

**SUBSTITUTE FOR
HOUSE BILL NO. 4293**

A bill to revise, consolidate, and codify the laws relating to certain fireworks; to regulate the purchase, possession, sale, and use of certain fireworks; to establish a fireworks safety fund; to establish a fireworks safety fee; to provide for the transfer and expenditure of funds; to prescribe the powers and duties of certain state agencies; to provide for penalties and remedies; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "Michigan fireworks safety act".

3 Sec. 2. As used in this act:

4 (a) "Agricultural and wildlife fireworks" means fireworks
5 devices distributed to farmers, ranchers, and growers through a

1 wildlife management program administered by the United States
2 department of the interior or the department of natural resources
3 of this state.

4 (b) "APA standard 87-1" means 2001 APA standard 87-1,
5 standard for construction and approval for transportation of
6 fireworks, novelties, and theatrical pyrotechnics, published by
7 the American pyrotechnics association of Bethesda, Maryland.

8 (c) "Articles pyrotechnic" means pyrotechnic devices for
9 professional use that are similar to consumer fireworks in
10 chemical composition and construction but not intended for
11 consumer use, that meet the weight limits for consumer fireworks
12 but are not labeled as such, and that are classified as UN0431 or
13 UN0432 under 49 CFR 172.101.

14 (d) "Bureau" means the bureau of fire services created under
15 section 1b of the fire prevention code, 1941 PA 207, MCL 29.1b.

16 (e) "Commercial manufacturer" means a person engaged in the
17 manufacture of consumer fireworks.

18 (f) "Consumer fireworks" means fireworks devices that are
19 designed to produce visible effects by combustion, that are
20 required to comply with the construction, chemical composition,
21 and labeling regulations promulgated by the United States
22 consumer product safety commission under 16 CFR parts 1500 and
23 1507, and that are listed in APA standard 87-1, 3.1.2, 3.1.3, or
24 3.5. Consumer fireworks does not include low-impact fireworks.

25 (g) "Consumer fireworks certificate" means a certificate
26 issued under section 4.

27 (h) "Display fireworks" means large fireworks devices that

1 are explosive materials intended for use in fireworks displays
2 and designed to produce visible or audible effects by combustion,
3 deflagration, or detonation, as provided in 27 CFR 555.11, 49 CFR
4 172, and APA standard 87-1, 4.1.

5 (i) "Firework" or "fireworks" means any composition or
6 device, except for a starting pistol, a flare gun, or a flare,
7 designed for the purpose of producing a visible or audible effect
8 by combustion, deflagration, or detonation. Fireworks consist of
9 consumer fireworks, low-impact fireworks, articles pyrotechnic,
10 display fireworks, and special effects.

11 (j) "Local unit of government" means a city, village, or
12 township.

13 (k) "Low-impact fireworks" means ground and handheld
14 sparkling devices as that phrase is defined under APA standard
15 87-1, 3.1, 3.1.1.1 to 3.1.1.8, and 3.5.

16 (l) "Minor" means an individual who is less than 18 years of
17 age.

18 (m) "NFPA" means the national fire protection association
19 headquartered at 1 Batterymarch Park, Quincy, MA.

20 (n) "NFPA 1" means the uniform fire code, 2006 edition,
21 developed by NFPA.

22 (o) "NFPA 72" means the "National Fire Alarm Code", 2002
23 edition, developed by NFPA.

24 (p) "NFPA 101" means the "Life Safety Code", 2009 edition,
25 developed by NFPA.

26 (q) "NFPA 1123" means the "Code for Fireworks Display", 2010
27 edition, developed by NFPA.

(r) "NFPA 1124" means the "Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles", 2006 edition, developed by NFPA.

(s) "NFPA 1126" means the "Standard for the Use of Pyrotechnics Before a Proximate Audience", 2011 edition, developed by NFPA.

(t) "Novelties" means that term as defined under APA standard 87-1, 3.2, 3.2.1, 3.2.2, 3.2.3, 3.2.4, and 3.2.5 and all of the following:

(i) Toy plastic or paper caps for toy pistols in sheets, strips, rolls, or individual caps containing not more than .25 of a grain of explosive content per cap, in packages labeled to indicate the maximum explosive content per cap.

(ii) Toy pistols, toy cannons, toy canes, toy trick noisemakers, and toy guns in which toy caps as described in subparagraph (i) are used, that are constructed so that the hand cannot come in contact with the cap when in place for the explosion, and that are not designed to break apart or be separated so as to form a missile by the explosion.

