way  
3 affect the powers of the following political subdivisions to  
4 regulate or prohibit fireworks within its corporate limits:

- 5 (1) Any city, town, or village in this state; or
- 6 (2) Any county operating under a charter form of  
7 government.

8 2. It is unlawful for any manufacturer, distributor,  
9 wholesaler, [jobber] **annual retailer**, or seasonal retailer  
10 to sell or ship by common carrier fireworks to consumers

11 within the corporate limits of the following political  
12 subdivisions which prohibit the sale or possession of  
13 fireworks:

- 14 (1) Any city, town, or village in this state; or
- 15 (2) Any county operating under a charter form of  
16 government.

320.126. 1. Any person, entity, partnership,  
2 corporation, or association transporting display or  
3 proximate fireworks or display and proximate fireworks into  
4 the state of Missouri for the purpose of resale or to  
5 conduct a display shall be permitted by the state fire  
6 marshal as a distributor or manufacturer and have obtained  
7 applicable federal license or permit.

8 2. **If applicable, the** sale of display or proximate  
9 fireworks shall be limited to a holder of a federal license  
10 or permit and a distributor or manufacturer permit issued by  
11 the state fire marshal.

12 3. Possession of display or proximate fireworks for  
13 resale to holders of a permit for display or proximate  
14 fireworks shall be confined to holders of a state  
15 manufacturer or distributor permit and applicable federal  
16 license or permit.

17 4. Permits for display or proximate fireworks may be  
18 granted to municipalities, fair associations, amusement  
19 parks, organizations, persons, firms or corporations. Such  
20 permits may be granted upon application and approval by the  
21 state fire marshal or local fire service authorities of the  
22 community where the display is proposed to be held. All  
23 applications submitted for display or proximate fireworks  
24 permits must be submitted to the office of the state fire  
25 marshal a minimum of ten working days prior to the date of  
26 the event. The application shall be made on a form provided

27 or approved by the state fire marshal. Every such display  
28 shall be supervised, managed, or directed by a Missouri  
29 licensed operator, or pyrotechnic operator on site pursuant  
30 to subdivisions (11) and (18) of section 320.106 and shall  
31 be located, discharged, or fired so as in the opinion of the  
32 permitting authority, after proper inspection based on the  
33 most current edition of the National Fire Protection  
34 Association standards, NFPA 1123, 1124, and 1126, to not be  
35 hazardous to any person or property. After a permit has  
36 been granted, the sale, possession, use and distribution of  
37 fireworks for such display shall be lawful for that purpose  
38 only. A copy of all permits issued for display or proximate  
39 fireworks shall be forwarded by the permit holder to the  
40 state fire marshal's office. No permit granted hereunder  
41 shall be transferable and **each permit** shall apply to only  
42 one location. No holder of a manufacturer or distributor  
43 permit shall sell, barter, or transfer display or proximate  
44 fireworks to anyone not possessing an applicable permit or  
45 license.

46 5. Possession of display or proximate fireworks shall  
47 be limited to a holder of a display or proximate fireworks  
48 permit issued by the authority having jurisdiction where the  
49 display or proximate fireworks is proposed to be held or the  
50 state fire marshal or holder of a state manufacturer or  
51 distributor permit and applicable federal license or permit.

52 6. Before issuing any permit for a display or  
53 proximate fireworks, the municipality, fair association,  
54 amusement park, organization, firm, persons, or corporation  
55 making application therefor shall furnish proof of financial  
56 responsibility in an amount established by promulgated rule  
57 to the permitting authority in order to satisfy claims for  
58 damages to property or personal injuries arising out of any



59 act or omission on the part of such person, firm or  
60 corporation or any agent or employee thereof.

61 7. Any establishment, **venue, or shoot site** where  
62 **display or** proximate fireworks are to be discharged shall be  
63 inspected by the state fire marshal or local fire department  
64 having jurisdiction for compliance with **NFPA 1123 Code for**  
65 **Fireworks Display, NFPA 1126 Code Standard for the Use of**  
66 **Pyrotechnics Before a Proximate Audience, and** NFPA 101 Life  
67 Safety Code or equivalent nationally recognized code in  
68 relation to means of egress, occupancy load, and automatic  
69 sprinkler and fire alarm systems. All permits issued will  
70 be forwarded to the state fire marshal by the permit  
71 holder. Permits will be issued in the same manner as those  
72 required in this section.

