

AMENDED IN ASSEMBLY JUNE 23, 2016

AMENDED IN ASSEMBLY JULY 13, 2015

AMENDED IN SENATE APRIL 6, 2015

**SENATE BILL**

**No. 522**

---

---

**Introduced by Senator Mendoza**

February 26, 2015

---

---

*An act to amend Sections 12505, 12555, 12558, 12561, 12562, 12563, 12564, 12565, 12566, 12570, 12580, 12581, 12585, 12586, 12587, 12590, 12604, 12605, 12637, 12643, 12645, 12648, 12649, 12670, 12673, 12686, 12688, 12706, 12722, 12724, 12725, and 12728 of, to add Chapter 6.5 (commencing with Section 12655) to Part 2 of Division 11 of, and to repeal Sections 12556, 12557, 12723, and 12726 of, the Health and Safety Code, relating to fireworks. An act to amend Section 130051 of the Public Utilities Code, relating to transportation.*

LEGISLATIVE COUNSEL'S DIGEST

SB 522, as amended, Mendoza. ~~State Fireworks Law: fireworks stewardship program.~~ *Los Angeles County Metropolitan Transportation Authority.*

*Existing law creates the Los Angeles County Metropolitan Transportation Authority with specified powers and duties relative to transportation planning, programming, and operations in the County of Los Angeles. The authority is governed by a 14-member board of directors, including the Mayor of the City of Los Angeles, 2 public members and one Los Angeles City Council member appointed by the mayor, 4 members appointed from the other cities in the county, the 5 members of the board of supervisors, and one nonvoting member appointed by the Governor.*

*This bill would expand the board of directors to 24 members by adding 2 members who reside in the County of Los Angeles, one member appointed by the Speaker of the Assembly and one member appointed by the Senate Committee on Rules, selected from a list of candidates submitted by the Los Angeles County City Selection Committee, and would prohibit these members from residing in the same city as another member of the authority, as specified. The bill would instead provide for the appointment of 8 members from the other cities in the county, 2 from each sector, as prescribed. The bill would also add as members of the board of directors the Mayor of the City of Long Beach, one additional public member, and 2 additional City Council Members of the City of Los Angeles appointed by the Mayor of the City of Los Angeles.*

*By requiring the board membership to be expanded, the bill would thereby impose a state-mandated local program.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.*

~~Existing law requires various entities, including the State Fire Marshal, to seize certain prohibited fireworks. Existing law, until January 1, 2016, requires the State Fire Marshal to manage seized fireworks and contract with a federally permitted hazardous waste hauler for the hauling and disposal of seized illegal fireworks, and to store fireworks determined not to be hazardous, as provided. Existing law requires the Office of the State Fire Marshal to consult with public safety agencies and other stakeholders and develop a model ordinance that permits local jurisdictions to adopt streamlined enforcement and administrative fine procedures related to possession of 25 pounds or less of dangerous fireworks.~~

~~This bill would repeal the provisions relating to a model ordinance governing enforcement and administrative fine procedures.~~

~~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 in this state, in accordance with prescribed procedures.~~

The bill would, commencing January 1, 2017, prohibit the State Fire Marshal from issuing or renewing those licenses unless the applicant for a license or renewal of a license has submitted a fireworks stewardship plan, as described, that has been approved by the State Fire Marshal. The bill would establish the Fireworks Stewardship Program, which would, among other things, prescribe procedures for entities that are authorized to seize fireworks to provide for the transfer, storage, transportation, and repurposing of seized fireworks, in accordance with specified requirements, including that the fireworks are managed and transported in accordance with all applicable state and federal hazardous waste laws and regulations:

~~The bill would require a fireworks stewardship organization, as defined, or a manufacturer of fireworks, as described, before it may take possession of seized fireworks from the State Fire Marshal, to, not later than January 30, 2016, submit an interim fireworks plan for approval to the State Fire Marshal, containing specified components and information, and would prescribe procedures for the approval or disapproval of the plan. The bill would, no later than July 1, 2016, require a manufacturer, either individually, or through a fireworks stewardship organization acting on its behalf, to submit a fireworks stewardship plan to the State Fire Marshal that meets specified requirements. The bill would require a manufacturer or a fireworks stewardship organization, no later than July 1, 2016, and annually thereafter, to prepare and submit to the State Fire Marshal a proposed program budget for the following calendar year, with information relating the anticipated costs of the program.~~

~~The bill would require a fireworks stewardship organization to recommend to the State Fire Marshal an amount for a fireworks management charge to be added to the price of safe and sane fireworks at the point of sale, as defined, to fund the program. The bill would prescribe procedures for the conduct of audits and the reimbursement of various entities for program costs, and would impose recordkeeping and reporting requirements on a fireworks stewardship organization covered under the bill. The bill would authorize the State Fire Marshal to impose various administrative penalties for violations of program requirements, and would require that all revenues collected from those administrative penalties be deposited in the State Fire Marshal Fireworks Enforcement and Disposal Fund, as provided.~~

~~Existing law provides that criminal fines for violations of the laws regulating fireworks are distributed by the courts, with 65% allocated~~

to a fund that supports State Fire Marshal programs relating to fireworks and explosives enforcement and education, and 35% allocated to reimbursement of the local public safety agencies for enforcement expenses.

This bill would provide, without specifying further allocation, that all of these moneys are to be deposited with the county treasurer of the county in which the court is situated.

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

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

1     SECTION 1. Section 130051 of the Public Utilities Code is  
 2     amended to read:  
 3     130051. The Los Angeles County Metropolitan Transportation  
 4     Authority consists of ~~14~~ 24 members, as follows:  
 5     (a) Five members of the Los Angeles County Board of  
 6     Supervisors.  
 7     If the number of members of the Los Angeles County Board of  
 8     Supervisors is increased, the authority shall, within 60 days of the  
 9     increase, submit a plan to the Legislature for revising the  
 10    composition of the authority.  
 11    (b) The Mayor of the City of Los Angeles.  
 12    (c) ~~Two~~ Three public members and ~~one member~~ three members  
 13    of the City Council of the City of Los Angeles appointed by the  
 14    Mayor of the City of Los Angeles.  
 15    (d) *The Mayor of the City of Long Beach.*  
 16    ~~(d) Four~~  
 17    (e) *Eight* members, *two from each sector, each* of whom shall  
 18    be a mayor or a member of a city council, appointed by the Los  
 19    Angeles County City Selection Committee. For purposes of the  
 20    selection of these ~~four~~ eight members, the County of Los Angeles,  
 21    excluding the City of Los Angeles, ~~Angeles and the City of Long~~  
 22    *Beach*, shall be divided into the following four sectors:  
 23    (1) The North County/San Fernando Valley sector.  
 24    (2) The Southwest Corridor sector.  
 25    (3) The San Gabriel Valley sector.  
 26    (4) The Southeast ~~Long Beach~~ sector.  
 27    The League of California Cities, Los Angeles County Division,  
 28    shall define the sectors. Every city within a sector shall be entitled

1 to vote to nominate one or more candidates from that sector for  
2 consideration for appointment by the Los Angeles County City  
3 Selection Committee. A city's vote shall be weighted in the same  
4 proportion that its population bears to the total population of all  
5 cities within the sector.

