

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILLS NOS. 81 & 174

AN ACT

To repeal sections 49.266, 253.195, 320.106, 320.111, 320.116, 320.121, 320.126, 320.131, 320.141, 320.151, 320.371, and 568.070, RSMo, and to enact in lieu thereof fourteen 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253.195, 320.106, 320.111, 320.116, 320.121, 320.126, 320.131, 320.141, 320.151, 320.371, and 568.070, RSMo, are repealed and fourteen new sections enacted in lieu thereof, to be known as sections 49.266, 253.195, 320.106, 320.111, 320.116, 320.121, 320.126, 320.127, 320.131, 320.141, 320.147, 320.151, 320.371, and 568.070, to read as follows:

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

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

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

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

(2) The U.S. Drought Monitor has designated the county as an area of severe, extreme, or exceptional drought, the

county commission may adopt an order or ordinance issuing a burn ban, which may carry a penalty of up to a class A misdemeanor. State agencies responsible for fire management or suppression activities and persons conducting agricultural burning using best management practices shall not be subject to the provisions of this subsection. The ability of an individual, organization, or corporation to sell fireworks shall not be affected by the issuance of a burn ban. The county burn ban may prohibit the explosion or ignition of any missile or skyrocket as the terms "missile" and "skyrocket" are defined by the [2012] 2022 edition of the American Fireworks Standards Laboratory (AFSL), but shall not ban the explosion or ignition of any other consumer fireworks as the term "consumer fireworks" is defined under section 320.106.

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

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

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

(1) "American Pyrotechnics Association (APA), Standard 87-1", a voluntary standard, or subsequent standard [which] that may amend or supersede this standard for manufacturers, importers, and distributors of fireworks, in which fireworks classifications are assigned based upon the weight and type of chemical composition contained for each specific type of device including, but not limited to, specific permissible

and restricted chemicals. Such standard shall be construed to include the following APA standards:

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

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

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

As used in this chapter, the current editions of APA 87-1 are controlling. Any future editions or amendments to future editions adopted related to standards contained in APA 87-1 by the American Pyrotechnics Association shall only be in effect upon formal review of the fire marshal's office and promulgation of rules under their rulemaking authority as set out in this chapter and chapter 536;

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

(3) "Articles pyrotechnic", devices containing compositions, which produce a visual and audible effect primarily used in the entertainment and technical training/development industries, that comply with the limits and requirements of APA Standard 87-1C and that may not be offered for sale to the general public;

(4) "Chemical composition", all pyrotechnic and explosive composition formulations contained in fireworks devices as defined in American Pyrotechnics Association (APA), Standard 87-1;

[(3)] (5) "Consumer fireworks", explosive and pyrotechnic devices designed for sale and use by the general public that conform with requirements set forth by the United States Consumer Product Safety Commission (CPSC) and designed primarily to produce visible or audible effects by combustion [and includes] including, but not limited to, aerial devices [and], ground devices, [all of which are classified as fireworks, UN0336, within 49 CFR Part 172] fuses, and novelties in compliance with APA Standard 87-1A;

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

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

(8) "Display before a proximate audience", the discharge or use of fireworks or special effects before a proximate audience or in any indoor setting, in accordance with the guidelines established by NFPA 1126: Code Standard for the Use of Pyrotechnics Before a Proximate Audience;

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

[(7)] (10) "Display site", the immediate area where a fireworks display is conducted, including the discharge site, the fallout area, and the required separation distance

from mortars to spectator viewing areas, but not spectator viewing areas or vehicle parking areas;

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

[(9)] (12) "Fireworks", any composition or device for producing a visible[, audible, or both visible and] or an audible effect for entertainment purposes by combustion, deflagration, or detonation and that meets the definition of consumer[, proximate,] fireworks, articles pyrotechnic, or display fireworks as set forth [by 49 CFR Part 171 to end, United States Department of Transportation hazardous materials regulations] in this section;

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

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

(14) "Flame effect", the combustion of solids, liquids, or gases using atmospheric oxygen to produce

thermal, physical, visual, or audible phenomena before an audience;

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

[(12)] (16) "Licensed display operator", any person who supervises, manages, or directs the discharge of outdoor display fireworks or articles pyrotechnic, either by manual or electrical means; who has met additional requirements established by promulgated rule and has successfully completed a display fireworks training course recognized and approved by the state fire marshal;