(iii) Flitter sparklers in paper tubes not exceeding 1/8 inch in diameter.

(iv) Toy snakes not containing mercury, if packed in cardboard boxes with not more than 12 pieces per box for retail sale and if the manufacturer's name and the quantity contained in each box are printed on the box; and toy smoke devices.

(u) "Permanent building or structure" is a building or structure that is affixed to a foundation on a site that has

1 fixed utility connections and that is intended to remain on the
2 site for more than 180 consecutive calendar days.

3 (v) "Person" means an individual, agent, association,
4 charitable organization, company, limited liability company,
5 corporation, labor organization, legal representative,
6 partnership, unincorporated organization, or any other legal or
7 commercial entity.

8 (w) "Retailer" means a person who sells consumer fireworks
9 or low-impact fireworks for resale to an individual for ultimate
10 use.

11 (x) "Retail location" means a facility listed under NFPA
12 1124, 7.1.2.

13 (y) "Special effects" means a combination of chemical
14 elements or chemical compounds capable of burning independently
15 of the oxygen of the atmosphere and designed and intended to
16 produce an audible, visual, mechanical, or thermal effect as an
17 integral part of a motion picture, radio, television, theatrical,
18 or opera production or live entertainment.

19 (z) "State fire marshal" means the state fire marshal
20 appointed under section 1b of the fire prevention code, 1941 PA
21 207, MCL 29.1b.

22 (aa) "Warehouse" means a permanent building or structure
23 used primarily for the storage of consumer fireworks or low-
24 impact fireworks.

25 (bb) "Wholesaler" means any person who sells consumer
26 fireworks or low-impact fireworks to a retailer or any other
27 person for resale. Wholesaler does not include a person who sells

1 only display fireworks or special effects.

2 Sec. 3. This act does not apply to novelties. Nothing in
3 this act allows a local unit of government to enact or enforce an
4 ordinance, code, or regulation pertaining to, or in any manner
5 regulating, the sale, storage, display for sale, transportation,
6 use, or distribution of novelties.

7 Sec. 4. (1) A person shall not sell consumer fireworks
8 unless the person annually obtains a consumer fireworks
9 certificate from the bureau under this section. A person who
10 knows, or should know, that he or she is required to comply with
11 this subsection and who fails or neglects to do so is guilty of a
12 misdemeanor punishable by imprisonment for not more than 2 years
13 or a fine of not more than \$5,000.00 for each day the person is
14 in violation of this subsection, or both.

15 (2) An application for a consumer fireworks certificate
16 shall meet all of the following requirements:

17 (a) Before January 1, 2012, the application shall be
18 submitted not less than 90 days before the applicant sells
19 consumer fireworks.

20 (b) Beginning January 1, 2012, the application shall be
21 submitted no later than April 1 of each year in which consumer
22 fireworks are to be sold.

23 (c) The application shall list the name and address of each
24 retail location from which consumer fireworks are to be sold.

25 (d) Until January 1, 2014, the application shall be
26 accompanied by a fee of \$1,000.00 for a certificate for each
27 retail location that is a permanent building or structure or

1 \$600.00 for each retail location that is not a permanent building
2 or structure. Until January 1, 2014, the fireworks certificate
3 fee required to be paid for a retail location that is not a
4 permanent building or structure shall not exceed 60% of the
5 fireworks certificate fee for a retail location that is a
6 permanent building or structure.

7 (3) A consumer fireworks certificate issued under this
8 section is valid from the date of issue until April 30 of the
9 year after it was issued. A person may renew a consumer fireworks
10 certificate for a retail location by making application in the
11 same manner as provided under subsection (2). However, the bureau
12 shall not issue a renewal consumer fireworks certificate unless
13 the department of treasury confirms that the applicant properly
14 remitted all of the fireworks safety fees and sales taxes
15 required to be paid in the preceding year.

16 (4) Not more than 30 days after an application is submitted
17 to the bureau under this section, the bureau shall issue or deny
18 issuance of a consumer fireworks certificate to the applicant
19 and, if issuance is denied, shall indicate to the applicant the
20 reason for denial.

21 (5) If the bureau denies issuance of a consumer fireworks
22 certificate under this section, the applicant may cure any defect
23 of the application within 45 days after the denial without paying
24 an additional fee. The bureau shall not unreasonably delay or
25 deny an application under this section.

26 (6) A consumer fireworks certificate is transferable upon
27 approval by the bureau and the payment of a \$25.00 transfer fee.

