

SESSION OF 2022

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 378**

As Amended by Senate Committee of the Whole

**Brief\***

SB 378, as amended, would create law and amend the Kansas Fireworks Act to allow for the retail sale of fireworks throughout the year and to extend the established time frame for the seasonal retail sale of fireworks, upon an opt-in by a governing body of a city or board of county commissioners of a county.

The bill would allow cities and counties to prohibit the sale of fireworks by either annual retailers or seasonal retailers. Cities and counties would also be allowed to establish their own fireworks season for seasonal retailers that differs from the season established in the bill.

The bill would also make technical amendments.

***Kansas Fireworks Act—Definitions***

The bill would amend the definition of “fireworks season” to specify time periods for retailers as follows:

- Seasonal retailers, from June 15 to July 6; and
- Annual retailers, from January 1 to December 31.

The application of the seasonal retailer fireworks season would only apply to cities or counties whose governing bodies opt-in to the provisions of the bill.

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Under current law, the dates of the fireworks season are set by the State Fire Marshal through rules and regulations.

The bill would also establish a definition for the term “annual retailer” as a person who:

- Receives consumer fireworks and sells, delivers, consigns, gives, or otherwise furnishes consumer fireworks only to the public for their personal use during the entire calendar year; and
- Operates out of a building that meets state and local fire safety codes.

### ***Kansas Fireworks Act—Licensure***

The bill would require annual retailers to obtain a license from the State Fire Marshal that would be valid for two years.

The application of the licensure and regulation of annual retailers would only apply to cities or counties whose governing bodies opt into the provisions of the bill.

### **Background**

The bill was introduced by the Senate Committee on Assessment and Taxation at the request of Senator Tyson.

[*Note:* The bill contains similar provisions to 2020 SB 362, as amended by the Senate Committee on Federal and State Affairs.]

### ***Senate Committee on Commerce***

In the Senate Committee hearing on February 1, 2022, a representative of Kansas Fireworks Association and a private citizen provided **proponent** testimony. The proponents addressed the economic benefits the bill would provide for

fireworks retailers and the parity it would bring with firework selling provisions in neighboring states. Written-only proponent testimony was provided by representatives of Aiello Fireworks and Jake's Fireworks.

Written-only neutral testimony was provided by the State Fire Marshal, who was present to answer questions regarding the effects the bill would have on regulators. The State Fire Marshal also noted in submitted testimony that cities and counties currently have the authority to prohibit the sale of fireworks and set the firework season.

No other testimony was provided.

### ***Senate Committee of the Whole***

The Senate Committee of the Whole amended the bill to require cities and counties to opt-in to the provisions of the bill relating to the fireworks season for seasonal retailers or the sale of fireworks by annual retailers.

### **Fiscal Information**

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Office of the State Fire Marshal indicates that the bill would have no fiscal impact on their agency. The Office states that any entities that would invest in brick-and-mortar buildings for year-round sales would not significantly increase staff time by the agency for travel for the purposes of plans' review, inspections, and permitting.

The Kansas Association of Counties (KAC) indicates enactment of the bill could decrease sales tax revenues if a locality chooses to prevent the sale of fireworks. The KAC also states the bill could reduce costs associated with responding to incidents caused by fireworks. The KAC indicates, however, a fiscal effect could not be estimated. The

League of Kansas Municipalities indicates that there would be a negligible fiscal impact on cities.

Fireworks; Kansas Fireworks Act; annual fireworks sales; fireworks season