320.131. 1. It is unlawful for any person to possess,  
2 sell or use within the state of Missouri, or ship into the  
3 state of Missouri, except as provided in section 320.126,  
4 any pyrotechnics commonly known as "fireworks" and defined  
5 as consumer fireworks in [subdivision (3) of] section  
6 320.106 other than items now or hereafter classified as  
7 fireworks UN0336, 1.4G by the United States Department of  
8 Transportation that comply with the construction, chemical  
9 composition, labeling and other regulations relative to  
10 consumer fireworks regulations promulgated by the United  
11 States Consumer Product Safety Commission and permitted for  
12 use by the general public pursuant to such commission's  
13 regulations.

14 2. No wholesaler, [jobber] **annual retailer**, or  
15 seasonal retailer, or any other person shall sell, offer for  
16 sale, store, display, or have in their possession any  
17 consumer fireworks that have not been approved as fireworks

18 UNO336, 1.4G by the United States Department of  
19 Transportation.

20 3. No [jobber] **annual retailer**, wholesaler,  
21 manufacturer, or distributor shall sell to seasonal retailer  
22 dealers, or any other person, in this state for the purpose  
23 of resale, or use, in this state, any consumer fireworks  
24 which do not have the numbers and letter "1.4G" printed  
25 within an orange, diamond-shaped label printed on or  
26 attached to the fireworks shipping carton.

27 4. This section does not prohibit a manufacturer,  
28 distributor or any other person possessing the proper  
29 permits as specified by state and federal law from storing,  
30 selling, shipping or otherwise transporting display or  
31 proximate fireworks.

32 5. Matches, toy pistols, toy canes, toy guns, party  
33 poppers, or other devices in which paper caps containing  
34 twenty-five hundredths grains or less of explosive compound,  
35 provided that they are so constructed that the hand cannot  
36 come into contact with the cap when in place for use, and  
37 toy pistol paper caps which contain less than twenty-five  
38 hundredths grains of explosive mixture shall be permitted  
39 for sale and use at all times and shall not be regulated by  
40 the provisions of sections 320.106 to 320.161.

320.141. Permissible items of consumer fireworks  
2 defined in section 320.131 may be sold at wholesale or  
3 retail by holders of [a jobber's] **an annual retailer** permit  
4 to [nonlicensed] **nonpermitted** buyers [from outside the state  
5 of Missouri] during a calendar year from the first day of  
6 January until the thirty-first day of December. Permissible  
7 items of consumer fireworks defined in section 320.131 may  
8 be sold at retail by holders of a seasonal retail permit  
9 during the selling periods of the twentieth day of June

10 through the tenth day of July and the twentieth day of  
11 December through the second day of January.

320.147. 1. A person selling or offering fireworks  
2 for sale or barter or trade shall permit the state fire  
3 marshal and the marshal's deputies to conduct inspections,  
4 based on the code of state regulations, of the business  
5 premises or any location where fireworks are stored, kept,  
6 or sold. Such person shall cooperate with such inspection  
7 or investigation. Failure to cooperate or refusal to allow  
8 an inspection shall result in suspension or revocation of  
9 the permittee's permit or refusal of a permit to be issued.  
10 Such inspection shall be performed during normal business  
11 hours.

12 2. All new construction of a building or structure or  
13 any substantial improvement of a building or structure shall  
14 submit a full set of architectural plans to the state fire  
15 marshal's office for review. The state fire marshal may  
16 accept local plan reviews of fireworks buildings or  
17 structures if the standards employed by local personnel are  
18 substantially equivalent to or greater than state standards  
19 and local personnel are available and trained in the  
20 enforcement of such standards.

320.151. 1. It is unlawful to attempt to sell or to  
2 sell at retail any fireworks to children under the age of  
3 fourteen years except when such child is in the presence of  
4 a parent or guardian.

5 2. It is unlawful for any person under the age of  
6 sixteen to sell fireworks or work in a facility where  
7 fireworks are stored, sold, or offered for sale unless  
8 supervised by an adult.

9 3. It is unlawful to explode or ignite consumer  
10 fireworks within six hundred feet of any church, hospital,

11 mental health facility, school, or within one hundred feet  
12 of any location where fireworks are stored, sold, or offered  
13 for sale.

14 4. No person shall ignite or discharge any permissible  
15 articles of consumer fireworks within or throw the same from  
16 a motorized vehicle including watercraft or any other means  
17 of transportation, except where display permit has been  
18 issued for a floating vessel or floating platform, nor shall  
19 any person place or throw any ignited article of fireworks  
20 into or at a motorized vehicle including watercraft or any  
21 other means of transportation, or at or near any person or  
22 group of people.

