



House Bill 146 - Regulation of Fireworks
Sectional Analysis
SCS CSHB 146(STA)-Version 33-GH1356\S

Section 1: Amends the definition of “explosive” under Alaska Statute (AS) 11.81.900(b)(24) to replace terminology no longer used by industry standards, replacing the term “salable” with “consumer and display” fireworks. The bill repeals AS 18.72.100 definition section 5 and as such, reference to this statute is removed as the department will add definitions in the regulations adopted under AS 12.72.010 in accordance with industry standards and federal requirements.

Section 2: Amends AS 18.72 by adding a new section relating to regulation of fireworks. It directs the Department of Public Safety (DPS) to adopt regulations relating to minimum standards for fireworks, including sale, storage, distribution, and use as well as definitions for consumer and display fireworks. It permits DPS to establish by regulation, and to charge, reasonable fees for fireworks licenses and permits and inspections; and provides DPS the authority to enter a building where fireworks are stored or kept for the purpose of inspecting fireworks for compliance with regulations adopted under this section.

Section 3: Amends AS 18.72.020 with a new section title and to replace terminology no longer used by industry standards, replacing the term “salable” with “consumer” fireworks and requires sellers of consumer fireworks to obtain a permit from the state fire marshal. It also removes specificity for a dollar amount for insurance, maintaining a requirement for the types of insurance, but moving specificity to the regulations as the amount of insurance is dependent on a variety of factors and standards including underwriters, the Division of Insurance, and industry standards. It also clarification on expiration dates for permits issued.

Section 4: Amends AS 18.72.020 by adding new subsections to add a requirement for persons permitted for the sale of consumer fireworks to purchase fireworks from a wholesaler licensed by the state fire marshal, and to require permit holders to maintain insurance required under the chapter.

Section 5: Amends AS 18.70.030 to remove the requirement for an applicant to provide a social security number for a wholesaler’s license and instead adds the requirement to complete the permit application forms provided by the state fire marshal. It also provides for a requirement to show proof of insurance as required by AS 18.72.

Section 6: Amends AS 18.72.030 by adding new subsections that provides for the maintenance of the required public liability and products liability insurance, adds limits to a wholesaler’s license to limit the sale of consumer fireworks to those with a permit to sell consumer fireworks., and requires wholesalers to affix the license number of the purchaser to all sales and maintain copies of the sales record for inspection by the state fire marshal.

Section 7: Adds a new section under AS 18.72 for a pyrotechnic license issued by the state fire marshal for the purchase or possession for display fireworks. This section outlines the requirements for obtaining such licensure and the duration and use of the license.

Section 8: Amends AS 18.72.040 relating to criminal penalties related to fireworks violations to remove reference to the fire safety code.

Section 9: Amends AS 18.72.060 relating to municipal regulation of fireworks to conform to the proposed changes made in this bill by deleting references to the fire safety code.

Section 10: Repeals AS 18.72.010 as the regulation of fireworks is addressed in the new section created in this bill under AS 18.72.011. It repeals AS 18.72.100, the definitions section, which has terms that are significantly outdated and incomplete as these will be updated in the regulations in accordance and as required under current industry standard and federal definitions.

Section 11: Provides transition language to allow DPS to proceed with adopting regulations necessary to implement the changes in this bill. The regulations would not take effect before the effective date of the bill.

Section 12: Provides an immediate effective date under AS 01.10.070(c).