6 The members appointed pursuant to this subdivision shall be  
7 appointed by the Los Angeles County City Selection Committee  
8 upon an affirmative vote of its members which represent a majority  
9 of the population of all cities within the county, excluding the City  
10 of Los Angeles. *Angeles and the City of Long Beach.*

11 The members selected by the city selection committee shall serve  
12 four-year terms with no limitation on the number of terms that  
13 may be served by any individual. The city selection committee  
14 may shorten the initial four-year term for one or more of the  
15 members for the purpose of ensuring that the members will serve  
16 staggered terms.

17 ~~(e)~~

18 (f) If the population of the City of Los Angeles, at any time,  
19 becomes less than 35 percent of the combined population of all  
20 cities in the county, the position of one of the ~~two~~ *three* public  
21 members appointed pursuant to subdivision (c), as determined by  
22 the Mayor of the City of Los Angeles by lot, shall be vacated, and  
23 the vacant position shall be filled by appointment by the city  
24 selection committee pursuant to subdivision ~~(d)~~ (e) from a city not  
25 represented by any other member appointed pursuant to subdivision  
26 ~~(d)~~ (e).

27 (g) *Two members who reside in the County of Los Angeles, one*  
28 *member appointed by the Speaker of the Assembly and one member*  
29 *appointed by the Senate Committee on Rules. At the time a member*  
30 *is appointed pursuant to this subdivision, the member shall not*  
31 *reside in the same city as another member of the authority. These*  
32 *members shall be selected from a list submitted by the Los Angeles*  
33 *County City Selection Committee that contains two or more*  
34 *candidates from each sector. The Los Angeles County City*  
35 *Selection Committee shall submit lists of candidates to the Senate*  
36 *Committee on Rules and the Speaker of the Assembly until the*  
37 *appointments are made.*

38 ~~(f)~~

39 (h) One nonvoting member appointed by the Governor.

1     *SEC. 2. If the Commission on State Mandates determines that*  
2 *this act contains costs mandated by the state, reimbursement to*  
3 *local agencies and school districts for those costs shall be made*  
4 *pursuant to Part 7 (commencing with Section 17500) of Division*  
5 *4 of Title 2 of the Government Code.*

6     ~~SECTION 1. Section 12505 of the Health and Safety Code is~~  
7 ~~amended to read:~~

8     ~~12505. "Dangerous fireworks" includes all of the following:~~

9     ~~(a) Any fireworks which contain any of the following:~~

10     ~~(1) Arsenic sulfide, arsenates, or arsenites.~~

11     ~~(2) Boron.~~

12     ~~(3) Chlorates, except:~~

13     ~~(A) In colored smoke mixture in which an equal or greater~~  
14 ~~amount of sodium bicarbonate is included.~~

15     ~~(B) In caps and party poppers.~~

16     ~~(C) In those small items (such as ground spinners) wherein the~~  
17 ~~total powder content does not exceed 4 grams of which not greater~~  
18 ~~than 15 percent (or 600 milligrams) is potassium, sodium, or~~  
19 ~~barium chlorate.~~

20     ~~(4) Gallates or Gallie acid.~~

21     ~~(5) Magnesium (magnesium-aluminum alloys, called~~  
22 ~~magnalium, are permitted):~~

23     ~~(6) Mercury salts.~~

24     ~~(7) Phosphorous (red or white except that red phosphorus is~~  
25 ~~permissible in caps and party poppers):~~

26     ~~(8) Pierates or pierie acid.~~

27     ~~(9) Thiocyanates.~~

28     ~~(10) Titanium, except in particle size greater than 100-mesh.~~

29     ~~(11) Zirconium.~~

30     ~~(b) Firecrackers.~~

31     ~~(c) Skyrockets and rockets, including all devices which employ~~  
32 ~~any combustible or explosive material and which rise in the air~~  
33 ~~during discharge.~~

34     ~~(d) Roman candles, including all devices which discharge balls~~  
35 ~~of fire into the air.~~

36     ~~(e) Chasers, including all devices which dart or travel about~~  
37 ~~the surface of the ground during discharge.~~

38     ~~(f) Sparklers more than 10 inches in length or one-fourth of~~  
39 ~~one inch in diameter.~~

1 ~~(g) All fireworks designed and intended by the manufacturer~~  
2 ~~to create the element of surprise upon the user. These items include,~~  
3 ~~but are not limited to, auto-foolers, cigarette loads, exploding golf~~  
4 ~~balls, and trick matches.~~

5 ~~(h) Fireworks known as devil-on-the-walk, or any other~~  
6 ~~firework which explodes through means of friction, unless~~  
7 ~~otherwise classified by the State Fire Marshal pursuant to this part.~~

8 ~~(i) Torpedoes of all kinds which explode on impact.~~

9 ~~(j) Fireworks kits.~~

10 ~~(k) Such other fireworks examined and tested by the State Fire~~  
11 ~~Marshal and determined by him or her, with the advice of the State~~  
12 ~~Board of Fire Services, to possess characteristics of design or~~  
13 ~~construction which make such fireworks unsafe for use by any~~  
14 ~~person not specially qualified or trained in the use of fireworks.~~

15 ~~SEC. 2. Section 12555 of the Health and Safety Code is~~  
16 ~~amended to read:~~

17 ~~12555. The State Fire Marshal or his or her salaried deputies~~  
18 ~~may make an examination of the books and records of any licensee~~  
19 ~~or permittee relative to fireworks, and may visit and inspect any~~  
20 ~~building or other premises subject to the control of, or used by,~~  
21 ~~the licensee or permittee for any purpose related to fireworks of~~  
22 ~~any licensee or permittee at any time he or she may deem necessary~~  
23 ~~for the purpose of enforcing the provisions of this part.~~

24 ~~SEC. 3. Section 12556 of the Health and Safety Code is~~  
25 ~~repealed.~~

26 ~~SEC. 4. Section 12557 of the Health and Safety Code is~~  
27 ~~repealed.~~

28 ~~SEC. 5. Section 12558 of the Health and Safety Code is~~  
29 ~~amended to read:~~

30 ~~12558. The licensee or permittee shall permit the chief of the~~  
31 ~~issuing authority, or his or her authorized representatives, as~~  
32 ~~qualified in Section 12721, to enter and inspect any building or~~  
33 ~~other premises subject to the control of or used by the licensee or~~  
34 ~~permittee for any purpose related to fireworks at any time for the~~  
35 ~~purpose of enforcing the provisions of this part.~~

