

# Enrolled House Bill 2432

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor John A. Kitzhaber, M.D., for Oregon State Police)

CHAPTER .....

AN ACT

Relating to fireworks used for animal control; creating new provisions; and repealing ORS 480.122.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1.** Section 2 of this 2015 Act is added to and made a part of ORS 480.122 to 480.160.

**SECTION 2.** (1) As used in this section, “responsible charge” means ownership, a leasehold, management or authority to act as the representative of an owner, lessee or manager.

(2) The State Fire Marshal may adopt rules for the use of fireworks to repel birds or other animals.

(3) A person having responsible charge of a property may apply to the State Fire Marshal for a permit to use and explode fireworks to repel birds or other animals from the property. If the State Fire Marshal finds that the proposed use conforms with state and federal law and State Fire Marshal rules, the State Fire Marshal shall issue the permit.

(4) Notwithstanding ORS 480.120, a person having responsible charge of a property and holding a permit issued under subsection (3) of this section may purchase, possess, use and explode fireworks for the purpose of repelling birds or other animals from the property. Properties for which permits to use and explode fireworks are issued under this section must be:

- (a) Farms;
- (b) Forests;
- (c) Waste and recycling facilities;
- (d) Airports;
- (e) Golf courses;
- (f) Properties used for the production of commercially valuable fish or seafood;
- (g) Estuaries;
- (h) Properties located outside of an incorporated city; or
- (i) Other types of properties identified by the State Fire Marshal by rule.

(5) Fireworks for use as described in this section must be purchased from a person possessing a wholesaler license issued under ORS 480.111 to 480.165.

(6) The permit holder shall store fireworks obtained under this section in accordance with any fire codes that the State Fire Marshal adopts by rule to ensure safe storage of those fireworks. When adopting storage rules, the State Fire Marshal shall consider any relevant standards for hazardous materials storage established by a national association for

fire protection. A local government has concurrent authority with the State Fire Marshal to enforce State Fire Marshal storage requirements within the jurisdiction of the local government.

(7) The State Fire Marshal may revoke a permit issued under this section if the State Fire Marshal determines that the permit holder has violated state or federal law regarding fireworks, rules adopted by the State Fire Marshal or the terms and conditions of the permit.

(8) This section does not require a federal or state agency to obtain a permit under this section for activities carried out by the agency under ORS 480.124.

**SECTION 3. ORS 480.122 is repealed.**

**Passed by House February 11, 2015**

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

**Passed by Senate April 30, 2015**

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Peter Courtney, President of Senate

**Received by Governor:**

.....M.,....., 2015

**Approved:**

.....M.,....., 2015

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Kate Brown, Governor

**Filed in Office of Secretary of State:**

.....M.,....., 2015

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Jeanne P. Atkins, Secretary of State