(17) "Licensed pyrotechnic effects operator", an individual who has responsibility for pyrotechnic safety and who controls, initiates, or otherwise creates special effects or uses fireworks or pyrotechnic material before a proximate audience or in any indoor setting and who has met additional requirements established by promulgated rules and has successfully completed a proximate audience training course recognized and approved by the state fire marshal;

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

[(14)] (19) "NFPA", National Fire Protection Association, an international codes and standards organization;

As used in chapter 320, the current editions of NFPA 1123, NFPA 1124, and NFPA 1126 are controlling. Any future editions or amendments to future editions adopted related to

standards contained in NFPA 1123, NFPA 1124, or NFPA 1126 by the National Fire Protection Association shall only be in effect upon formal review of the fire marshal's office and promulgation of rules under their rulemaking authority as set out in this chapter and chapter 536;

(20) "Outdoor fireworks display", a presentation of fireworks before a public audience in accordance with the guidelines established by NFPA 1123: Code for Fireworks Display;

[(15)] (21) "Permanent structure", buildings and structures with permanent foundations other than tents, mobile homes, stands, and trailers;

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

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

[(18) "Proximate fireworks", a chemical mixture used in the entertainment industry to produce visible or audible effects by combustion, deflagration, or detonation, as classified within 49 CFR Part 172 as UN0431 or UN0432;

(19) "Pyrotechnic operator" or "special effects operator", an individual who has responsibility for pyrotechnic safety and who controls, initiates, or otherwise creates special effects for proximate fireworks and who has met additional requirements established by promulgated rules and has successfully completed a proximate fireworks training course recognized and approved by the state fire marshal;]

(24) "Proximate audience", an audience closer to pyrotechnic devices than permitted by NFPA 1123: Code for Fireworks Display;

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

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

(27) "Substantial damage", damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent of the market value of the structure before the damage occurred;

(28) "Substantial improvement", any repair, reconstruction, rehabilitation, alteration, addition, or other improvement of a building or structure, the cost of which equals or exceeds fifty percent of the market value of the structure before the improvement or repair is started. If the structure has substantial damage, any repairs are considered improvement regardless of the actual repair work performed. The term shall not include either of the following:

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

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

[(22)] (29) "Wholesaler", any person engaged in the business of making sales of consumer fireworks to any other

person engaged in the business of making sales of consumer fireworks at retail within the state of Missouri.

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

2. The state fire marshal has the authority and is authorized and directed to issue permits for the sale of fireworks. No permit shall be issued to a person under the age of eighteen years. All permits except for seasonal retailers shall be for the calendar year or any fraction thereof and shall expire on the thirty-first day of December of each year.

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

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

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

6. The state fire marshal is authorized [and directed to charge the following] to assess permit and licensing fees for permits and licenses:

(1) Manufacturer, a fee of [seven hundred seventy-five] one thousand dollars per calendar year;

(2) Distributor, a fee of [seven hundred seventy-five] one thousand dollars per calendar year;

(3) Wholesaler, a fee of [two hundred seventy-five] fire hundred dollars per calendar year;

(4) [Jobber] Annual retailer, a fee of [five] seven hundred [twenty-five] fifty dollars per calendar year per sales location;

(5) Seasonal retailer, a fee of [fifty] one hundred dollars per calendar year per sales location;

(6) [Display] Outdoor fireworks display permit, a fee of one hundred dollars per calendar year per location;

(7) [Proximate fireworks display permit] Display before proximate audience, a fee of one hundred dollars per calendar year per location;

(8) [Licensed] Display operator license, a fee of one hundred dollars for a three-year license;

(9) Pyrotechnic effects operator license, a fee of one hundred dollars for a three-year license.

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

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

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

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

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

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

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

11. The state fire marshal is charged with the enforcement of the provisions of sections 320.106 to 320.161 and may call upon any state, county or city peace officer for assistance in the enforcement of the provisions of sections 320.106 to 320.161. The state fire marshal may promulgate rules pursuant to the requirements of this section and chapter 536 necessary to carry out his or her responsibilities under this act including rules requiring training, examination, and licensing of licensed display operators and pyrotechnic effects operators engaging in or responsible for the handling and use of display fireworks

and [proximate fireworks] articles pyrotechnic. The test shall incorporate the rules of the state fire marshal, which shall be based upon nationally recognized standards. No rule or portion of a rule promulgated pursuant to this chapter shall become effective unless it has been promulgated pursuant to the provisions of chapter 536.