36 ~~SEC. 6. Section 12561 of the Health and Safety Code is~~  
37 ~~amended to read:~~

38 ~~12561. All fireworks examined by the State Fire Marshal and~~  
39 ~~determined by him or her to come within the definition of~~

1 ~~“dangerous fireworks” in Section 12505 shall be classified as~~  
2 ~~dangerous fireworks.~~

3 ~~SEC. 7. Section 12562 of the Health and Safety Code is~~  
4 ~~amended to read:~~

5 ~~12562. All fireworks examined by the State Fire Marshal and~~  
6 ~~determined by him or her to come within the definition of “safe~~  
7 ~~and sane fireworks” in Section 12529 shall be classified as safe~~  
8 ~~and sane fireworks.~~

9 ~~SEC. 8. Section 12563 of the Health and Safety Code is~~  
10 ~~amended to read:~~

11 ~~12563. All fireworks examined by the State Fire Marshal and~~  
12 ~~determined by him or her to come within the definition of~~  
13 ~~“agricultural and wildlife fireworks” in Section 12503 shall be~~  
14 ~~classified as agricultural and wildlife fireworks.~~

15 ~~SEC. 9. Section 12564 of the Health and Safety Code is~~  
16 ~~amended to read:~~

17 ~~12564. All fireworks examined by the State Fire Marshal and~~  
18 ~~determined by him or her to come within the definition of “exempt~~  
19 ~~fireworks” in Section 12508 shall be classified as exempt fireworks.~~

20 ~~SEC. 10. Section 12565 of the Health and Safety Code is~~  
21 ~~amended to read:~~

22 ~~12565. All fireworks or toy propellant devices containing~~  
23 ~~pyrotechnic compositions examined by the State Fire Marshal and~~  
24 ~~found by him or her to come within the definition of “model~~  
25 ~~rocket” or “model rocket engine” in Section 12519 or 12520,~~  
26 ~~respectively, shall be classified as model rocket engines.~~

27 ~~SEC. 11. Section 12566 of the Health and Safety Code is~~  
28 ~~amended to read:~~

29 ~~12566. All pyrotechnic devices examined by the State Fire~~  
30 ~~Marshal and found by him or her to come within the definition of~~  
31 ~~“emergency signaling devices” in Section 12506 shall be classified~~  
32 ~~by the State Fire Marshal as emergency signaling devices.~~

33 ~~SEC. 12. Section 12570 of the Health and Safety Code is~~  
34 ~~amended to read:~~

35 ~~12570. The State Fire Marshal may issue any license described~~  
36 ~~in this part, subject to the regulations that he or she may adopt not~~  
37 ~~inconsistent with the provisions of this part.~~

38 ~~SEC. 13. Section 12580 of the Health and Safety Code is~~  
39 ~~amended to read:~~

1     ~~12580. The State Fire Marshal may issue and renew licenses~~  
2 ~~for the manufacture, import, export, sale, and use of all fireworks~~  
3 ~~and pyrotechnic devices in this state. Commencing on January 1,~~  
4 ~~2017, the State Fire Marshal shall not issue wholesale licenses that~~  
5 ~~include the wholesale of safe and sane fireworks if the applicant~~  
6 ~~for a license does not have a fireworks stewardship plan that has~~  
7 ~~been approved by the State Fire Marshal pursuant to Section 12659.~~

8     ~~SEC. 14. Section 12581 of the Health and Safety Code is~~  
9 ~~amended to read:~~

10     ~~12581. Any person who desires to manufacture, import, export,~~  
11 ~~sell, or use fireworks shall first make written application for a~~  
12 ~~license to the State Fire Marshal on forms provided by him or her.~~  
13 ~~The application shall be accompanied by the annual license fee as~~  
14 ~~prescribed in this chapter.~~

15     ~~SEC. 15. Section 12585 of the Health and Safety Code is~~  
16 ~~amended to read:~~

17     ~~12585. Any applicant may withdraw his or her application for~~  
18 ~~a license or renewal of a license and the State Fire Marshal may~~  
19 ~~allow the withdrawal when he or she has determined that it is in~~  
20 ~~the best interest of public safety or the administration of this part.~~

21     ~~SEC. 16. Section 12586 of the Health and Safety Code is~~  
22 ~~amended to read:~~

23     ~~12586. The suspension, expiration, or forfeiture by operation~~  
24 ~~of law of a license issued by the State Fire Marshal, or its~~  
25 ~~suspension, forfeiture, or cancellation by order of the State Fire~~  
26 ~~Marshal or by a court of law, or its surrender to the State Fire~~  
27 ~~Marshal shall not, during any period in which it may be renewed,~~  
28 ~~restored, reissued, or reinstated, deprive the State Fire Marshal of~~  
29 ~~his or her authority to institute or continue disciplinary action~~  
30 ~~against the licensee upon any ground provided by law, or to enter~~  
31 ~~an order suspending or revoking a license or otherwise taking~~  
32 ~~disciplinary action against the licensee on any such ground.~~

33     ~~SEC. 17. Section 12587 of the Health and Safety Code is~~  
34 ~~amended to read:~~

35     ~~12587. A written report by the State Fire Marshal, any of his~~  
36 ~~or her deputies, or salaried assistants, or by the chief of any city~~  
37 ~~or county fire department or fire protection district or his or her~~  
38 ~~authorized representatives, disclosing that the applicant for a~~  
39 ~~license or for renewal of a license does not meet, or the premises~~  
40 ~~for which the license is required do not meet, the qualifications or~~

1 conditions for the license as required by this part or regulations  
2 adopted pursuant to this part, may constitute grounds for denial of  
3 any application for the license or renewal of the license.

4 SEC. 18. Section 12590 of the Health and Safety Code is  
5 amended to read:

6 12590. The State Fire Marshal may deny or revoke any license  
7 issued pursuant to this part if the State Fire Marshal finds any of  
8 the following conditions has occurred:

9 (a) The licensee has failed to pay the annual renewal license  
10 fee provided in this chapter.

11 (b) The licensee or license applicant has violated any provisions  
12 of this part or any regulations adopted by the State Fire Marshal  
13 pursuant to this part.

14 (c) The licensee or license applicant has created or caused a  
15 fire nuisance.

16 (d) The licensee has failed to keep full, complete, and accurate  
17 records or failed to file any required reports.

18 (e) Any fact or condition exists which, if it had existed at the  
19 time of the original application for the license reasonably would  
20 have warranted the State Fire Marshal in refusing originally to  
21 issue the license.

22 (f) The permit issued under Section 12640 has been rescinded  
23 or revoked by the issuing authority.

24 (g) Any licensee or license applicant has refused to make  
25 available to the State Fire Marshal full, complete, and accurate  
26 records.

27 (h) The licensee does not participate in a fireworks stewardship  
28 plan that has been approved by the State Fire Marshal pursuant to  
29 Section 12659.

