

FIRST REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR

# SENATE BILLS NOS. 81 & 174

103RD GENERAL ASSEMBLY

0805S.02C

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, 320.151, 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,  
2 320.116, 320.121, 320.126, 320.131, 320.141, 320.151, 320.371,  
3 and 568.070, RSMo, are repealed and fourteen new sections  
4 enacted in lieu thereof, to be known as sections 49.266,  
5 253.195, 320.106, 320.111, 320.116, 320.121, 320.126, 320.127,  
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.**

(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]

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

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

33 (3) "Articles pyrotechnic", devices containing  
34 compositions, which produce a visual and audible effect  
35 primarily used in the entertainment and technical

36 training/development industries, that comply with the limits  
37 and requirements of APA Standard 87-1C and that may not be  
38 offered for sale to the general public;

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

43 [(3)] (5) "Consumer fireworks", explosive and  
44 pyrotechnic devices designed for sale and use by the general  
45 public that conform with requirements set forth by the  
46 United States Consumer Product Safety Commission (CPSC) and  
47 designed primarily to produce visible or audible effects by  
48 combustion [and includes] including, but not limited to,  
49 aerial devices [and], ground devices, [all of which are  
50 classified as fireworks, UN0336, within 49 CFR Part 172]  
51 fuses, and novelties in compliance with APA Standard 87-1A;

52 [(4)] (6) "Discharge site", the area immediately  
53 surrounding the fireworks mortars used for an outdoor  
54 fireworks display;

55 [(5)] (7) "Dispenser", a device designed for the  
56 measurement and delivery of liquids as fuel;

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

62 [(6)] (9) "Display fireworks", [explosive] devices  
63 [designed primarily to produce visible or audible effects by  
64 combustion, deflagration or detonation. This term includes  
65 devices containing more than two grains (130 mg) of  
66 explosive composition intended for public display. These  
67 devices are classified as fireworks, UN0333 or UN0334 or

68 UNO335, within 49 CFR Part 172] **containing chemical**  
69 **compositions that are intended for use in professional**  
70 **firework shows, designed to produce visible or audible**  
71 **effects, and comply with the limits and requirements of APA**  
72 **Standard 87-1B;**

73 [(7)] (10) "Display site", the immediate area where a  
74 fireworks display is conducted, including the discharge  
75 site, the fallout area, and the required separation distance  
76 from mortars to spectator viewing areas, but not spectator  
77 viewing areas or vehicle parking areas;

78 [(8)] (11) "Distributor", any person engaged in the  
79 business of selling fireworks to wholesalers, [jobbers]  
80 **annual retailers**, seasonal retailers, other persons, or  
81 governmental bodies that possess the necessary permits as  
82 specified in sections 320.106 to 320.161[, including any  
83 person that imports any fireworks of any kind in any manner  
84 into the state of Missouri];

85 [(9)] (12) "Fireworks", any composition or device for  
86 producing a visible[, audible, or both visible and] **or an**  
87 **audible effect for entertainment purposes** by combustion,  
88 deflagration, or detonation and that meets the definition of  
89 consumer[, proximate,] **fireworks, articles pyrotechnic**, or  
90 display fireworks as set forth [by 49 CFR Part 171 to end,  
91 United States Department of Transportation hazardous  
92 materials regulations] **in this section;**

93 [(10)] (13) "Fireworks season", the period beginning  
94 on the twentieth day of June and continuing through the  
95 tenth day of July of the same year and the period beginning  
96 on the twentieth day of December and continuing through the  
97 second day of January of the next year, which shall be the  
98 only periods of time that seasonal retailers may be  
99 permitted to sell consumer fireworks;

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

106           (14) "Flame effect", the combustion of solids,  
107 liquids, or gases using atmospheric oxygen to produce  
108 thermal, physical, visual, or audible phenomena before an  
109 audience;

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

116           [(12)] (16) "Licensed **display** operator", any person  
117 who supervises, manages, or directs the discharge of outdoor  
118 display fireworks **or articles pyrotechnic**, either by manual  
119 or electrical means; who has met additional requirements  
120 established by promulgated rule and has successfully  
121 completed a display fireworks training course recognized and  
122 approved by the state fire marshal;

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

131           [(13)] (18) "Manufacturer", any person engaged in the  
132 making, manufacture, assembly, **altering**, or construction of  
133 fireworks of any kind within the state of Missouri **for the**  
134 **purpose of selling or distributing;**

