

Fireworks; Explosives Regulatory and Training Fund; and Bottle Rockets; Senate Sub. for HB 2167

Senate Sub. for HB 2167 adds administrative procedures to the Kansas Fireworks Act. The bill recodifies two sections of law regarding bottle rockets by adding these provisions to the Kansas Fireworks Act, and modifies provisions regarding the sale of bottle rockets.

First, the bill enacts several changes to the Kansas Fireworks Act by adding administrative procedures to:

- Authorize the State Fire Marshal or local law enforcement to seize fireworks stored, possessed, or transported in violation of either the Kansas Fireworks Act or any State Fire Marshal regulation;
- Direct the process for making an inventory of the seized fireworks and for the destruction of the seized fireworks;
- Direct the process for a hearing pursuant to the Kansas Administrative Procedure Act (KAPA);
- Allow the State Fire Marshal or the Fire Marshal's authorized representative to apply to the applicable court for an emergency order authorizing the State Fire Marshal or authorized representative to destroy or dispose of fireworks that are an immediate danger to the public safety, health, or welfare;
- Establish a civil penalty not to exceed \$1,000 for the failure to obtain a license. (Each day the violation continues will be deemed a separate violation.);
- Establish a civil penalty not to exceed \$1,000 for all other violations. (Each day the violation continues following written notice will be deemed a separate violation.);
- Require fees collected from civil penalties to be deposited into the State General Fund;
- Establish the Explosives Regulatory and Training Fund;
- Require non-civil penalty proceedings under the Kansas Fireworks Act to be conducted in accordance with KAPA; and
- Provide that fees collected under the Act will be credited to the Explosives Regulatory and Training Fund.

Second, the bill relocates bottle rocket provisions that have been elsewhere in statute to the Kansas Fireworks Act (KSA 31-501 *et seq.*).

Third, the bill allows the possession, transportation, and sale of bottle rockets within Kansas by persons or manufacturers licensed by the State Fire Marshal. Sales are permitted to other Kansas registered persons and manufacturers, and to non-registered persons for resale out-of-state. The registered seller or manufacturer is required to notify the State Fire Marshal of all certifications for resale of bottle rockets out-of-state that must be submitted by all non-registered persons. The bill clarifies that Kansas registration is not required of any persons who purchase and transport bottle rockets for out-of-state resale, and that such persons are required to certify such intent to the seller.