30 SEC. 19. Section 12604 of the Health and Safety Code is  
31 amended to read:

32 12604. Following the revocation or voluntary surrender of his  
33 or her license, or failure to renew his or her license, any person in  
34 lawful possession of lawfully acquired fireworks for which a  
35 license is required may sell or otherwise dispose of such fireworks  
36 only under supervision of the State Fire Marshal and in such a  
37 manner as the State Fire Marshal shall provide by regulations and  
38 solely to persons who are authorized to buy, possess, sell, or use  
39 those fireworks. That disposal shall be accomplished not later than  
40 90 days after the legal revocation, voluntary surrender, or expiration

1 of the license. Any person possessing fireworks pursuant to this  
2 section shall report the disposition of the fireworks to the local  
3 authority who issued the storage permit within the time period  
4 specified by this section.

5 ~~SEC. 20. Section 12605 of the Health and Safety Code is~~  
6 ~~amended to read:~~

7 ~~12605. A person found guilty of violating any of the provisions~~  
8 ~~of this part is not eligible to apply for a new license, apply for a~~  
9 ~~renewal of a license, or take an examination for any license for a~~  
10 ~~period of one year from the date of any conviction. The State Fire~~  
11 ~~Marshal may waive the provisions of this section when he or she~~  
12 ~~finds the granting of a license will not endanger public safety.~~

13 ~~SEC. 21. Section 12637 of the Health and Safety Code is~~  
14 ~~amended to read:~~

15 ~~12637. All fireworks or pyrotechnic devices intended for sale~~  
16 ~~in this state, which are products of nonlicensed manufacturers,~~  
17 ~~shall be examined and classified by the State Fire Marshal upon~~  
18 ~~written application on forms provided by him or her. The~~  
19 ~~application shall be accompanied by a fee as follows:~~

20 ~~(a) Ten dollars (\$10) for each label of an item of identical size~~  
21 ~~and design of a given lot or batch, provided that the lot or batch~~  
22 ~~is identifiable by a code, serial number, shipment lot, case cargo~~  
23 ~~number, etc.~~

24 ~~(b) A separate application and fee shall be submitted for each~~  
25 ~~lot or batch.~~

26 ~~(c) The State Fire Marshal seal and the wholesalers or importers~~  
27 ~~registration number shall not be imprinted on the label until the~~  
28 ~~lot or batch has been examined and classified.~~

29 ~~SEC. 22. Section 12643 of the Health and Safety Code is~~  
30 ~~amended to read:~~

31 ~~12643. Any licensee desiring to do any act specified in Section~~  
32 ~~12640 shall first make written application for a permit to the chief~~  
33 ~~of the fire department or the chief fire prevention officer of the~~  
34 ~~city or county, or to another issuing authority that may be~~  
35 ~~designated by the governing body of the city or county. In the~~  
36 ~~event there is no such officer or person appointed within the area,~~  
37 ~~application shall be made to the State Fire Marshal or his or her~~  
38 ~~deputy. Applications for permits shall be made in writing at least~~  
39 ~~10 days prior to the proposed act.~~

1 SEC. 23. ~~Section 12645 of the Health and Safety Code is~~  
2 ~~amended to read:~~

3 ~~12645. The officer to whom the application for a permit is~~  
4 ~~made shall undertake an investigation and submit a report of his~~  
5 ~~or her findings and his or her recommendation concerning the~~  
6 ~~issuance of the permit, together with his or her reasons therefor,~~  
7 ~~to the governing body of the city or county. The applicant for a~~  
8 ~~permit to conduct a public display shall file a certificate evidencing~~  
9 ~~the possession of a valid public display license with the officer~~  
10 ~~making the investigation.~~

11 SEC. 24. ~~Section 12648 of the Health and Safety Code is~~  
12 ~~amended to read:~~

13 ~~12648. The officer to whom the application for a permit for a~~  
14 ~~public display of fireworks is made shall make an investigation to~~  
15 ~~determine whether such a display as proposed will be of a character~~  
16 ~~or so located that it may be hazardous to property or dangerous to~~  
17 ~~any person. He or she shall, in the exercise of reasonable discretion,~~  
18 ~~recommend granting or denying the permit, subject to those~~  
19 ~~conditions as he or she may prescribe.~~

20 SEC. 25. ~~Section 12649 of the Health and Safety Code is~~  
21 ~~amended to read:~~

22 ~~12649. The applicant for a permit for any public display of~~  
23 ~~fireworks shall, at the time of application, submit his or her license~~  
24 ~~for inspection and furnish proof that he or she carries compensation~~  
25 ~~insurance for his or her employees as provided by the laws of this~~  
26 ~~state.~~

27 SEC. 26. ~~Chapter 6.5 (commencing with Section 12655) is~~  
28 ~~added to Part 2 of Division 11 of the Health and Safety Code, to~~  
29 ~~read:~~

30  
31 ~~CHAPTER 6.5. FIREWORKS STEWARDSHIP PROGRAM~~

32  
33 ~~12655. This chapter shall be known as the Fireworks~~  
34 ~~Stewardship Program.~~

35 ~~12656. For purposes of this chapter, the following definitions~~  
36 ~~apply:~~

37 ~~(a) "Dangerous fireworks" has the same meaning as Section~~  
38 ~~12505.~~

39 ~~(b) "Fireworks" has the same meaning as Section 12511.~~

1 ~~(e) “Fireworks management charge” or “charge” means the~~  
2 ~~charge imposed on the sale of fireworks and collected at the retail~~  
3 ~~point of sale, the revenues from which are used to fund the~~  
4 ~~management and disposal of out-of-state fireworks.~~

5 ~~(d) “Fireworks stewardship plan” or “fireworks plan” means a~~  
6 ~~plan submitted to the State Fire Marshal pursuant to Section 12659.~~

7 ~~(e) “Fireworks stewardship organization” means a nonprofit~~  
8 ~~organization authorized by one or more manufacturers to act on~~  
9 ~~behalf of manufacturers to provide plans to the State Fire Marshal~~  
10 ~~pursuant to Section 12658 or 12659.~~

11 ~~(f) “Interim fireworks plan” or “interim plan” means an interim~~  
12 ~~plan submitted to the State Fire Marshal for approval pursuant to~~  
13 ~~Section 12658.~~

14 ~~(g) “Manufacturer” means one of the following persons:~~

15 ~~(1) A person or entity that manufactures, and that sells, offers~~  
16 ~~for sale, or distributes, safe and sane fireworks in the state under~~  
17 ~~the person’s or entity’s own name or brand.~~

18 ~~(2) If there is no person or entity that sells, offers for sale, or~~  
19 ~~distributes safe and sane fireworks in the state under the person’s~~  
20 ~~or entity’s own name or brand, the manufacturer of the fireworks~~  
21 ~~is the owner or licensee of a trademark or brand under which the~~  
22 ~~fireworks are sold or distributed in the state, whether or not the~~  
23 ~~trademark is registered.~~

