

AMENDED IN SENATE JUNE 3, 2015

AMENDED IN ASSEMBLY APRIL 6, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 467**

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**Introduced by Assembly Member Chang**

February 23, 2015

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An act to amend Sections ~~12519 and 12520~~ *12519, 12520, 12565, 12602, 12632, 12634, 12640, 12688, and 12722* of the Health and Safety Code, relating to explosives.

LEGISLATIVE COUNSEL'S DIGEST

AB 467, as amended, Chang. Pyrotechnic devices: model rockets.

Existing law authorizes the State Fire Marshal to issue and renew licenses for the manufacture, import, export, sale, and use of all fireworks and pyrotechnic devices. Existing law provides that a license shall not be required for the retail sale, use, or discharge of model rocket engines. Existing law requires the State Fire Marshal to classify all fireworks and pyrotechnic devices and prohibits the importation, sale, or offering for sale prior to the classification. Existing law requires all fireworks or toy propellant devices containing pyrotechnic compositions that the State Fire Marshal finds come within the definition of a "model rocket" or "model rocket engine" to be classified as model rocket engines. Existing law prohibits a person from launching a model rocket from a site without first securing authorization from the authority having jurisdiction. Existing law defines a model rocket as a toy or educational device that weighs not more than 500 grams, including the engine and any payload, that is propelled by a model rocket engine. Existing law defines a model rocket engine as a commercially manufactured,

nonreusable rocket propulsion device that is constructed of nonmetallic casing and solid propellant, as provided.

This bill would add to the definition of “model rocket” a requirement that it conform to the definition of “model rocket” as used in the 2013 edition of the “NFPA 1122: Code for Model Rocketry,” *or a more recent edition as adopted by the State Fire Marshal*, and would increase the maximum weight of a model rocket to not more than 1500 grams. *This bill would change all references in statute to model rocket engines to instead refer to model rocket motors.* The bill would revise the definition of “model rocket ~~engine~~ motor” to mean a rocket propulsion device using commercially manufactured solid propellant that does not require mixing by the user and that conforms to the definition of “model rocket ~~engine~~ motor” as used in the 2012 edition of the “NFPA 1125: Code for the Manufacture of Model Rocket and High Power Rocket ~~Motors~~,” *or a more recent edition as adopted by the State Fire Marshal.*

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

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

- 1 SECTION 1. Section 12519 of the Health and Safety Code is
- 2 amended to read:
- 3 12519. “Model rocket” means a toy or educational device that
- 4 weighs not more than 1500 grams, including the engine and any
- 5 payload, that is propelled by a model rocket ~~engine~~, *motor*, and
- 6 that conforms to the definition of “model rocket” in the 2013
- 7 edition of the “NFPA 1122: Code for Model Rocketry,”
- 8 *or a more recent edition as adopted by the State Fire Marshal.*
- 9 SEC. 2. Section 12520 of the Health and Safety Code is
- 10 amended to read:
- 11 12520. “Model rocket ~~engine~~ motor” means a rocket
- 12 propulsion device using commercially manufactured solid
- 13 propellant, that does not require mixing by the user, and that
- 14 conforms to the definition of “model rocket ~~engine~~ motor” in the
- 15 2012 edition of the “NFPA 1125: Code for the Manufacture of
- 16 Model Rocket and High Power Rocket ~~Motors~~,” *or a*
- 17 *more recent edition as adopted by the State Fire Marshal.*
- 18 SEC. 3. Section 12565 of the Health and Safety Code is
- 19 amended to read:

1 12565. All fireworks or toy propellant devices containing  
2 pyrotechnic compositions examined by the State Fire Marshal and  
3 found by him *or her* to come within the definition of “model  
4 rocket” or “model rocket~~engine~~” *motor*” in Section 12519 or  
5 12520, respectively, shall be classified as model rocket~~engines~~.  
6 *motors*.

7 *SEC. 4. Section 12602 of the Health and Safety Code is*  
8 *amended to read:*

9 12602. A license shall not be required for the retail sale, use,  
10 or discharge of agricultural and wildlife fireworks, model rocket  
11 ~~engines~~, *motors*, or emergency signaling devices.

12 *SEC. 5. Section 12632 of the Health and Safety Code is*  
13 *amended to read:*

14 12632. The original and annual renewal license fee to  
15 manufacture, import, export, or wholesale, or any combination  
16 thereof, model rocket~~engines~~ *motors* shall be established and  
17 collected by the State Fire Marshal.

18 *SEC. 6. Section 12634 of the Health and Safety Code is*  
19 *amended to read:*

20 12634. When a license to manufacture, wholesale, or import  
21 and export fireworks has been issued pursuant to Section 12571,  
22 12572, or 12573, respectively, a separate license for the same  
23 person to manufacture, wholesale, import, or export agricultural  
24 and wildlife fireworks or model rocket~~engines~~ *motors* pursuant  
25 to Section 12631 or 12632 shall not be required where the license  
26 allows ~~such~~ *the* activity with respect to other fireworks.