135           [(14)] (19) "NFPA", National Fire Protection  
136 Association, an international codes and standards  
137 organization;

138 **As used in chapter 320, the current editions of NFPA 1123,**  
139 **NFPA 1124, and NFPA 1126 are controlling. Any future**  
140 **editions or amendments to future editions adopted related to**  
141 **standards contained in NFPA 1123, NFPA 1124, or NFPA 1126 by**  
142 **the National Fire Protection Association shall only be in**  
143 **effect upon formal review of the fire marshal's office and**  
144 **promulgation of rules under their rulemaking authority as**  
145 **set out in this chapter and chapter 536;**

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

150           [(15)] (21) "Permanent structure", buildings and  
151 structures with permanent foundations other than tents,  
152 mobile homes, **stands**, and trailers;

153           [(16)] (22) "Permit", the written authority of the  
154 state fire marshal issued pursuant to sections 320.106 to  
155 320.161 to sell, possess, manufacture, discharge, or  
156 distribute fireworks;

157           [(17)] (23) "Person", any corporation, association,  
158 partnership or individual or group thereof;

159           [(18)] "Proximate fireworks", a chemical mixture used  
160 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.

193 If the structure has substantial damage, any repairs are  
194 considered improvement regardless of the actual repair work  
195 performed. The term shall not include either of the  
196 following:

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

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

204 [(22)] (29) "Wholesaler", any person engaged in the  
205 business of making sales of consumer fireworks to any other  
206 person engaged in the business of making sales of consumer  
207 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] permit** to the  
31 **[licensee] permittee** or 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 for permits **and licenses**:

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

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

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

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

48 (5) Seasonal retailer, a fee of **[fifty] one hundred**  
49 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**

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

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

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

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

110           13. A holder of a distributor, wholesaler, or  
111 [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

144 assessed a civil penalty of up to a one thousand dollar fine  
145 for each day of operation up to a maximum of ten thousand  
146 dollars.

320.116. 1. The state fire marshal may revoke any  
2 permit **or license** issued pursuant to sections 320.106 to  
3 320.161 upon evidence that the holder has **willfully** violated  
4 any of the provisions of sections 320.106 to 320.161. **If a**  
5 **holder of a permit has multiple permitted locations, any**  
6 **suspension or revocation shall only apply to the permitted**  
7 **location where the violation resulting in suspension or**  
8 **revocation occurred.**

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

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

21 **[3.] 4.** The state fire marshal, the marshal's  
22 deputies, the marshal's designees or any authorized police  
23 or peace officer shall seize as contraband any illegal  
24 fireworks as defined pursuant to sections 320.106 to  
25 320.161. Such illegal fireworks seized in the enforcement  
26 of sections 320.106 to 320.161 shall be held in custody of  
27 the state fire marshal in proper storage facilities. The  
28 person surrendering the fireworks may bring an in rem  
29 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:

- 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 **fireworks**  
3 or [proximate fireworks] **articles pyrotechnic** or display  
4 **fireworks** and [proximate fireworks] **articles pyrotechnic**  
5 into the state of Missouri for the purpose of resale [or to  
6 conduct a display] shall be permitted by the state fire  
7 marshal as a distributor or manufacturer and have obtained  
8 **any** applicable federal license or permit.

9           2. [Sale of display or proximate fireworks shall be  
10 limited to a holder of a federal license or permit and a  
11 distributor or manufacturer permit issued by the state fire  
12 marshal] **Only holders of a state issued manufacturer or**  
13 **distributor permit shall be allowed to sell display**  
14 **fireworks and articles pyrotechnic within the state of**  
15 **Missouri. A permitted manufacturer or distributor may sell**  
16 **display fireworks and articles pyrotechnic only to those**  
17 **persons who maintain either a state issued manufacturer or**  
18 **distributor permit or a valid state issued display operator**  
19 **license or pyrotechnic effect operator license. For the**  
20 **sale of display fireworks, proof of any required federal**  
21 **license or permit shall be required prior to finalizing any**  
22 **sell or transfer.**

23           3. Possession of display [or proximate fireworks for  
24 resale to holders of a permit for display or proximate]  
25 fireworks **or articles pyrotechnic** shall be confined to  
26 holders of a state manufacturer or distributor permit [and  
27 applicable federal license or permit] **or holders or either a**  
28 **valid state issued display operator license or pyrotechnic**  
29 **effect operator license. For possession of display**

30 fireworks, proof of any required federal license or permit  
31 shall be maintained by the possessor.

