

Introduced by Senator CalderonFebruary 22, 2013

An act relating to fireworks.

LEGISLATIVE COUNSEL'S DIGEST

SB 777, as introduced, Calderon. Fireworks.

Existing law authorizes the retail sale of safe and sane fireworks from June 28 to July 6, annually, pursuant to a license issued by the State Fire Marshal, unless otherwise prohibited or regulated by law or ordinance. Existing law requires various entities, including the State Fire Marshal, to seize certain prohibited fireworks. Existing law requires an authority that seizes fireworks to notify the State Fire Marshal of the seizure and provide specified information. Existing law requires the State Fire Marshal to dispose of the fireworks and requires dangerous fireworks to be disposed of according to specified procedures. Existing law requires the State Fire Marshal to acquire and use statewide mobile dangerous fireworks destruction units to collect and destroy dangerous fireworks from local and state agencies.

This bill would state that it is the intent of the Legislature to enact subsequent legislation that would reform the state's response to and management of the issue of dangerous, illegal fireworks by requiring, among other things, the State Fire Marshal to review and approve a plan to collect and analyze relevant data relating to fires, damages, seizures, arrests, administrative citations, and fireworks disposal issues caused by the sale and use of fireworks.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature hereby finds and declares the
2 following:

3 (a) California needs a multipronged, omnibus reform to update
4 the state's response to and management of dangerous, illegal
5 fireworks. The reform should address the following elements:

6 (1) Management and disposal of pyrotechnic products.

7 (2) Data collection regarding amounts and types of fireworks
8 that result in fires and injuries as well as those that are collected
9 and stored by local agencies across California.

10 (3) The degree of and need for an enhanced level of cooperation
11 and coordination between federal, state, and local public safety
12 agencies in the handling of these products.

13 (4) The level of training of local fire and law enforcement
14 personnel.

15 (5) Mandates on state agencies to identify alternative disposal
16 technologies and incentivizing the private sector to develop the
17 same.

18 (6) Assistance in maximizing full implementation of Chapter
19 563 of the Statutes of 2007 (Senate Bill No. 839 of the 2007–08
20 Regular Session; hereafter SB 839) in local jurisdictions as well
21 as within state agencies.

22 (7) The enactment of the cleanup and corrective language for
23 provisions enacted by SB 839 that was proposed in Senate Bill
24 No. 1346 of the 2007–08 Regular Session, as amended April 1,
25 2008 (hereafter SB 1346).

26 (8) Efforts to identify and secure new avenues of General Fund
27 and special fund revenues to underwrite responsibilities associated
28 with these elements of reform.

29 (b) It is the intent of the Legislature to enact subsequent
30 legislation that would do the following:

31 (1) By an unspecified date, require the State Fire Marshal, by
32 and through its Fireworks Advisory Committee-approved National
33 Fire Incident Reporting Systems Fire Incident Software vendors,
34 to review and approve a plan to collect and analyze relevant data
35 relating to fires, damages, seizures, arrests, administrative citations,
36 and fireworks disposal issues caused by the sale and use of both
37 dangerous fireworks and safe and sane fireworks during the July
38 4 and New Year periods.

1 (2) Relieve the Office of the State Fire Marshal of having the
2 sole responsibility to collect and destroy dangerous fireworks and
3 make appropriate changes in the Health and Safety Code, which
4 may include, but are not limited to, changes in Sections 12706,
5 12723, 12724, and 12726.

6 (3) Authorize local jurisdictions and their public safety agencies
7 to manage their own fireworks stockpile by adopting one or more
8 of the following approaches or provisions:

9 (A) Implementation of SB 839 by local governments to bolster
10 enforcement efforts and revenue generation.

11 (B) Implementation of a State Fire Marshal-approved disposal
12 road map for correct storage and disposal techniques and viable
13 and safe disposal and storage options that may include, but are not
14 limited to:

15 (i) Implementing regional systems by which to store dangerous
16 fireworks that are temporarily being held pending collection by
17 an authorized disposal entity.

18 (ii) Encouraging relationships with disposal companies to
19 manage the transportation and disposal of California's dangerous
20 fireworks.

21 (iii) Authorizing local governments to resell or give back unused,
22 safely packaged fireworks to California licensed firework importers
23 and exporters, wholesalers, or both, subject to specified conditions.

24 (4) Improve and update training of local fire and law
25 enforcement personnel to enhance their knowledge of up-to-date
26 fireworks and explosive technologies.

27 (5) Improve information sharing between federal, state, and
28 local public safety agencies and the fireworks industry regarding
29 explosive materials and testing to enhance hazardous waste and
30 hazardous material classifications.

31 (6) Explore alternative disposal technologies, such as mobile
32 units and enhancement to current municipal waste incinerators, to
33 reduce the costs of shipping hazardous materials out of state.

34 (7) Enact cleanup and corrective language for provisions enacted
35 by SB 839 as proposed in SB 1346.

36 (8) Authorize a local jurisdiction to recover the costs that it may
37 incur for fire operation and suppression efforts directly related to
38 safe and sane fireworks.

39 (9) Reaffirm that the cost associated with disposal of illegal
40 fireworks is a General Fund responsibility and liability and

1 appropriate moneys to the budget of the State Fire Marshal or other
2 agencies accordingly.

3 (10) Reexamine the existing pyrotechnic license fee structure
4 in California and make recommendations, including for potential
5 license fee increases with mandatory biannual reviews and audits
6 on these fee amounts, examine how and where these license fees
7 are being spent, and examine whether the retail license fee should
8 be converted to an annual fee.

9 (11) Provide for a safe and sane fireworks sales period between
10 Christmas and New Year each year, subject to local option, that
11 would not become operative until the successful deployment of
12 the enhanced data collection and disposal provisions described in
13 this section are implemented.

14 (c) Consistent with Governor Brown’s Executive Order B-13-11,
15 it is the intent of the Legislature to enact subsequent legislation
16 that would require performance measures, data collection, and
17 program oversight review necessary to assure the Governor, the
18 public, and stakeholders, that the revenues raised by both the
19 existing as well as the proposed fireworks license fees and General
20 Fund appropriations are being judiciously spent for the anticipated
21 deliverables.