

# House Bill 3387

Sponsored by Representative GORSEK; Representative RESCHKE

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Establishes additional permissible periods for retail sales of consumer fireworks. Eliminates limitation language. Prohibits fee increase for sales permit issued prior to effective date of Act. Takes effect on 91st day following adjournment sine die.

## A BILL FOR AN ACT

1  
2 Relating to the retail sales of consumer fireworks; creating new provisions; amending ORS 480.127;  
3 and prescribing an effective date.

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

5 **SECTION 1.** ORS 480.127 is amended to read:

6 480.127. (1) Any person who desires to sell consumer fireworks at retail to individual members  
7 of the general public for personal use shall apply in writing to the State Fire Marshal for a permit  
8 at least 15 days in advance of the proposed sale. The State Fire Marshal shall issue the permit only  
9 if the State Fire Marshal finds that the applicant is qualified to conduct the proposed sale and that  
10 the proposed sale will conform to the provisions of ORS 480.111 to 480.165 and any rules adopted  
11 under ORS 480.111 to 480.165. A fee may be charged for the permit. Subject to prior approval by  
12 the Oregon Department of Administrative Services and a report to the Emergency Board prior to  
13 adopting the fee, the amount of the fee shall be set by rule and shall be adjusted subsequently by  
14 the State Fire Marshal to finance the administrative expenses incurred under this section and shall  
15 be within the budget authorized by the Legislative Assembly as that budget may be modified by the  
16 Emergency Board.

17 (2)(a) A retail sales permit issued under this section authorizes the sale of consumer fireworks  
18 [*only in the year for which the permit is issued during the period that begins on June 23 and ends on*  
19 *July 6 of the year for which the permit is issued.*] **within the term of the license during periods**  
20 **described in paragraph (b) of this subsection.**

21 **(b) A retail sales permit authorizes the retail sale of consumer fireworks during the fol-**  
22 **lowing periods:**

23 **(A) The date of Chinese New Year and the five days immediately preceding that date.**

24 **(B) June 23 through July 6.**

25 **(C) The first day of the festival known as Diwali and the five days immediately preceding**  
26 **that day.**

27 **(D) December 15 through January 2.**

28 (3) A retail sales permit holder shall store consumer fireworks in accordance with any fire codes  
29 that the State Fire Marshal adopts by rule to ensure safe storage of those fireworks. The matters  
30 that the State Fire Marshal considers when adopting storage rules for fireworks may include, but  
31 are not limited to, any United States Department of Transportation requirements relating to haz-

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 arduous materials storage.

2 **SECTION 2. A rule increasing the fee authorized under ORS 480.127 on annual permits**  
3 **to sell consumer fireworks may not be applied retroactively to permits issued prior to the**  
4 **effective date of this 2019 Act.**

5 **SECTION 3. This 2019 Act takes effect on the 91st day after the date on which the 2019**  
6 **regular session of the Eightieth Legislative Assembly adjourns sine die.**

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