24 ~~(3) If there is no person who is a manufacturer pursuant to~~  
25 ~~paragraph (1) or (2), the manufacturer of the fireworks is the person~~  
26 ~~who imports the fireworks into the state for sale or distribution.~~

27 ~~(h) “Retailer” has the same meaning as Health and Safety Code~~  
28 ~~Section 12528.~~

29 ~~(i) “Safe and sane fireworks” has the same meaning as Section~~  
30 ~~12529.~~

31 ~~(j) “Seizing entity” means any entity authorized to seize~~  
32 ~~fireworks pursuant to Section 12721.~~

33 ~~12657. (a) The seizing entity shall separate any seized~~  
34 ~~fireworks that are no longer in their original United States~~  
35 ~~Department of Transportation certified shipping containers, as~~  
36 ~~well as any fireworks that are identified as dangerous and are not~~  
37 ~~legal for sale in California or any other state, and ensure that this~~  
38 ~~material is stored in accordance with all applicable state and federal~~  
39 ~~hazardous waste laws and regulations. The seizing entity may~~  
40 ~~transfer any seized fireworks to the fireworks stewardship~~

1 organization or a manufacturer for purposes of resale or disposal.  
2 If a seizing entity transfers any seized fireworks to a fireworks  
3 stewardship organization or manufacturer, it shall keep records  
4 detailing the number of pounds of fireworks it transferred. A  
5 stewardship organization shall accept full responsibility for the  
6 management and handling of, and assume liability for any damage  
7 caused as a result of, any fireworks that are transferred pursuant  
8 to this chapter, and shall hold the State of California and the seizing  
9 entity harmless for any damage done by those fireworks.

10 (b) Notwithstanding any other law, within 30 days of notification  
11 by the seizing entity, the stewardship organization or manufacturer  
12 shall arrange for pickup or transportation of all seized fireworks  
13 that are held by the seizing entity in accordance with one of the  
14 following procedures:

15 (1) Seized fireworks that are no longer in their original United  
16 States Department of Transportation certified shipping containers,  
17 and those that are identified as dangerous and are not legal for sale  
18 in California or any other state, shall be transported by a registered  
19 hazardous waste transporter, in accordance with all applicable state  
20 and federal hazardous waste laws and regulations, and all  
21 applicable United States Department of Transportation  
22 requirements, to a facility that is authorized by the state where the  
23 facility is located to receive fireworks that are determined to be  
24 hazardous waste.

25 (2) Seized fireworks that are still in their original United States  
26 Department of Transportation certified shipping containers shall  
27 be transported to a location that is described in an approved plan  
28 submitted pursuant to Section 12658 or 12659, as applicable.

29 (c) Any seized fireworks that are still in their original United  
30 States Department of Transportation certified shipping containers  
31 may be managed as follows:

32 (1) To the extent allowed by any applicable state and federal  
33 laws, fireworks that may not legally be sold in California may be  
34 repurposed, and retained by a fireworks stewardship organization  
35 within the state for a period not exceeding 90 days. Before the  
36 expiration of the 90-day period, the stewardship organization shall  
37 ship those fireworks to a site operated by the stewardship  
38 organization or another entity in another state that is authorized to  
39 accept the shipment.

1     ~~(2) To the extent allowed by any applicable state and federal~~  
2 ~~laws, any fireworks that may legally be sold in California may be~~  
3 ~~repurposed and retained by a fireworks stewardship organization~~  
4 ~~and offered for sale within the state during a legally authorized~~  
5 ~~sales period.~~

6     ~~12658. (a) Before it may legally take possession of seized~~  
7 ~~fireworks from the State Fire Marshal, a fireworks stewardship~~  
8 ~~organization or manufacturer shall, not later than January 30, 2016,~~  
9 ~~submit an interim fireworks plan for approval by the State Fire~~  
10 ~~Marshal, which shall contain, at a minimum, all of the following:~~

11     ~~(1) A plan for the collection, sorting, disposal, or other~~  
12 ~~disposition of fireworks seized over the July 4, 2016, sales period,~~  
13 ~~which is in compliance with all appropriate state and federal~~  
14 ~~hazardous waste laws.~~

15     ~~(2) A financial plan for the fireworks stewardship organization~~  
16 ~~or manufacturer to cover any costs associated with paragraph (1)~~  
17 ~~and any reasonable costs incurred by the State Fire Marshal to~~  
18 ~~administer this section, including any required retailer fees.~~

19     ~~(b) No later than February 28, 2016, the State Fire Marshal shall~~  
20 ~~notify the fireworks stewardship organization or manufacturer of~~  
21 ~~the approval or disapproval of the interim plan submitted pursuant~~  
22 ~~to subdivision (a). If the State Fire Marshal disapproves of the~~  
23 ~~interim plan, the State Fire Marshal may require any revision to~~  
24 ~~the plan he or she deems necessary to protect the public safety or~~  
25 ~~the fiscal solvency of the fireworks disposal program as a~~  
26 ~~precondition for approval of the interim plan. A fireworks~~  
27 ~~stewardship organization or manufacturer shall submit a revised~~  
28 ~~interim plan to the State Fire Marshal no later than \_\_\_\_ days after~~  
29 ~~the date of receipt of notification of a disapproved plan. If the~~  
30 ~~fireworks stewardship organization or manufacturer fails to submit~~  
31 ~~a revised interim plan to the State Fire Marshal that includes the~~  
32 ~~revisions required by the State Fire Marshal, or the State Fire~~  
33 ~~Marshal fails to approve the plan within \_\_\_\_ days of receipt of~~  
34 ~~the revised plan, the revised plan shall be deemed disapproved.~~

35     ~~(c) The State Fire Marshal or a seizing entity may transfer any~~  
36 ~~fireworks held from prior fiscal years to a fireworks stewardship~~  
37 ~~organization or manufacturer during the period from January 1,~~  
38 ~~2016, to June 30, 2016. The transfer of those fireworks may only~~  
39 ~~take place if the proposed transfer is provided for in an approved~~

1 and implemented interim plan submitted pursuant to subdivision  
2 (a):

3 (d) ~~The Department of Forestry and Fire Protection may~~  
4 ~~establish positions during the 2015–16 fiscal year that are necessary~~  
5 ~~to implement and administer this chapter. Any subsequent funding~~  
6 ~~for those positions shall occur as part of the regular budget process~~  
7 ~~for the 2016–17 fiscal year, and each fiscal year thereafter,~~  
8 ~~consistent with the requirements of the annual Budget Act.~~

9 (e) ~~No later than June 1, 2016, a fireworks stewardship~~  
10 ~~organization or manufacturer shall be required to reimburse the~~  
11 ~~Department of Forestry and Fire Protection for any actual costs~~  
12 ~~incurred in funding the positions established pursuant to~~  
13 ~~subdivision (d).~~