27 *SEC. 7. Section 12640 of the Health and Safety Code is*  
28 *amended to read:*

29 12640. In any case where this chapter requires that a permit  
30 be obtained from the State Fire Marshal, or in any case where the  
31 public agency having local jurisdiction requires pursuant to this  
32 chapter that a permit be obtained, ~~any~~ *a* licensee shall possess a  
33 valid permit before performing any of the following:

34 (a) Manufacturing, importing, exporting, storing, possessing,  
35 or selling dangerous fireworks at wholesale.

36 (b) Manufacturing, importing, exporting, storing, selling at  
37 wholesale and retail safe and sane fireworks and transporting safe  
38 and sane fireworks, except that a transportation permit shall not  
39 be required for safe and sane fireworks possessed by retail  
40 licensees.

1 (c) Manufacturing, importing, exporting, possessing, storing,  
2 transporting, using, selling at wholesale and retail, those fireworks  
3 classified by the State Fire Marshal as agricultural and wildlife  
4 fireworks.

5 (d) Manufacturing, importing, exporting, possessing, storing,  
6 selling at wholesale and retail, model rocket ~~engines~~; *motors*.

7 (e) Discharging dangerous fireworks at any place, including a  
8 public display.

9 (f) Using special effects.

10 *SEC. 8. Section 12688 of the Health and Safety Code is*  
11 *amended to read:*

12 12688. It is unlawful for ~~any~~ a person to advertise to sell or  
13 transfer any class of fireworks, including agricultural and wildlife  
14 fireworks or model rocket ~~engines~~; *motors*, unless he or she  
15 possesses a valid license or permit.

16 *SEC. 9. Section 12722 of the Health and Safety Code is*  
17 *amended to read:*

18 12722. The following fireworks may be seized pursuant to  
19 Section 12721:

20 (a) Those fireworks ~~which~~ *that* are sold, offered for sale,  
21 possessed, stored, used, or transported within this state prior to  
22 having been examined, classified, and registered by the State Fire  
23 Marshal, except those specific items designated as samples pending  
24 examination, classification, and registration by the State Fire  
25 Marshal where the licensee provides documentary evidence that  
26 ~~such~~ *the* action by the State Fire Marshal is pending.

27 (b) All imported fireworks possessed without benefit of the  
28 filing of notices as required by this part.

29 (c) Safe and sane fireworks stored in violation of the conditions  
30 required by the permit as provided in this part.

31 (d) Safe and sane fireworks sold or offered for sale at retail  
32 ~~which~~ *that* do not bear the State Fire Marshal label of registration  
33 and firing instructions.

34 (e) Safe and sane fireworks sold or offered for sale at retail  
35 ~~which~~ *that* are in unsealed packages or containers ~~which~~ *that* do  
36 not bear the State Fire Marshal label of registration and firing  
37 instructions.

38 (f) Safe and sane fireworks sold or offered for sale at retail  
39 before 12 noon on the 28th day of June or after 12 noon on the  
40 sixth day of July of each year.

1 (g) Each safe and sane fireworks item sold or offered for sale  
2 at retail ~~which that~~ does not have its fuse or other igniting device  
3 protected by a cap approved by the State Fire Marshal, or groups  
4 of fireworks with exposed fuses ~~which that~~ are not enclosed in  
5 sealed packages ~~which that~~ bear the State Fire Marshal label of  
6 registration. The State Fire Marshal shall approve ~~such the~~ caps  
7 as he *or she* determines provide reasonable protection from  
8 unintentional ignition of the fireworks.

9 (h) Dangerous fireworks, including fireworks kits, used,  
10 possessed, stored, manufactured, or transported by ~~any a~~ person  
11 who does not possess a valid permit authorizing ~~any an~~ activity  
12 listed in this part.

13 (i) ~~Any fireworks~~ *Fireworks* stored or sold in ~~any a~~ public  
14 garage or public oil station, or on any premises where gasoline or  
15 any other class 1 flammable liquids are stored or dispensed.

16 (j) ~~Any fireworks~~ *Fireworks* still possessed by a person who  
17 has just thrown any ignited fireworks at ~~any a~~ person or group of  
18 persons.

19 (k) ~~Any model~~ *Model* rocket ~~engines motors~~ or model rockets  
20 with ~~engines motors~~ possessed by ~~any a~~ person ~~not holding who~~  
21 ~~does not hold~~ a valid permit.

22 (l) ~~Any emergency~~ *An emergency* signaling device sold, offered  
23 for sale, or used ~~which that~~ does not bear the State Fire Marshal  
24 label of registration as required by this part.

25 (m) ~~Any fireworks~~ *Fireworks* or pyrotechnic device offered for  
26 sale by ~~any a~~ person violating ~~any provision~~ of this part.