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

13. A holder of a distributor, wholesaler, or [jobber's] annual retailer's permit shall be required to operate out of a permanent structure in compliance with all applicable building and fire regulations in the city or county in which said person is operating a fireworks business. Seasonal retail permit locations shall be in compliance with all applicable building and fire regulations. The applicant may be subject to a fire safety inspection by the state fire marshal based upon promulgated rules and regulations adopted by the state fire marshal.

14. It is unlawful for any manufacturer, distributor, wholesaler, or [jobber] annual retailer to sell consumer fireworks to a seasonal retailer who has not acquired an appropriate permit from the state fire marshal for the current permit period. A seasonal retailer shall acquire and present the appropriate permit from the state fire marshal before any manufacturer, distributor, wholesaler or [jobber] annual retailer is allowed to sell consumer fireworks to such seasonal retailer, provided that such

seasonal retailer is purchasing the consumer fireworks for resale in this state.

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

16. In addition to any other penalty, any person who manufactures, sells, offers for sale, ships or causes to be shipped into or caused to be shipped into the state of Missouri, for use in Missouri, any items of fireworks without first having the required applicable permit shall be assessed a civil penalty of up to a one thousand dollar fine for each day of operation up to a maximum of ten thousand dollars.

320.116. 1. The state fire marshal may revoke any permit or license issued pursuant to sections 320.106 to 320.161 upon evidence that the holder has willfully violated any of the provisions of sections 320.106 to 320.161. If a holder of a permit has multiple permitted locations, any suspension or revocation shall only apply to the permitted location where the violation resulting in suspension or revocation occurred.

2. The state fire marshal may refuse to issue a license or permit to any applicant when the permit or license of the individual, corporation, or partner is under suspension or revocation. The state fire marshal may refuse to issue a license or permit to a person who is a partner, shareholder, manager, officer, spouse, or relative of the applicant or a party to the applicant.

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

[3.] 4. The state fire marshal, the marshal's deputies, the marshal's designees or any authorized police or peace officer shall seize as contraband any illegal fireworks as defined pursuant to sections 320.106 to 320.161. Such illegal fireworks seized in the enforcement of sections 320.106 to 320.161 shall be held in custody of the state fire marshal in proper storage facilities. The person surrendering the fireworks may bring an in rem proceeding in the circuit court of the county where the fireworks were seized. Upon hearing, the circuit court may authorize the return of all or part of the confiscated fireworks or the court may authorize and direct that such contraband fireworks be destroyed. If a proceeding is not brought within thirty days, the fireworks shall be destroyed by the state fire marshal. The state fire marshal shall seize, take, remove or cause to be removed, at the expense of the owner, all stocks of fireworks offered or exposed for sale, stored or held in violation of the provisions of sections 320.106 to 320.161. All costs, including any expenses incurred with the seizure, shall be the responsibility of the adjudicated party if case disposition is in the favor of the state fire marshal.

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

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

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

2. It is unlawful for any manufacturer, distributor, wholesaler, [jobber] annual retailer, or seasonal retailer to sell or ship by common carrier fireworks to consumers within the corporate limits of the following political subdivisions which prohibit the sale or possession of fireworks:

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

320.126. 1. Any person, entity, partnership, corporation, or association transporting display fireworks or [proximate fireworks] articles pyrotechnic or display fireworks and [proximate fireworks] articles pyrotechnic into the state of Missouri for the purpose of resale [or to conduct a display] shall be permitted by the state fire marshal as a distributor or manufacturer and have obtained any applicable federal license or permit.

2. [Sale of display or proximate fireworks shall be limited to a holder of a federal license or permit and a distributor or manufacturer permit issued by the state fire marshal] Only holders of a state issued manufacturer or distributor permit shall be allowed to sell display fireworks and articles pyrotechnic within the state of Missouri. A permitted manufacturer or distributor may sell display fireworks and articles pyrotechnic only to those persons who maintain either a state issued manufacturer or distributor permit or a valid state issued display operator

license or pyrotechnic effect operator license. For the sale of display fireworks, proof of any required federal license or permit shall be required prior to finalizing any sell or transfer.

