

James A. Dunnigan proposes the following substitute bill:

**Fireworks Modifications**  
 2025 GENERAL SESSION  
 STATE OF UTAH  
**Chief Sponsor: James A. Dunnigan**  
 Senate Sponsor: Luz Escamilla

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**LONG TITLE**

**General Description:**

This bill amends provisions related to fireworks.

**Highlighted Provisions:**

This bill:

- replaces incorrect terms related to fireworks; and
- makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**11-3-10**, as last amended by Laws of Utah 2023, Chapter 34

**53-7-204**, as last amended by Laws of Utah 2021, Chapter 237

**53-7-225**, as last amended by Laws of Utah 2024, Chapters 128, 438

**53-7-225.1**, as enacted by Laws of Utah 2018, Chapter 189

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **11-3-10** is amended to read:

**11-3-10 . Exemptions -- Limitation on chapter.**

- (1) This chapter does not apply to [~~class A, class B, and class C explosives that are~~] a division 1.1G explosive, a division 1.2G explosive, a division 1.3G explosive, or a division 1.4G explosive that is not for use in [Utah] the state, but [are] is manufactured, stored, warehoused, or in transit for destinations outside of [Utah] the state.
- (2) This chapter does not supersede Section 23A-2-208, regarding use of fireworks and explosives by the Division of Wildlife Resources and federal game agents.

30 (3) Provided that the display operators are properly licensed as required by Section 53-7-223,  
31 municipalities and counties for the unincorporated areas within the county may conduct,  
32 permit, or regulate:

- 33 (a) exhibitions of display fireworks; or
- 34 (b) pyrotechnic displays held inside public buildings.

35 Section 2. Section **53-7-204** is amended to read:

36 **53-7-204 . Duties of Utah Fire Prevention Board -- Unified Code Analysis**

37 **Council -- Local administrative duties.**

38 (1) The board shall:

- 39 (a) administer the state fire code as the standard in the state;
- 40 (b) subject to the state fire code, make rules in accordance with Title 63G, Chapter 3,  
41 Utah Administrative Rulemaking Act:
  - 42 (i) establishing standards for the prevention of fire and for the protection of life and  
43 property against fire and panic in any:
    - 44 (A) publicly owned building, including all public and private schools, colleges,  
45 and university buildings;
    - 46 (B) building or structure used or intended for use as an asylum, a mental hospital,  
47 a hospital, a sanitarium, a home for the elderly, an assisted living facility, a  
48 children's home or day care center, or any building or structure used for a  
49 similar purpose; or
    - 50 (C) place of assemblage where 50 or more persons may gather together in a  
51 building, structure, tent, or room for the purpose of amusement, entertainment,  
52 instruction, or education;
  - 53 (ii) establishing safety and other requirements for placement and discharge of display  
54 fireworks on the basis of:
    - 55 (A) the state fire code; and
    - 56 (B) relevant publications of the National Fire Protection Association;
  - 57 (iii) establishing safety standards for retail storage, handling, and sale of ~~[class C]~~ a  
58 division 1.4G common state approved ~~[explosives]~~ explosive;
  - 59 (iv) defining methods to establish proof of competence to place and discharge display  
60 fireworks, special effects fireworks, and flame effects;
  - 61 (v) subject to Subsection (2), creating a uniform statewide policy regarding a state,  
62 county, special district, and local government entity's safe seizure, storage, and  
63 repurposing, destruction, or disposal of ~~[a firework, class A explosive, or class B]~~ a

- 64 division 1.1G explosive, division 1.2G explosive, division 1.3G explosive, or  
65 division 1.4G explosive that:
- 66 (A) is illegal; or  
67 (B) a person uses or handles in an illegal manner;
- 68 (vi) deputizing qualified persons to act as deputy fire marshals, and to secure special  
69 services in emergencies;
- 70 (vii) implementing Section 15A-1-403;
- 71 (viii) establishing criteria for the certification of firefighters, pump operators,  
72 instructors, fire officers, fire investigators, and rescue personnel not certified or  
73 licensed under any other section of the Utah Code;
- 74 (ix) establishing criteria for training and safety equipment grants for fire departments  
75 enrolled in firefighter certification;
- 76 (x) establishing ongoing training standards for hazardous materials emergency  
77 response agencies;
- 78 (xi) establishing criteria for the fire safety inspection of a food truck; and  
79 (xii) establishing criteria for the accreditation and reaccreditation of fire service  
80 training organizations;
- 81 (c) recommend to the commissioner a state fire marshal;
- 82 (d) develop policies under which the state fire marshal and the state fire marshal's  
83 authorized representatives will perform;
- 84 (e) provide for the employment of field assistants and other salaried personnel as  
85 required;
- 86 (f) prescribe the duties of the state fire marshal and the state fire marshal's authorized  
87 representatives;
- 88 (g) provide technical expertise, advice, and support to Utah Valley University in the  
89 establishment and operation of the fire and rescue training program described in  
90 Section 53B-29-202;
- 91 (h) establish a statewide fire statistics program for the purpose of gathering fire data  
92 from all political subdivisions of the state;
- 93 (i) coordinate the efforts of all people engaged in fire suppression in the state;
- 94 (j) work aggressively with the local political subdivisions to reduce fire losses;
- 95 (k) regulate the sale and servicing of portable fire extinguishers and automatic fire  
96 suppression systems in the interest of safeguarding lives and property;
- 97 (l) establish a certification program for persons who inspect and test automatic fire