23 5. No person shall ignite or discharge consumer  
24 fireworks within three hundred feet of any permanent storage  
25 of ignitable liquid, gases, gasoline pump, gasoline filling  
26 station, or any nonpermanent structure where fireworks are  
27 stored, sold or offered for sale.

28 6. No items of explosive or pyrotechnic composition  
29 other than **consumer fireworks, display fireworks, or**  
30 **proximate** fireworks [as defined by subdivisions (3), (5),  
31 and (17) of section 320.106] shall be displayed, sold, or  
32 offered for sale within the applicable permit location as  
33 identified on such permit granted by the state fire marshal.

34 7. [Proximate fireworks shall not be allowed to be  
35 stored with consumer fireworks.]

36 8.] All storage and transportation of fireworks shall  
37 be in accordance with all federal and state rules and  
38 regulations.

39 [9.] 8. Nothing in sections 320.106 to 320.161 shall  
40 be construed to prevent permittees from demonstrating or  
41 testing fireworks. Any such demonstration or test shall

42 require the notification and approval of the local fire  
43 service or the state fire marshal.

320.371. 1. There is hereby created in the state  
2 treasury the "Cigarette Fire Safety Standard and Firefighter  
3 Protection Act Fund" which shall consist of moneys collected  
4 under sections **320.106 to 320.161 and sections** 320.350 to  
5 320.374. The fund shall be administered by the state fire  
6 marshal. Upon appropriation, moneys in the fund shall be  
7 made available to the state fire marshal to support fire  
8 safety and prevention programs.

9 2. Notwithstanding the provisions of section 33.080 to  
10 the contrary, any moneys remaining in the fund at the end of  
11 the biennium shall not revert to the credit of the general  
12 revenue fund.

13 3. The state treasurer shall invest moneys in the fund  
14 in the same manner as other funds are invested. Any  
15 interest and moneys earned on such investments shall be  
16 credited to the fund.

568.070. 1. A person commits the offense of unlawful  
2 transactions with a child if he or she:

3 (1) Being a pawnbroker, junk dealer, dealer in  
4 secondhand goods, or any employee of such person, with  
5 criminal negligence buys or receives any personal property  
6 other than agricultural products from an unemancipated  
7 minor, unless the child's custodial parent or guardian has  
8 consented in writing to the transaction; or

9 (2) Knowingly permits a minor child to enter or remain  
10 in a place where illegal activity in controlled substances,  
11 as defined in chapter 579, is maintained or conducted; or

12 (3) With criminal negligence sells blasting caps, bulk  
13 gunpowder, or explosives to a child under the age of  
14 seventeen, or fireworks as defined in section [320.110]

15 **320.106**, to a child under the age of fourteen, unless the  
16 child's custodial parent or guardian has consented in  
17 writing to the transaction. Criminal negligence as to the  
18 age of the child is not an element of this crime.

19 2. The offense of unlawful transactions with a child  
20 is a class B misdemeanor.

2 [320.146. 1. It shall be unlawful to  
3 expose fireworks to direct sunlight through  
4 glass to the merchandise displayed, except where  
5 the fireworks are in the original package. All  
6 fireworks which the public may examine shall be  
7 kept for sale in original packages, except where  
8 an attendant is on duty at all times where  
9 fireworks are offered for sale. Fireworks shall  
10 be kept in showcases out of the reach of the  
11 public when an attendant is not on duty. One or  
12 more signs reading, "FIREWORKS-NO SMOKING" shall  
13 be displayed at all places where fireworks are  
14 stored or sold in letters not less than four  
15 inches in height.

16 2. Fireworks shall not be manufactured,  
17 stored, kept or sold within fifty feet of any  
18 motor vehicle fuel dispensing station dispenser,  
19 retail propane dispensing station dispenser,  
20 compressed natural gas dispensing station  
21 dispenser, gasoline or propane bulk station, or  
22 any building in which gasoline or volatile  
23 liquids are sold in quantities in excess of one  
24 gallon. The provisions of this subsection shall  
25 not apply to stores where cleaners, paints, and  
26 oils are sold in the original containers to  
27 consumers.

28 3. It shall be unlawful to permit the  
29 presence of lighted cigars, cigarettes, pipes,  
30 or any other open flame within twenty-five feet  
31 of where fireworks are manufactured, stored,  
kept, or offered for sale.]

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