1 However, the bureau shall not approve the transfer of a consumer
2 fireworks certificate unless the transferee satisfies eligibility
3 requirements for an original consumer fireworks certificate under
4 this act.

5 (7) The holder of a consumer fireworks certificate shall
6 prominently display the original or copy of the certificate in
7 the appropriate retail location. A person that violates this
8 subsection is responsible for a civil fine of \$100.00. Each day
9 that the consumer fireworks certificate is not displayed as
10 provided under this subsection is a separate violation.

11 (8) The bureau shall not issue a consumer fireworks
12 certificate to either of the following:

13 (a) A person that is ineligible under section 8(4).

14 (b) An individual who has been convicted of a felony
15 involving theft, fraud, or arson.

16 (9) The face of the consumer fireworks certificate shall
17 indicate the location or address for which it was issued.

18 (10) Fees collected under this section shall be deposited in
19 the fireworks safety fund created under section 11.

20 Sec. 5. (1) Consumer fireworks shall only be sold from a
21 retail location if all of the following applicable conditions are
22 met:

23 (a) Except as provided in subdivision (b), a retail location
24 satisfies the applicable requirements of NFPA 101 and NFPA 1124
25 not in conflict with this act.

26 (b) Beginning 1 year after the effective date of this act, a
27 permanent building or structure shall be equipped with a fire

1 suppression system in compliance with NFPA 1124.

2 (c) The retailer at that retail location is licensed under
3 section 3 of the general sales tax act, 1933 PA 167, MCL 205.53.

4 (d) The retailer has a valid federal taxpayer identification
5 number issued by the federal department of the treasury, internal
6 revenue service. This requirement does not apply to a retailer
7 that is a sole proprietorship.

8 (2) A person that knows, or should know, that he or she is
9 required to comply with subsection (1) and who fails or neglects
10 to do so is responsible for a civil fine of \$2,500.00 for each
11 violation. Each day that a person is in noncompliance constitutes
12 a separate violation.

13 (3) During periods when consumer fireworks are sold, each
14 retail location selling consumer fireworks either shall be added
15 as an additional insured, or public liability and product
16 liability insurance coverage shall be obtained and maintained, in
17 an amount not less than \$10,000,000.00 per occurrence. A person
18 that knows, or should know, that he or she is required to comply
19 with this subsection and who fails or neglects to do is liable
20 for a civil fine of not more than \$5,000.00.

21 Sec. 6. (1) The bureau shall establish and maintain, or
22 cause to be created and maintained, an internet website that has
23 as its purpose the protection of the residents of this state who
24 purchase, use, or transport fireworks. The website shall include,
25 at a minimum, both of the following:

26 (a) A list of every person and entity that is issued a
27 consumer fireworks certificate under section 4.

1 (b) A low-impact fireworks retail registry. All of the
2 following apply to the online low-impact fireworks retail
3 registry:

4 (i) It shall be maintained and operated at no cost to a user.

5 (ii) The cost of its maintenance and operation shall be paid
6 with funds described in section 11(4).

7 (iii) It shall provide for instant registry without condition.

8 (2) A person shall not sell low-impact fireworks unless he
9 or she registers with the low-impact fireworks retail registry
10 not less than 10 days before selling the fireworks in each
11 calendar year.

12 (3) A person who sells low-impact fireworks at retail and
13 who fails to register as described in this section shall cease
14 the sale of low-impact fireworks until the person complies with
15 subsection (2).

16 Sec. 7. (1) Except as provided in this act, a local unit of
17 government shall not enact or enforce an ordinance, code, or
18 regulation pertaining to or in any manner regulating the sale,
19 display, storage, transportation, or distribution of fireworks
20 regulated under this act.

21 (2) A local unit of government may enact an ordinance
22 regulating the ignition, discharge, and use of consumer
23 fireworks. However, an ordinance enacted under this subsection
24 shall not regulate the use of consumer fireworks on the day
25 preceding, the day of, or the day after a national or religious
26 holiday.

27 Sec. 8. (1) A user fee, known as the fireworks safety fee,

1 is imposed on retail transactions made in this state for consumer
2 fireworks and low-impact fireworks as provided in section 9.

3 (2) A person that acquires consumer fireworks or low-impact
4 fireworks in a retail transaction is liable for the fireworks
5 safety fee on the transaction and, except as otherwise provided
6 in this act, shall pay the fireworks safety fee to the retailer
7 as a separate added amount to the consideration in the
8 transaction. The retailer shall collect the fireworks safety fee
9 as an agent for the state.