14 (f) ~~Before approving the interim fireworks plan submitted~~  
15 ~~pursuant to subdivision (a), the State Fire Marshal shall consult~~  
16 ~~with Department of Toxic Substances Control to ensure that the~~  
17 ~~activities described in the interim plan will be conducted so as to~~  
18 ~~comply with all state and federal hazardous waste laws and~~  
19 ~~regulations.~~

20 12659. (a) ~~No later than July 1, 2016, a manufacturer shall,~~  
21 ~~individually, or through a fireworks stewardship organization~~  
22 ~~acting on its behalf, submit for approval a fireworks stewardship~~  
23 ~~plan to the State Fire Marshal that meets the requirements of this~~  
24 ~~section and includes all of the following:~~

25 (1) ~~A process for collaborating with the State Fire Marshal with~~  
26 ~~regard to the establishment of program goals and methods of~~  
27 ~~measuring program outcomes.~~

28 (2) ~~A description of education and outreach efforts to nonprofit~~  
29 ~~organizations, charities, and others who sell safe and sane fireworks~~  
30 ~~regarding fire protection and prevention, the responsible use of~~  
31 ~~safe and sane fireworks, and the hazards of illegal fireworks.~~

32 (3) ~~A consultation process with affected stakeholders regarding~~  
33 ~~the plan.~~

34 (4) ~~The names of manufacturers and brands of fireworks covered~~  
35 ~~under the plan.~~

36 (5) ~~Procedures to ensure the continued implementation of the~~  
37 ~~fireworks plan if the manufacturer or the stewardship organization~~  
38 ~~no longer exists due to bankruptcy, dissolution, or similar events.~~

39 (6) ~~A process for ensuring payment to hazardous waste facilities~~  
40 ~~for the reasonable costs of collecting, storing, and processing~~

1 fireworks in the implementation of the fireworks plan pursuant to  
2 this chapter.

3 ~~(7) A methodology and audit plan for ensuring that any~~  
4 ~~fireworks that are legal under federal law, and are shipped outside~~  
5 ~~of the state, do not reenter California.~~

6 ~~(8) Provisions requiring an annual report to the State Fire~~  
7 ~~Marshal documenting the prior year's seizures, shipments, sales,~~  
8 ~~and disposals.~~

9 ~~(9) A plan developed with state and local law enforcement to~~  
10 ~~reduce the volume of illegal fireworks entering California.~~

11 ~~(10) Measures to be implemented to ensure that hazardous waste~~  
12 ~~is managed in accordance with state and federal hazardous waste~~  
13 ~~laws and regulations.~~

14 ~~(b) Before approving the fireworks stewardship plan prepared~~  
15 ~~pursuant to subdivision (a), the State Fire Marshal shall consult~~  
16 ~~with the Department of Toxic Substances Control to ensure that~~  
17 ~~the activities described in the fireworks stewardship plan will be~~  
18 ~~conducted in compliance with all state and federal hazardous waste~~  
19 ~~laws and regulations.~~

20 ~~(e) Commencing January 1, 2017, the State Fire Marshal shall~~  
21 ~~not issue licenses pursuant to Sections 12572 and 12573 to a~~  
22 ~~manufacturer that is not in compliance with this chapter.~~

23 ~~12660. No later than July 1, 2016, and annually thereafter, a~~  
24 ~~manufacturer or a fireworks stewardship organization shall prepare~~  
25 ~~and submit to the State Fire Marshal a proposed fireworks program~~  
26 ~~budget for the following calendar year that includes all of the~~  
27 ~~following:~~

28 ~~(a) Anticipated revenues from the sale of recuperated fireworks~~  
29 ~~and costs of implementing the program, including costs of related~~  
30 ~~programs, projects, contracts, and administrative expenses, and~~  
31 ~~including the costs of complying with state and federal hazardous~~  
32 ~~waste laws and regulations.~~

33 ~~(b) Recommended funding levels sufficient to cover the plan's~~  
34 ~~budgeted costs and the operating expenses of the program over a~~  
35 ~~multiyear period in a prudent and responsible manner.~~

36 ~~(c) The amount of the fireworks disposal fee for the subsequent~~  
37 ~~July 4th sales period and an itemization of the estimated proceeds~~  
38 ~~of the fee.~~

39 ~~(d) No later than October 1, 2016, and annually thereafter, the~~  
40 ~~State Fire Marshal shall approve or disapprove a manufacturer's~~

1 or fireworks stewardship organization's final program budget. If  
2 the State Fire Marshal fails to act or does not disapprove a  
3 manufacturer's or fireworks stewardship organization's final  
4 program budget, the budget shall be deemed approved on \_\_\_\_\_ of  
5 the applicable year.

6 (e) (1) If the State Fire Marshal disapproves the budget  
7 submitted by a fireworks stewardship organization or manufacturer,  
8 the fireworks stewardship organization or manufacturer shall  
9 submit a revised budget addressing the State Fire Marshal's written  
10 reasons for its decision to disapprove within 30 days of the date  
11 the budget is disapproved.

12 (2) The State Fire Marshal, within 30 days from the date the  
13 manufacturer or a fireworks stewardship organization submits a  
14 revised budget, shall approve or disapprove a final fireworks  
15 program budget.

16 12661. (a) A stewardship organization shall recommend to  
17 the State Fire Marshal the amount of a fireworks management  
18 charge that should be added to the purchase price of safe and sane  
19 fireworks at the point of sale.

20 (b) (1) The amount of the fireworks management charge shall  
21 be sufficient to fund the revenue requirements set forth in the  
22 approved budget.

23 (2) The stewardship organization shall set the fireworks  
24 management charge as a flat rate based on the type and quantity  
25 of the fireworks purchased and not as a percentage of the purchase  
26 price.

27 (c) The fireworks management charge shall be included in the  
28 annual program budget for approval by the State Fire Marshal  
29 pursuant to Section 12660.

30 (d) Once the State Fire Marshal approves or conditionally  
31 approves a budget pursuant to Section 12660, the State Fire  
32 Marshal shall require that a fireworks retailer that sells safe and  
33 sane fireworks to a consumer in the state add the fireworks  
34 management charge to the purchase price of the fireworks sold,  
35 and remit the proceeds of the charge to the fireworks stewardship  
36 organization or manufacturer, as applicable.

37 (e) The stewardship organization or manufacturer shall  
38 determine the rules and procedures that are necessary and proper  
39 to implement the collection of the charge in a fair, efficient, and  
40 lawful manner.

