

SENATE BILL No. 354

DIGEST OF INTRODUCED BILL

Citations Affected: IC 22-11-14.

Synopsis: Local fireworks ordinances and resolutions. Allows a local governmental unit to prohibit or limit the sale, possession, and use of fireworks.

Effective: July 1, 2005.

Broden

January 11, 2005, read first time and referred to Committee on Governmental Affairs and Interstate Cooperation.

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Introduced

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

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SENATE BILL No. 354



A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 22-11-14-4 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) **Subject to**
3 **section 11 of this chapter**, nothing in this chapter shall be construed
4 to prohibit:

- 5 (1) any resident wholesaler, manufacturer, importer, or distributor
- 6 from selling:
 - 7 (A) at wholesale fireworks not prohibited by this chapter; or
 - 8 (B) fireworks not approved for sale in Indiana if they are to be
 - 9 shipped directly out of state within five (5) days of the date of
 - 10 sale;
- 11 (2) the use of fireworks by railroads or other transportation
- 12 agencies for signal purposes or illumination;
- 13 (3) the sale or use of blank cartridges for:
 - 14 (A) a show or theater;
 - 15 (B) signal or ceremonial purposes in athletics or sports; or
 - 16 (C) use by military organizations;
- 17 (4) the intrastate sale of fireworks not approved for sale in Indiana



1 between interstate wholesalers;
 2 (5) the possession, sale, or disposal of fireworks, incidental to the
 3 public display of Class B fireworks, by wholesalers or other
 4 persons who possess a permit to possess, store, and sell Class B
 5 explosives from the Bureau of Alcohol, Tobacco and Firearms,
 6 United States Department of the Treasury; or
 7 (6) the use of indoor pyrotechnics special effects material before
 8 an indoor or outdoor proximate audience.

9 (b) For the purposes of this section, a resident wholesaler, importer,
 10 or distributor, is a person who:

- 11 (1) is a resident of Indiana;
- 12 (2) possesses for resale common fireworks approved or not
- 13 approved for sale in Indiana;
- 14 (3) is engaged in the interstate sale of common fireworks
- 15 described in subdivision (2) as an essential part of a business that
- 16 is located in a permanent structure and is open at least six (6)
- 17 months each year;
- 18 (4) sells common fireworks described in subdivision (2) only to
- 19 purchasers who provide a written and signed assurance that the
- 20 fireworks are to be shipped out of Indiana within five (5) days of
- 21 the date of sale; and
- 22 (5) has possession of a certificate of compliance issued by the
- 23 state fire marshal under section 5 of this chapter.

24 (c) A purchaser may not provide a written and signed assurance that
 25 the fireworks purchased are to be shipped out of Indiana and then sell
 26 or use them in Indiana.

27 SECTION 2. IC 22-11-14-11 IS ADDED TO THE INDIANA
 28 CODE AS A NEW SECTION TO READ AS FOLLOWS
 29 [EFFECTIVE JULY 1, 2005]: **Sec. 11. Notwithstanding section 4 of**
 30 **this chapter, this chapter does not prohibit a:**

- 31 (1) county, city, or town from adopting an ordinance; or
 - 32 (2) township from adopting a resolution;
- 33 **that is more restrictive than a rule adopted by the fire prevention**
 34 **and building safety commission under this chapter. An ordinance**
 35 **or a resolution adopted under this section may prohibit or limit the**
 36 **sale, possession, and use of fireworks in the county, city, town, or**
 37 **township.**

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