10 (3) The fireworks safety fee shall be deposited in the
11 fireworks safety fund created under section 11.

12 (4) A person that knows or should know that he or she is
13 required to comply with the requirements of subsection (2) but
14 fails to collect or remit a fireworks safety fee as required
15 under this section is guilty of a misdemeanor punishable by a
16 fine of not more than \$10,000.00. In addition, the person is
17 ineligible to obtain a fireworks certificate for 1 year after
18 conviction.

19 Sec. 9. (1) Except as provided in subsections (2) and (3),
20 the fireworks safety fee is determined by the gross retail income
21 from consumer fireworks and low-impact fireworks received by a
22 retail merchant in a retail unitary transaction of consumer
23 fireworks and low-impact fireworks and is imposed before any
24 taxes are applied at the following rates:

25	FIREWORKS	GROSS RETAIL INCOME
26	SAFETY	FROM THE

1	FEE	RETAIL UNITARY
2		TRANSACTION
3	\$ 0	less than \$ 0.08
4	\$ 0.01	at least \$ 0.08 but less than \$ 0.24
5	\$ 0.02	at least \$ 0.24 but less than \$ 0.40
6	\$ 0.03	at least \$ 0.40 but less than \$ 0.56
7	\$ 0.04	at least \$ 0.56 but less than \$ 0.72
8	\$ 0.05	at least \$ 0.72 but less than \$ 0.88
9	\$ 0.06	at least \$ 0.88 but less than \$ 1.04

10 (2) On a retail unitary transaction in which the gross
 11 retail income received by the retail merchant is \$1.04 or more,
 12 the fireworks safety fee is 6% of that gross retail income as
 13 determined before any taxes are applied.

14 (3) If the fireworks safety fee calculated under subsection
 15 (1) results in a fraction of 1/2 cent or more, the amount of the
 16 fireworks safety fee shall be rounded to the next additional
 17 cent.

18 (4) The retailer whose retail location is a permanent
 19 building or structure may retain 1% of the fireworks safety fees
 20 that the retailer collected under this section as a collection
 21 allowance.

22 Sec. 10. A retailer shall remit the fireworks safety fee as
 23 described in section 9 to the department of treasury of this
 24 state on forms and in the manner prescribed by that department,
 25 shall hold the fireworks safety fees collected in trust for the
 26 state until remitted to the state, and is personally liable for
 27 the payment of the fireworks safety fee money to this state.

1 Sec. 11. (1) The fireworks safety fund is created within the
2 state treasury.

3 (2) The state treasurer may receive money or other assets
4 from any source for deposit into the fund. The state treasurer
5 shall direct the investment of the fund. The state treasurer
6 shall credit to the fund interest and earnings from fund
7 investments.

8 (3) Money in the fund at the close of the fiscal year shall
9 remain in the fund and shall not lapse to the general fund.

10 (4) The bureau shall expend money deposited in the fund to
11 carry out the purposes of this act, the fire prevention code,
12 1941 PA 207, MCL 29.1 to 29.33, and the firefighters training
13 council created under section 3 of the firefighters training
14 council act, 1966 PA 291, MCL 29.363. Of the first \$1,000,000.00
15 collected in the fireworks safety fund in each fiscal year, the
16 fire marshal may expend not more than \$1,000,000.00 in
17 discretionary grants to local units of government to defray
18 inspection costs associated with the enforcement of this act.

19 Sec. 12. (1) A person shall not ignite, discharge, or use
20 consumer fireworks on public property, school property, church
21 property, or the property of another person without that
22 organization's or person's express permission to use those
23 fireworks on those premises. Except as otherwise provided in this
24 subsection, a person that violates this subsection is responsible
25 for a state civil infraction and may be ordered to pay a civil
26 fine of not more than \$500.00.

27 (2) Consumer fireworks shall not be sold to a minor. A

1 person that violates this subsection is responsible for a state
2 civil infraction and may be ordered to pay a civil fine of not
3 more than \$500.00. This age requirement shall be verified by any
4 of the following:

5 (a) An operator's or chauffeur's license issued under the
6 Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923.

7 (b) An official state personal identification card issued
8 under 1972 PA 222, MCL 28.291 to 28.300.

9 (c) An enhanced driver license or enhanced official state
10 personal identification card issued under the enhanced driver
11 license and enhanced official state personal identification card
12 act, 2008 PA 23, MCL 28.301 to 28.308.