3. Possession of display [or proximate fireworks for resale to holders of a permit for display or proximate] fireworks or articles pyrotechnic shall be confined to holders of a state manufacturer or distributor permit [and applicable federal license or permit] or holders or either a valid state issued display operator license or pyrotechnic effect operator license. For possession of display fireworks, proof of any required federal license or permit shall be maintained by the possessor.

4. [Permits for display or proximate fireworks may be granted to municipalities, fair associations, amusement parks, organizations, persons, firms or corporations. Such permits may be granted upon application and approval by the state fire marshal or local fire service authorities of the community where the display is proposed to be held. All applications submitted for display or proximate fireworks permits must be submitted to the office of the state fire marshal a minimum of ten working days prior to the date of the event. The application shall be made on a form provided or approved by the state fire marshal. Every such display shall be supervised, managed, or directed by a Missouri licensed operator, or pyrotechnic operator on site pursuant to subdivisions (11) and (18) of section 320.106 and shall be located, discharged, or fired so as in the opinion of the permitting authority, after proper inspection based on the most current edition of the National Fire Protection Association standards, NFPA 1123, 1124, and 1126, to not be hazardous to any person or property. After a permit has been granted, the sale, possession, use and distribution of

fireworks for such display shall be lawful for that purpose only. A copy of all permits issued for display or proximate fireworks shall be forwarded by the permit holder to the state fire marshal's office. No permit granted hereunder shall be transferable and shall apply to only one location. No holder of a manufacturer or distributor permit shall sell, barter, or transfer display or proximate fireworks to anyone not possessing an applicable permit or license.

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

6. Before issuing any permit for a display or proximate fireworks, the municipality, fair association, amusement park, organization, firm, persons, or corporation making application therefor shall furnish proof of financial responsibility in an amount established by promulgated rule to the permitting authority in order to satisfy claims for damages to property or personal injuries arising out of any act or omission on the part of such person, firm or corporation or any agent or employee thereof.

7. Any establishment where proximate fireworks are to be discharged shall be inspected by the state fire marshal or local fire department having jurisdiction for compliance with NFPA 101 Life Safety Code or equivalent nationally recognized code in relation to means of egress, occupancy load, and automatic sprinkler and fire alarm systems. All permits issued will be forwarded to the state fire marshal by the permit holder. Permits will be issued in the same manner as those required in this section] This section shall not be construed to prohibit a holder of a manufacturer or

distributor permit from transporting or selling display fireworks or articles pyrotechnic to persons who are not residents of this state.

320.127. 1. Permits for outdoor fireworks displays or displays before a proximate audience may be granted to municipalities, fair associations, amusement parks, organizations, persons, firms, or corporations. Such permits may be granted upon application and approval by the state fire marshal or local fire service authorities of the community where the outdoor fireworks display or the display before a proximate audience is proposed to be held. All applications submitted to the state fire marshal for an outdoor fireworks display permit or a display before a proximate audience permit shall be submitted to the office of the state fire marshal a minimum of ten working days prior to the date of the event. The application shall be made on a form provided or approved by the state fire marshal. Every such outdoor fireworks display or display before a proximate audience shall be supervised, managed, or directed by a Missouri licensed display operator, or pyrotechnic effects operator on site and shall be located, discharged, or fired so as in the opinion of the permitting authority, after proper inspection based on the National Fire Protection Association standards, NFPA 1123, 1124, and 1126, to not be hazardous to any person or property. A copy of all permits issued for outdoor fireworks displays or displays before a proximate audience issued by a local fire service authority shall be forwarded by the permit holder to the state fire marshal's office upon request. No permit granted hereunder shall be transferable and each permit shall apply to only one location.

2. Before issuing any permit for outdoor fireworks display or a display before a proximate audience, the

municipality, fair association, amusement park, organization, firm, persons, or corporation making application therefore shall furnish proof of financial responsibility in an amount established by promulgated rule to the permitting authority in order to satisfy claims for damages to property or personal injuries arising out of any act or omission on the part of such person, firm, or corporation or any agent or employee thereof.