- 98           sprinkler systems;
- 99           (m) establish a certification program for persons who inspect and test fire alarm systems;
- 100          (n) establish a certification for persons who provide response services regarding
- 101           hazardous materials emergencies;
- 102          (o) in accordance with Sections 15A-1-403 and 68-3-14, submit a written report to the
- 103           Business and Labor Interim Committee; and
- 104          (p) jointly create the Unified Code Analysis Council with the Uniform Building Code
- 105           Commission in accordance with Section 15A-1-203.

106 (2)(a) In the rules that the board makes under Subsection (1)(b)(v), the board shall

107       include a provision prohibiting a state, county, special district, or local government

108       entity from disposing of an item described in Subsection (1)(b)(v) by means of open

109       burning, except under circumstances described in the rule.

110 (b) When making a rule under Subsection (1)(b)(v), the board shall:

111       (i) review and include applicable references to:

112           (A) requirements described in Title 15A, Chapter 5, State Fire Code Act; and

113           (B) provisions of the International Fire Code; and

114       (ii) consider the appropriate role of the following in relation to the rule:

115           (A) the federal Bureau of Alcohol, Tobacco, Firearms, and Explosives; and

116           (B) a firework wholesaler or distributor.

117 (3) The board may incorporate in its rules by reference, in whole or in part:

118       (a) the state fire code; or

119       (b) subject to the state fire code, a nationally recognized and readily available standard

120       pertaining to the protection of life and property from fire, explosion, or panic.

121 (4) The following functions shall be administered locally by a city, county, or fire

122       protection district:

123       (a) issuing permits, including open burning permits pursuant to Sections 11-7-1 and

124       19-2-114;

125       (b) creating a local board of appeals in accordance with the state fire code; and

126       (c) subject to the state fire code and the other provisions of this chapter, establishing,

127       modifying, or deleting fire flow and water supply requirements.

128       Section 3. Section **53-7-225** is amended to read:

129       **53-7-225 . Times for sale and discharge of fireworks -- Criminal penalty --**

130       **Permissible closure of certain areas -- Maps and signage.**

131       (1) Except as provided in Section 53-7-221, this section supersedes any other code

- 132 provision regarding the sale or discharge of fireworks.
- 133 (2)(a) Except as provided in Subsection (2)(b), a person may sell [~~class-€~~] a division 1.4G  
 134 common state approved [~~explosives~~] explosive in the state as follows:
- 135 (i) beginning on June 24 and ending on July 25;
- 136 (ii) beginning on December 29 and ending on December 31; and
- 137 (iii) two days before and on the Chinese New Year's eve.
- 138 (b) The restrictions in Subsection (2)(a) do not apply to:
- 139 (i) online sales to a person outside the state for use outside the state; or
- 140 (ii) sales to persons described in Subsection 53-7-222(1)(b)(i)(A).
- 141 (3) A person may not discharge [~~class-€~~] a division 1.4G common state approved [~~explosives~~] explosive in the state except as follows:
- 142
- 143 (a) between the hours of 11 a.m. and 11 p.m., except that on July 4 and July 24, the  
 144 hours are 11 a.m. to midnight:
- 145 (i) beginning on July 2 and ending on July 5; and
- 146 (ii) beginning on July 22 and ending on July 25;
- 147 (b)(i) beginning at 11 a.m. on December 31 and ending at 1 a.m. on the following  
 148 day; or
- 149 (ii) if New Year's eve is on a Sunday and the county or municipality determines to  
 150 celebrate New Year's eve on the prior Saturday, then a person may discharge [~~class-€~~] a division 1.4G common state approved [~~explosives~~] explosive on that  
 151 prior Saturday within the county or municipality;
- 152
- 153 (c) between the hours of 11 a.m. and 11 p.m. on January 1; and
- 154 (d) beginning at 11 a.m. on the Chinese New Year's eve and ending at 1 a.m. on the  
 155 following day.
- 156 (4) A person is guilty of an infraction, punishable by a fine of up to \$1,000, if the person  
 157 discharges a [~~class-€~~] division 1.4G common state approved explosive:
- 158 (a) outside the legal discharge dates and times described in Subsection (3); or
- 159 (b) in an area in which fireworks are prohibited under Subsection 15A-5-202.5(1)(b).
- 160 (5)(a) Except as provided in Subsection (5)(b) or (c), a county, a municipality, or the  
 161 state forester may not prohibit a person from discharging [~~class-€~~] a division 1.4G  
 162 common state approved [~~explosives~~] explosive during the permitted periods described  
 163 in Subsection (3).
- 164 (b)(i) As used in this Subsection (5)(b), "negligent discharge":
- 165 (A) means the improper use and discharge of a [~~class-€~~] division 1.4G common