13 (d) A military identification card.

14 (e) A passport.

15 (f) Any other bona fide photograph identification that
16 establishes the identity and age of the individual.

17 (3) An individual shall not use consumer fireworks or low-
18 impact fireworks while under the influence of alcoholic liquor, a
19 controlled substance, or a combination of alcoholic liquor and a
20 controlled substance. As used in this subsection:

21 (a) "Alcoholic liquor" means that term as defined in section
22 1d of the Michigan vehicle code, 1949 PA 300, MCL 257.1d.

23 (b) "Controlled substance" means that term as defined in
24 section 8b of the Michigan vehicle code, 1949 PA 300, MCL 257.8b.

25 (4) An individual who violates the smoking prohibition under
26 NFPA 1124, 7.3.11.1 is guilty of a misdemeanor punishable by
27 imprisonment for not more than 1 year or a fine of not more than

1 \$1,000.00, or both.

2 (5) Signage stating the smoking prohibition described in
3 subsection (4) satisfies the requirements of NFPA 1124.

4 Sec. 13. A wholesaler shall maintain a resident agent who
5 resides in this state and who has a physical address in this
6 state. A post office box is not a physical address for purposes
7 of this section.

8 Sec. 14. (1) A governmental or law enforcement agency that
9 identifies a firework that is in violation of this act shall
10 secure the firework and immediately notify the bureau of the
11 alleged violation. The bureau or law enforcement agency shall
12 investigate the alleged violation for compliance with this act
13 within a reasonable time.

14 (2) If the bureau or law enforcement agency determines that
15 a violation of this act has occurred, except for a violation of
16 section 6(2), the bureau or law enforcement agency may seize the
17 firework as evidence of the violation. Evidence seized under this
18 section shall be stored pending disposition of any criminal or
19 civil proceedings arising from a violation of this act at the
20 expense of the person, if the person is found guilty,
21 responsible, or liable for the violation.

22 Sec. 15. (1) Fireworks seized for an alleged violation of
23 this act shall be stored in compliance with this act and rules
24 promulgated under this act.

25 (2) Following final disposition of a conviction for
26 violating this act, the seizing agency in possession may dispose
27 of or destroy any fireworks retained as evidence in that

1 prosecution.

2 (3) The person from whom fireworks are seized under this act
3 shall pay the actual costs of storage and disposal of the seized
4 fireworks.

5 (4) The department of state police and the bureau may use
6 fireworks described in subsection (2) for training purposes.

7 Sec. 16. (1) The legislative body of a city, village, or
8 township, upon application in writing or forms provided by the
9 bureau and payment of a fee set by the legislative body, if any,
10 may grant a permit for the use of agricultural or wildlife
11 fireworks, articles pyrotechnic, display fireworks, or special
12 effects manufactured for outdoor pest control or agricultural
13 purposes, or for public or private display within the city,
14 village, or township by municipalities, fair associations,
15 amusement parks, or other organizations or individuals approved
16 by the city, village, or township authority, if the applicable
17 provisions of this act are complied with. After a permit has been
18 granted, sales, possession, or transportation of fireworks for
19 the purposes described in the permit only may be made. A permit
20 granted under this subsection is not transferable and shall not
21 be issued to a minor.

22 (2) Before a permit for articles pyrotechnic or a display
23 fireworks ignition is issued, the person, firm, or corporation
24 applying for the permit shall furnish proof of financial
25 responsibility by a bond or insurance in an amount, character,
26 and form deemed necessary by the local governing authority to
27 satisfy claims for damages to property or personal injuries

1 arising out of an act or omission on the part of the person,
2 firm, or corporation or an agent or employee of the person, firm,
3 or corporation, and to protect the public.

4 (3) A permit shall not be issued under this act to a
5 nonresident person, firm, or corporation for ignition of articles
6 pyrotechnic or display fireworks in this state until the person,
7 firm, or corporation has appointed in writing a resident member
8 of the bar of this state or a resident agent to be the legal
9 representative upon whom all process in an action or proceeding
10 against the person, firm, or corporation may be served.

11 (4) The local governing authority shall rule on the
12 competency and qualifications of articles pyrotechnic and display
13 fireworks operators as required under NFPA 1123, as the operator
14 has furnished in his or her application form, and on the time,
15 place, and safety aspects of the display of articles pyrotechnic
16 or display fireworks before granting permits.

17 (5) A local unit of government that charges a fee to issue a
18 permit under this section shall retain the fee paid.

