

ASSEMBLY BILL

No. 2090

Introduced by Assembly Member Miller

February 18, 1998

An act to add and repeal Section 12599.5 of the Health and Safety Code, relating to fireworks.

LEGISLATIVE COUNSEL'S DIGEST

AB 2090, as introduced, Miller. Fireworks: sale.

(1) Existing law authorizes the 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.

This bill would authorize the sale of certified safe and sane fireworks from 9:00 a.m. December 26, 1999, through January 1, 2000, pursuant to a license issued by the State Fire Marshal, if authorized by a city or county ordinance or resolution that may also restrict the hours of use of those fireworks. Since a violation of this provision or other existing related provisions in connection with the sale of those fireworks would be a misdemeanor, the bill would impose a state-mandated local program by creating new crimes. These provisions would become inoperative on January 2, 2000, and would be repealed on January 1, 2001.

(2) 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 no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. Section 12599.5 is added to the Health
2 and Safety Code, to read:

3 12599.5. (a) Notwithstanding Sections 12599 and
4 12672, a separate one-time retail license issued pursuant
5 to this section by the State Fire Marshal shall authorize a
6 retail sale of safe and sane fireworks within this state only
7 from 9:00 a.m. on December 26, 1999, until midnight of
8 January 1, 2000. That license shall expire at the end of that
9 period. All fireworks sold pursuant to that license shall
10 have been certified as safe and sane by the State Fire
11 Marshal as of June 1999. No other license issued pursuant
12 to this chapter shall authorize the sale of fireworks during
13 that period.

14 (b) No retail license shall be issued for the license
15 period defined in this section unless the city or county
16 having jurisdiction over the fixed location where the
17 fireworks would be sold adopts an ordinance or resolution
18 allowing that sale, and the application for that license is
19 received by the State Fire Marshal on or before
20 December 15, 1999. The city or county ordinance or
21 resolution authorizing the sale of those fireworks may
22 limit the period of use of those fireworks to specified days
23 and hours within the period during which the sale is
24 authorized by this section.

25 (c) This section shall become inoperative on January
26 2, 2000, and, as of January 1, 2001, is repealed, unless a later
27 enacted statute, that becomes operative on or before
28 January 1, 2001, deletes or extends the dates on which it
29 becomes inoperative and is repealed.

30 SEC. 2. No reimbursement is required by this act
31 pursuant to Section 6 of Article XIII B of the California
32 Constitution because the only costs that may be incurred
33 by a local agency or school district will be incurred



1 because this act creates a new crime or infraction,
2 eliminates a crime or infraction, or changes the penalty
3 for a crime or infraction, within the meaning of Section
4 17556 of the Government Code, or changes the definition
5 of a crime within the meaning of Section 6 of Article
6 XIII B of the California Constitution.

7 Notwithstanding Section 17580 of the Government
8 Code, unless otherwise specified, the provisions of this act
9 shall become operative on the same date that the act
10 takes effect pursuant to the California Constitution.

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