1 ~~12662. (a) The fireworks stewardship organization or~~  
2 ~~manufacturer may conduct an audit of those parties that are~~  
3 ~~required to remit the fee to the manufacturer or stewardship~~  
4 ~~organization to verify that a fireworks management charge is paid~~  
5 ~~correctly and accurately, and to ensure that charges are paid and~~  
6 ~~collected pursuant to this chapter in the correct amount.~~

7 ~~(b) An audit conducted pursuant to this section shall be carried~~  
8 ~~out in accordance with generally accepted auditing practices and~~  
9 ~~shall be limited in scope to confirming whether the fireworks~~  
10 ~~management charge has been properly collected on all sales of~~  
11 ~~safe and sane fireworks to consumers in the state.~~

12 ~~(c) For purposes of conducting audits pursuant to this section,~~  
13 ~~a manufacturer or fireworks stewardship organization shall hire~~  
14 ~~an independent, third-party auditor.~~

15 ~~(d) If a manufacturer or fireworks stewardship organization~~  
16 ~~conducts an audit pursuant to this section, the organization shall~~  
17 ~~provide a copy of the audit to the department.~~

18 ~~12663. (a) The State Fire Marshal shall prepare a summary of~~  
19 ~~his or her costs for implementing and enforcing this chapter through~~  
20 ~~the end of the 2016–17 fiscal year, and for each fiscal year~~  
21 ~~thereafter. The estimated costs of implementation shall include~~  
22 ~~any costs incurred by the Department of Toxic Substances Control~~  
23 ~~to review an interim plan submitted pursuant to Section 12658, or~~  
24 ~~a fireworks plan submitted pursuant to Section 12659, for~~  
25 ~~compliance with state and federal hazardous waste laws and~~  
26 ~~regulations.~~

27 ~~(b) No later than July 1, 2016, and once every three months~~  
28 ~~thereafter, and within the fiscal year ending June 30, the fireworks~~  
29 ~~stewardship organization shall reimburse the State Fire Marshal~~  
30 ~~for any costs incurred pursuant to subdivision (a).~~

31 ~~(c) The State Fire Marshal shall deposit all moneys submitted~~  
32 ~~for reimbursement of its costs by a fireworks stewardship~~  
33 ~~organization or manufacturer pursuant to this section into the State~~  
34 ~~Fire Marshal Fireworks Enforcement and Disposal Fund, created~~  
35 ~~pursuant to Section 12728. Upon appropriation by the Legislature,~~  
36 ~~these moneys may be expended by the Department of Forestry and~~  
37 ~~Fire Prevention to administer and enforce this chapter and~~  
38 ~~reimburse any outstanding loans made from other funds used to~~  
39 ~~finance startup costs of the department's activities pursuant to this~~  
40 ~~chapter.~~

1 12664. ~~(a) A fireworks stewardship organization shall keep~~  
2 ~~minutes, books, and records that clearly reflect the activities and~~  
3 ~~transactions of the fireworks stewardship organization conducted~~  
4 ~~pursuant to this chapter.~~

5 ~~(b) The accounting books of a manufacturer or a fireworks~~  
6 ~~stewardship organization shall be audited at the manufacturer's or~~  
7 ~~the fireworks stewardship organization's expense by an~~  
8 ~~independent certified public accountant retained by the~~  
9 ~~manufacturer or fireworks stewardship organization at least once~~  
10 ~~each calendar year.~~

11 ~~(c) The fireworks stewardship organization or manufacturer~~  
12 ~~shall arrange for the audit to be delivered to the State Fire Marshal.~~  
13 ~~The State Fire Marshal shall review the audit to evaluate the~~  
14 ~~fireworks stewardship organization's or manufacturer's compliance~~  
15 ~~with this chapter and consistency with the plan created pursuant~~  
16 ~~to this chapter. The State Fire Marshal shall notify a manufacturer~~  
17 ~~or fireworks stewardship organization of any compliance issues~~  
18 ~~or inconsistencies. The State Fire Marshal shall not disclose any~~  
19 ~~confidential proprietary information in the audit.~~

20 ~~(d) The State Fire Marshal may conduct its own audit if it~~  
21 ~~determines that an audit is necessary to enforce the requirements~~  
22 ~~of this chapter and that the audit conducted pursuant to subdivision~~  
23 ~~(b) is not adequate for this purpose.~~

24 12665. ~~(a) The State Fire Marshal may impose an~~  
25 ~~administrative civil penalty on any manufacturer or stewardship~~  
26 ~~organization that is in violation of this chapter. The amount of the~~  
27 ~~civil penalty shall not exceed five hundred dollars (\$500) per day,~~  
28 ~~but if the violation is intentional, knowing, or reckless, the State~~  
29 ~~Fire Marshal may impose a civil penalty of not more than five~~  
30 ~~thousand dollars (\$5,000) per day.~~

31 ~~(b) The State Fire Marshal may impose an administrative civil~~  
32 ~~penalty on any retailer who is in violation of this chapter. The~~  
33 ~~amount of the civil penalty shall not exceed five hundred dollars~~  
34 ~~(\$500) per day, but if the violation is intentional, knowing, or~~  
35 ~~reckless, the State Fire Marshal may impose a civil penalty of not~~  
36 ~~more than five thousand dollars (\$5,000) per day.~~

37 ~~(c) If more than one stewardship organization submits a plan~~  
38 ~~pursuant to this chapter, the State Fire Marshal shall determine the~~  
39 ~~manufacturer's or retailer's compliance with this chapter in~~

1 accordance with the plan to which the manufacturer or retailer is  
2 subject.

3 ~~(d) The State Fire Marshal may impose the administrative civil  
4 penalties pursuant to this section in accordance with Chapter 5  
5 (commencing with Section 11500) of Part 1 of Division 3 of Title  
6 2 of the Government Code, except that subdivision (e) of Section  
7 11505 of the Government Code shall not apply to the department.~~

8 ~~(e) The State Fire Marshal shall not impose a penalty upon a  
9 fireworks stewardship organization pursuant to this section for a  
10 failure to comply with this chapter as a result of submitting false  
11 or misleading information if the stewardship organization  
12 demonstrates that it received false or misleading information from  
13 a manufacturer that was the direct cause of its failure to comply  
14 with this chapter.~~

15 ~~(f) The State Fire Marshal shall deposit all penalties collected  
16 pursuant to this section into the State Fire Marshal Fireworks  
17 Enforcement and Disposal Fund.~~

18 ~~12666. Section 12700 shall not apply to violations of this  
19 chapter.~~

20 ~~SEC. 27. Section 12670 of the Health and Safety Code is  
21 amended to read:~~

22 ~~12670. It is unlawful for any person to advertise that he or she  
23 is in any business or venture involving fireworks or pyrotechnic  
24 devices or to cause his or her name or business name style to be  
25 included in any classified advertisement or directory under a  
26 classification that includes the word fireworks, unless he or she is  
27 licensed pursuant to this part.~~

28 ~~SEC. 28. Section 12673 of the Health and Safety Code is  
29 amended to read:~~

30 ~~12673. It is unlawful for any person to store any fireworks  
31 without having in his or her possession a valid permit as required  
32 by this part.~~

33 ~~SEC. 29. Section 12686 of the Health and Safety Code is  
34 amended to read:~~

35 ~~12686. It is unlawful for any person to use any special effects  
36 fireworks unless he or she possesses a pyrotechnic operator license.~~

37 ~~SEC. 30. Section 12688 of the Health and Safety Code is  
38 amended to read:~~

39 ~~12688. It is unlawful for any person to advertise to sell or  
40 transfer any class of fireworks, including agricultural and wildlife~~

1 fireworks or model rocket engines, unless he or she possesses a  
2 valid license or permit.