32 4. [Permits for display or proximate fireworks may be  
33 granted to municipalities, fair associations, amusement  
34 parks, organizations, persons, firms or corporations. Such  
35 permits may be granted upon application and approval by the  
36 state fire marshal or local fire service authorities of the  
37 community where the display is proposed to be held. All  
38 applications submitted for display or proximate fireworks  
39 permits must be submitted to the office of the state fire  
40 marshal a minimum of ten working days prior to the date of  
41 the event. The application shall be made on a form provided  
42 or approved by the state fire marshal. Every such display  
43 shall be supervised, managed, or directed by a Missouri  
44 licensed operator, or pyrotechnic operator on site pursuant  
45 to subdivisions (11) and (18) of section 320.106 and shall  
46 be located, discharged, or fired so as in the opinion of the  
47 permitting authority, after proper inspection based on the  
48 most current edition of the National Fire Protection  
49 Association standards, NFPA 1123, 1124, and 1126, to not be  
50 hazardous to any person or property. After a permit has  
51 been granted, the sale, possession, use and distribution of  
52 fireworks for such display shall be lawful for that purpose  
53 only. A copy of all permits issued for display or proximate  
54 fireworks shall be forwarded by the permit holder to the  
55 state fire marshal's office. No permit granted hereunder  
56 shall be transferable and shall apply to only one location.  
57 No holder of a manufacturer or distributor permit shall  
58 sell, barter, or transfer display or proximate fireworks to  
59 anyone not possessing an applicable permit or license.

60 5. Possession of display or proximate fireworks shall  
61 be limited to a holder of a display or proximate fireworks

62 permit issued by the authority having jurisdiction where the  
63 display or proximate fireworks is proposed to be held or the  
64 state fire marshal or holder of a state manufacturer or  
65 distributor permit and applicable federal license or permit.

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

75 7. Any establishment where proximate fireworks are to  
76 be discharged shall be inspected by the state fire marshal  
77 or local fire department having jurisdiction for compliance  
78 with NFPA 101 Life Safety Code or equivalent nationally  
79 recognized code in relation to means of egress, occupancy  
80 load, and automatic sprinkler and fire alarm systems. All  
81 permits issued will be forwarded to the state fire marshal  
82 by the permit holder. Permits will be issued in the same  
83 manner as those required in this section] **This section shall**  
84 **not be construed to prohibit a holder of a manufacturer or**  
85 **distributor permit from transporting or selling display**  
86 **fireworks or articles pyrotechnic to persons who are not**  
87 **residents of this state.**

320.127. 1. **Permits for outdoor fireworks displays or**  
2 **displays before a proximate audience may be granted to**  
3 **municipalities, fair associations, amusement parks,**  
4 **organizations, persons, firms, or corporations. Such**  
5 **permits may be granted upon application and approval by the**  
6 **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.

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

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

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 UN0336, 1.4G by the United States Department of  
19 Transportation] **that do not comply with the construction,**  
20 **chemical composition, labeling, and other regulations**  
21 **relative to consumer fireworks regulations promulgated by**  
22 **the United States Consumer Product Safety Commission and**  
23 **permitted for use by the general public pursuant to such**  
24 **commission's regulations.**

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

32 4.] This section does not prohibit a manufacturer,  
33 distributor or any other person possessing the proper  
34 permits as specified by state and federal law from storing,  
35 selling, shipping or otherwise transporting display  
36 **fireworks** or [proximate fireworks] **articles pyrotechnic.**

37 [5.] 4. Matches, toy pistols, toy canes, toy guns,  
38 party poppers, or other devices in which paper caps  
39 containing twenty-five hundredths grains or less of  
40 explosive compound, provided that they are so constructed

41 that the hand cannot come into contact with the cap when in  
42 place for use, and toy pistol paper caps which contain less  
43 than twenty-five hundredths grains of explosive mixture  
44 shall be permitted for sale and use at all times and shall  
45 not be regulated by the provisions of sections 320.106 to  
46 320.161.

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 or substantial improvements of**  
13 **a permanent structure shall be constructed with all**  
14 **applicable building codes or fire codes adopted by the local**  
15 **political subdivision to whom has authority over such**

16 **matter. All new construction or substantial improvements of**  
17 **a permanent structure located in a jurisdiction without a**  
18 **local building code or fire code shall submit a full set of**  
19 **construction plans to the state fire marshal for review.**  
20 **The state fire marshal may review such plans for compliance**  
21 **with fire protection standards and issue recommendations.**

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

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

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.

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