19 Sec. 17. This act does not prohibit any of the following:

20 (a) A wholesaler, retailer, commercial manufacturer, or
21 importer from selling, storing, using, transporting, or
22 distributing consumer fireworks or low-impact fireworks.

23 (b) The use of fireworks by railroads or other
24 transportation agencies or law enforcement agencies for signal
25 purposes or illumination.

26 (c) The use of agricultural or wildlife fireworks.

27 (d) The sale or use of blank cartridges for any of the

1 following:

2 (i) A show or play.

3 (ii) Signal or ceremonial purposes in athletics or sports.

4 (iii) Use by military organizations.

5 (iv) Use by law enforcement agencies.

6 (e) The possession, sale, or disposal of fireworks

7 incidental to the public display of fireworks by wholesalers or

8 other persons who possess a permit to possess, store, and sell

9 explosives from the bureau of alcohol, tobacco, firearms, and

10 explosives of the United States department of justice.

11 (f) Interstate wholesalers from selling, storing, using,

12 transporting, or distributing fireworks.

13 Sec. 18. (1) Unless otherwise provided in this act, if a
14 person knowingly, intentionally, or recklessly violates this act,
15 the person is guilty of a crime as follows:

16 (a) Except as otherwise provided in this section, a
17 misdemeanor punishable by imprisonment for not more than 30 days
18 or a fine of not more than \$1,000.00, or both.

19 (b) If the violation causes damage to the property of
20 another person, a misdemeanor punishable by imprisonment for not
21 more than 90 days or a fine of not more than \$5,000.00, or both.

22 (c) If the violation causes serious impairment of a body
23 function of another person, a felony punishable by imprisonment
24 for not more than 5 years or a fine of not more than \$5,000.00,
25 or both. As used in this subdivision, "serious impairment of a
26 body function" means that term as defined in section 58c of the
27 Michigan vehicle code, 1949 PA 300, MCL 257.58c.

1 (d) If the violation causes the death of another person, a
2 felony punishable by imprisonment for not more than 15 years or a
3 fine of not more than \$10,000.00, or both.

4 (2) In addition to any other penalty imposed for the
5 violation of this act, a person that is found guilty of a
6 violation of this act shall be required to reimburse the
7 appropriate governmental agency for the costs of storing seized
8 fireworks that the governmental agency confiscated for a
9 violation of this act. This reimbursement shall be in a form and
10 at a time as required by the state fire marshal and as otherwise
11 required by law.

12 Sec. 19. The bureau may delegate authority and
13 responsibility to carry out inspections and other duties under
14 this act.

15 Sec. 20. (1) The bureau shall promulgate rules under the
16 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
17 24.328, to administer this act, including, but not limited to,
18 all of the following:

19 (a) Create uniform applications and other forms for
20 dissemination to and use by local units of government under this
21 act.

22 (b) Procedures for the collection of application fees and
23 fireworks safety fees.

24 (c) Enforcement of regulatory duties.

25 (d) The enforcement of age limitations.

26 (2) Rules promulgated under this section shall conform to
27 the following codes developed by the national fire protection

1 association, except for any code provision that conflicts with
2 this act:

3 (a) NFPA 1123, code for fireworks display.

4 (b) NFPA 1124, code for manufacture, transportation,
5 storage, and retail sales of fireworks and pyrotechnic articles.

6 (c) NFPA 1126, standard for the use of pyrotechnics.

7 (3) The rules promulgated under former chapter XXXIX of the
8 Michigan penal code, 1931 PA 328, MCL 750.243a to 750.243e,
9 pertaining to the display of articles pyrotechnic and display
10 fireworks that are in effect on the effective date of this act
11 shall remain in effect until rescinded or otherwise changed
12 according to law, as provided for in section 31 of the
13 administrative procedures act of 1969, 1969 PA 306, MCL 24.231.

14 Sec. 21. No later than October 1, 2013, the state fire
15 marshal shall provide a report to the legislature that details
16 both of the following:

17 (a) The costs associated with the inspection of retail
18 locations under this act. It is the intent of the legislature
19 that the information described in this subdivision be used to
20 determine the consumer fireworks certificate fee for each retail
21 location under section 4 beginning January 1, 2014.

22 (b) The types and number of violations of this act.

23 Enacting section 1. Chapter XXXIX of the Michigan penal
24 code, 1931 PA 328, MCL 750.243a to 750.243e, is repealed.

25 Enacting section 2. This act takes effect January 1, 2012.