3 SEC. 31. Section 12706 of the Health and Safety Code is  
4 amended to read:

5 12706. Notwithstanding Section 1463 of the Penal Code, all  
6 fines and forfeitures imposed by or collected in any court of this  
7 state, except for administrative fines described in Section 12557,  
8 as a result of citations issued by a public safety agency, for any  
9 violation of subdivision (b) of Section 12700 or of any regulation  
10 adopted pursuant to subdivision (b) of Section 12700, shall be  
11 deposited, as soon as practicable after the receipt of the fine or  
12 forfeiture, with the county treasurer of the county in which the  
13 court is situated.

14 SEC. 32. Section 12722 of the Health and Safety Code is  
15 amended to read:

16 12722. The following fireworks may be seized pursuant to  
17 Section 12721:

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

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

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

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

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

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

38 (g) Each safe and sane fireworks item sold or offered for sale  
39 at retail that does not have its fuse or other igniting device protected  
40 by a cap approved by the State Fire Marshal, or groups of fireworks

1 with exposed fuses that are not enclosed in sealed packages that  
2 bear the State Fire Marshal label of registration. The State Fire  
3 Marshal shall approve those caps that he or she determines provide  
4 reasonable protection from unintentional ignition of the fireworks.

5 (h) ~~Dangerous fireworks, including fireworks kits, used,~~  
6 ~~possessed, stored, manufactured, or transported by any person who~~  
7 ~~does not possess a valid permit authorizing any activity listed in~~  
8 ~~this part.~~

9 (i) ~~Any fireworks stored or sold in any public garage or public~~  
10 ~~oil station, or on any premises where gasoline or any other class~~  
11 ~~1 flammable liquids are stored or dispensed.~~

12 (j) ~~Any fireworks still possessed by a person who has just~~  
13 ~~thrown any ignited fireworks at any person or group of persons.~~

14 (k) ~~Any model rocket engines or model rockets with engines~~  
15 ~~possessed by any person not holding a valid permit.~~

16 (l) ~~Any emergency signaling device sold, offered for sale, or~~  
17 ~~used that does not bear the State Fire Marshal label of registration~~  
18 ~~as required by this part.~~

19 (m) ~~Any fireworks or pyrotechnic device offered for sale by~~  
20 ~~any person violating any provision of this part.~~

21 ~~SEC. 33. Section 12723 of the Health and Safety Code, as~~  
22 ~~added by Section 10 of Chapter 24 of the Statutes of 2015, is~~  
23 ~~repealed.~~

24 ~~SEC. 34. Section 12724 of the Health and Safety Code is~~  
25 ~~amended to read:~~

26 ~~12724. (a) Any person whose fireworks are seized under the~~  
27 ~~provisions of this chapter may, within 10 days after seizure, petition~~  
28 ~~the entity seizing the fireworks to return the fireworks seized upon~~  
29 ~~the ground that the fireworks were illegally or erroneously seized.~~  
30 ~~Any petition filed pursuant to this section shall be considered by~~  
31 ~~the entity seizing the fireworks within 15 days after filing or after~~  
32 ~~a hearing granted to the petitioner, if requested. The entity seizing~~  
33 ~~the fireworks shall advise the petitioner of his or her decision in~~  
34 ~~writing. The determination of the entity seizing the fireworks is~~  
35 ~~final unless within 60 days after seizure an action is commenced~~  
36 ~~in a court of competent jurisdiction in the State of California for~~  
37 ~~the recovery of the fireworks seized pursuant to this part, except~~  
38 ~~as provided in subdivision (b).~~

39 ~~(b) The determination of the entity seizing the fireworks is final~~  
40 ~~in the case of the seizure of dangerous fireworks, unless within 20~~

1 days after the notice of the determination is mailed to the petitioner  
2 an action is commenced in a court of competent jurisdiction in the  
3 State of California for the recovery of the fireworks seized pursuant  
4 to this part.

5 ~~SEC. 35. Section 12725 of the Health and Safety Code is~~  
6 ~~amended to read:~~

7 ~~12725. The State Fire Marshal, his or her salaried deputies, or~~  
8 ~~any chief or his or her authorized representatives as qualified in~~  
9 ~~this chapter may prevent, stop, or cause to be stopped, any public~~  
10 ~~display in progress, or any proposed public display, when the~~  
11 ~~location, discharge, or firing of such public display is determined~~  
12 ~~by him or her to be hazardous to property or dangerous to the~~  
13 ~~public.~~

14 ~~SEC. 36. Section 12726 of the Health and Safety Code, as~~  
15 ~~added by Section 12 of Chapter 24 of the Statutes of 2015, is~~  
16 ~~repealed.~~

17 ~~SEC. 37. Section 12728 of the Health and Safety Code is~~  
18 ~~amended to read:~~

19 ~~12728. (a) The State Fire Marshal Fireworks Enforcement and~~  
20 ~~Disposal Fund is hereby established in the State Treasury.~~

21 ~~(b) All of the moneys deposited in the fund pursuant to Section~~  
22 ~~12663 shall be expended, upon appropriation by the Legislature,~~  
23 ~~only as provided in that section.~~

24 ~~(c) All of the moneys collected pursuant to Section 12727 shall~~  
25 ~~be deposited in the fund and shall be available, upon appropriation~~  
26 ~~by the Legislature, to the State Fire Marshal for the exclusive use~~  
27 ~~in statewide programs for all of the following:~~

28 ~~(1) To further assist in statewide programs for the enforcement,~~  
29 ~~prosecution related to, disposal, and management of seized~~  
30 ~~dangerous fireworks.~~

31 ~~(2) The education of public safety agencies in the proper~~  
32 ~~handling and management of dangerous fireworks as well as safety~~  
33 ~~issues involving all fireworks and explosives.~~

34 ~~(3) Assist the State Fire Marshal in identifying and evaluating~~  
35 ~~methods to capture more detailed data relating to fires, damages,~~  
36 ~~and injuries caused by both dangerous and safe and sane fireworks,~~  
37 ~~and to assist with funding the eventual development and~~  
38 ~~implementation of those methods.~~

- 1     ~~(4) To further assist in public safety and education efforts within~~
- 2     ~~the general public as well as public safety agencies on the proper~~
- 3     ~~and responsible use of safe and sane fireworks.~~

O