- 166 state approved explosive; and
- 167 (B) does not include the date or location of discharge or the type of explosive used.
- 168 (ii) A municipality may prohibit:
- 169 (A) the discharge of [~~class C~~] a division 1.4G common state approved [~~explosives~~]
- 170 explosive in certain areas with hazardous environmental conditions, in
- 171 accordance with Subsection 15A-5-202.5(1)(b); or
- 172 (B) the negligent discharge of [~~class C~~] a division 1.4G common state approved [~~explosives~~]
- 173 explosive.
- 174 (iii) A county may prohibit the negligent discharge of [~~class C~~] a division 1.4G
- 175 common state approved [~~explosives~~] explosive.
- 176 (c) The state forester may prohibit the discharge of [~~class C~~] a division 1.4G common
- 177 state approved [~~explosives~~] explosive as provided in Subsection 15A-5-202.5(1)(b) or
- 178 Section 65A-8-212.
- 179 (6) If a municipal legislative body or the state forester provides a map to a county
- 180 identifying an area in which the discharge of fireworks is prohibited due to a historical
- 181 hazardous environmental condition under Subsection 15A-5-202.5(1)(b), the county
- 182 shall, before June 1 of that same year:
- 183 (a) create a county-wide map, based on each map the county has received, indicating
- 184 each area within the county in which fireworks are prohibited under Subsection
- 185 15A-5-202.5(1)(b);
- 186 (b) provide the map described in Subsection (6)(a) to:
- 187 (i) each retailer that sells fireworks within the county; and
- 188 (ii) the state fire marshal; and
- 189 (c) publish the map on the county's website.
- 190 (7) A retailer that sells fireworks shall display:
- 191 (a) a sign that:
- 192 (i) is clearly visible to the general public in a prominent location near the point of
- 193 sale;
- 194 (ii) indicates the legal discharge dates and times described in Subsection (3); and
- 195 (iii) indicates the criminal charge and fine associated with discharge:
- 196 (A) outside the legal dates and times described in Subsection (3); and
- 197 (B) within an area in which fireworks are prohibited under Subsection
- 198 15A-5-202.5(1)(b); and
- 199 (b) the map that the county provides, in accordance with Subsection (6)(b).

200 Section 4. Section **53-7-225.1** is amended to read:

201 **53-7-225.1 . Civil liability.**

202 (1)(a) An individual who negligently, recklessly, or intentionally causes or spreads a fire  
203 through discharge of a ~~class C~~ division 1.4G explosive is liable for the cost of  
204 suppressing that fire and any damages the fire causes.

205 (b) If the individual described in Subsection (1)(a) is a minor, the parent or legal  
206 guardian having legal custody of the minor is liable for the costs and damages for  
207 which the minor is liable under this section.

208 (c) A court may waive part or all of the parent or guardian's liability for damages under  
209 Subsection (1)(b) if the court finds:

210 (i) good cause; and

211 (ii) that the parent or legal guardian:

212 (A) made a reasonable effort to supervise and direct the minor; or

213 (B) in the event the parent or guardian knew in advance of the negligent, reckless,  
214 or intentional conduct described in Subsection (1)(a), made a reasonable effort  
215 to restrain the minor.

216 (2)(a) The conduct described in Subsection (1) includes any negligent, reckless, or  
217 intentional conduct, regardless of whether:

218 (i) the person discharges a ~~class C~~ division 1.4G common state approved explosive:

219 (A) within the permitted time periods described in Subsection 53-7-225(3); or

220 (B) in an area where discharge was not prohibited under Subsection 53-7-225(5)(b)  
221 or (c); or

222 (ii) the fire begins on:

223 (A) private land;

224 (B) land owned by the state or a political subdivision of the state;

225 (C) federal land; or

226 (D) tribal land.

227 (b) Discharging a ~~class C~~ division 1.4G explosive in an area in which fireworks are  
228 prohibited due to hazardous environmental conditions, in accordance with Subsection  
229 15A-5-202.5(1)(b), constitutes the negligent, reckless, or intentional conduct  
230 described in Subsection (1).

231 (3) A person who incurs costs to suppress a fire described in Subsection (1) may bring an  
232 action under this section to recover those costs against an individual described in  
233 Subsection (1).

- 234 (4) A person who suffers damage from a fire described in Subsection (1) may:
- 235 (a) bring an action under this section for those damages against an individual described
- 236 in Subsection (1); and
- 237 (b) pursue all other legal remedies in addition to seeking damages under Subsection
- 238 (4)(a).

239 Section 5. **Effective Date.**

240 This bill takes effect on May 7, 2025.