3. Any establishment, venue, or shoot site where an outdoor fireworks display or a display before a proximate audience is to take place shall be inspected by the state fire marshal or local fire department having jurisdiction for compliance with NFPA 1123 Code for Fireworks Display, NFPA 1126 Code for the Use of Pyrotechnics Before a Proximate Audience, and NFPA 101 Life Safety Code or equivalent nationally recognized code in relation to means of egress, occupancy load, and automatic sprinkler and fire alarm systems. All permits issued shall be forwarded to the state fire marshal by the permit holder, upon the state fire marshal's request. Permits shall be issued in the same manner as those required in this section.

4. Notwithstanding any provisions of this section to the contrary, a holder of a valid state issued display operator license conducting a private outdoor firework display for a non-commercial purpose shall not be subject to the permitting requirements in subsections 1 through 3 of this section; provided, however, that all such non-commercial, private outdoor firework displays shall be conducted in compliance with NFPA 1123. For the purposes of this section, "non-commercial purpose" shall mean not connected with or engaged in for a commercial purpose or in exchange for any monetary consideration.

320.131. 1. It is unlawful for any person to possess, sell or use within the state of Missouri, or ship into the state of Missouri, except as provided in section 320.126, any pyrotechnics commonly known as "fireworks" and defined as consumer fireworks in [subdivision (3) of] section 320.106 [other than items now or hereafter classified as fireworks UNO336, 1.4G by the United States Department of Transportation] that comply with the construction, chemical composition, labeling and other regulations relative to consumer fireworks regulations promulgated by the United States Consumer Product Safety Commission and permitted for use by the general public pursuant to such commission's regulations.

2. No wholesaler, [jobber] annual retailer, or seasonal retailer, or any other person shall sell, offer for sale, store, display, or have in their possession any consumer fireworks [that have not been approved as fireworks UNO336, 1.4G by the United States Department of Transportation] that do not comply with the construction, chemical composition, labeling, and other regulations relative to consumer fireworks regulations promulgated by the United States Consumer Product Safety Commission and permitted for use by the general public pursuant to such commission's regulations.

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

4.] This section does not prohibit a manufacturer, distributor or any other person possessing the proper

permits as specified by state and federal law from storing, selling, shipping or otherwise transporting display fireworks or [proximate fireworks] articles pyrotechnic.

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

320.141. Permissible items of consumer fireworks defined in section 320.131 may be sold at wholesale or retail by holders of [a jobber's] an annual retailer permit to [nonlicensed] nonpermitted buyers [from outside the state of Missouri] during a calendar year from the first day of January until the thirty-first day of December. Permissible items of consumer fireworks defined in section 320.131 may be sold at retail by holders of a seasonal retail permit during the selling periods of the twentieth day of June through the tenth day of July and the twentieth day of December through the second day of January.

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

Such inspection shall be performed during normal business hours.

2. All new construction or substantial improvements of a permanent structure shall be constructed with all applicable building codes or fire codes adopted by the local political subdivision to whom has authority over such matter. All new construction or substantial improvements of a permanent structure located in a jurisdiction without a local building code or fire code shall submit a full set of construction plans to the state fire marshal for review. The state fire marshal may review such plans for compliance with fire protection standards and issue recommendations.

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

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

3. It is unlawful to explode or ignite consumer fireworks within six hundred feet of any church, hospital, mental health facility, school, or within one hundred feet of any location where fireworks are stored, sold, or offered for sale.

4. No person shall ignite or discharge any permissible articles of consumer fireworks within or throw the same from a motorized vehicle including watercraft or any other means of transportation, except where display permit has been issued for a floating vessel or floating platform, nor shall any person place or throw any ignited article of fireworks into or at a motorized vehicle including watercraft or any

other means of transportation, or at or near any person or group of people.

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

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

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

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

[9.] 8. Nothing in sections 320.106 to 320.161 shall be construed to prevent permittees from demonstrating or testing fireworks. Any such demonstration or test shall require the notification and approval of the local fire service or the state fire marshal.

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

2. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of

the biennium shall not revert to the credit of the general revenue fund.

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

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

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

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

(3) With criminal negligence sells blasting caps, bulk gunpowder, or explosives to a child under the age of seventeen, or fireworks as defined in section [320.110] 320.106, to a child under the age of fourteen, unless the child's custodial parent or guardian has consented in writing to the transaction. Criminal negligence as to the age of the child is not an element of this crime.

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