

Consumer Fireworks Program

(Pursuant to PA 256 of 2011)

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Updated 11/21/13 for
Final FY 2013 Information

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Executive Summary:

In December 2011, Governor Rick Snyder signed P.A. 256 of 2011, which allows the sale and use of consumer-grade fireworks in Michigan. Consumer-grade fireworks, labeled 1.4G fireworks, are those that leave the ground and contain higher levels of explosive mixture than low-impact fireworks—ground-based devices containing 500g or less of explosive mixture that have long been legal for sale and use in Michigan. Examples of consumer-grade fireworks include bottle rockets, Roman candles and firecrackers.

The Michigan Fireworks Safety Act supported by the promulgated Fireworks Safety General Rules prohibits ignition, discharge, or use of consumer fireworks on public property, school property, church property, or the property of another person without express permission. State law makes it illegal to sell consumer grade fireworks to minors and to discharge both consumer grade and low-impact fireworks when intoxicated or under the influence of a controlled substance. When fire-related incidents involve consumer, low impact, or illegal fireworks resulting in property damage, injury or death of another person, individuals are subject to being convicted of a misdemeanor or felony punishable by imprisonment of not more than fifteen years and fines of up to \$10,000 or both, depending upon the severity of the crime.

A local unit of government cannot enact an ordinance, code, or regulation pertaining to or in any manner regulating the sale, display, storage, transportation, or distribution of consumer grade fireworks, but can enact an ordinance regulating the ignition, discharge, and use of consumer grade fireworks anytime other than the day before, day of and day after a national holiday, except as follows;

(a) A local unit of government with a population of 50,000 or more or a local unit of government located in a county with a population of 750,000 or more may regulate the ignition, discharge, or use of consumer fireworks between the hours of 12 midnight and 8 a.m. or between the hours of 1 a.m. and 8 a.m. on New Year's day.

(b) A local unit of government with a population of less than 50,000 located in a county with a population of less than 750,000 may regulate the ignition, discharge, or use of consumer fireworks between the hours of 1 a.m. and 8 a.m.

Licensing and Regulatory Affairs (LARA) has created a delegated authority program where a local entity can elect to perform inspections of those approved firework locations within their geographical jurisdiction. Since the implementation of this program 55 Departments elected to participate covering 67 communities. This program has resulted in a timelier inspection process as well as better enforcement capability by BFS.

FIREWORKS FUND DATA

Reporting Requirement(s):

28.471 Report by state fire marshal.

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

- (a) The costs associated with the inspection of retail locations under this act. It is the intent of the legislature that the information described in this subdivision be used to determine the consumer fireworks certificate fee for each retail location under section 4 beginning January 1, 2014.
- (b) The types and number of violations of this act.

2013 Data:

The following items, from (a) – (b), contain the data and information as required under this Section 21 for reporting purposes.

- (a) The costs associated with the inspection of retail locations under this act.
Under the current formula, the program operated at a loss during Fiscal year 2013. Expenses exceeded available revenues by \$111,391.
See Attached for a summary report of financial activity for FY2013 and FY2014. A detailed report is available upon request.
- (b) The types and number of violations of this act.
There were a total of 349 violations identified by our state fire inspectors stemming from the following code categories:
 - i. Exterior
 - ii. Life Safety Systems
 - iii. Fire Extinguishers
 - iv. Means of Egress
 - v. Generators/Electrical
 - vi. General
 - vii. Displays
 - viii. Flame Breaks
 - ix. Act 256

SUMMARY

LARA, through collaborative efforts, continues to work with the Fireworks Industry, Michigan Fire Inspectors Society, Michigan Fire Chiefs Association, Fire Fighter Training Council, and Local Delegate Authorities to continually improve our Fireworks program.

As the Michigan Fireworks program is in its second year there is still much work to be done to achieve the level of efficiencies anticipated. Currently, an evaluation of the 2013 Fireworks season is underway and the necessary updates are actively being addressed. In addition, the BFS will convene the ad-hoc committee made up of those organizations directly affected by the fireworks program to propose and develop any necessary rule changes.

While the development and administration of a new program poses many challenges, LARA is actively striving to enhance the overall program processes to ensure effective and efficient service delivery to our customers.

**FY12 and FY13 Fireworks Activities
Revenues and Expenses**

	Revenues:	Summary:			
		FY12	FY13	Combined Total @ 9/30/13 Final	
Non-Sales		495,746	555,498	1,051,244	Covers Program Costs Dedicated to Training
Sales		1,341,189	1,821,997	3,163,186	
Total Revenues		1,836,936	2,377,495	4,214,431	
Expenses					
Program		470,000	666,889	1,136,889	
Firefighter Training		0	0	0	
Total Expenses		470,000	666,889	1,136,889	
Available Program Revenues:		25,746	(111,391)	(85,645)	
Available Firefighter Training Revenues		1,341,189	1,821,997	3,163,186	
Fund Balance at Fiscal Year Close		1,366,936	1,710,606	3,077,541.35	

PA59 of 2013 includes an Appropriation (Spending Authority) of \$1,000,000 from the Fireworks Safety Fund (Fireworks Sales Revenues per PA65 of 2013) to be spent by 9/30/14.