

By: Representative Horne

To: Business and Commerce

HOUSE BILL NO. 609

1 AN ACT TO AMEND SECTION 45-13-7, MISSISSIPPI CODE OF 1972, TO  
 2 REQUIRE FIREWORKS KEPT FOR SALE AT WHOLESALE AND RETAIL TO BE  
 3 LOCATED WITHIN A PERMANENT STRUCTURE; TO AMEND SECTION 45-13-9,  
 4 MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE SALE AND PURCHASE OF  
 5 FIREWORKS YEAR-ROUND; TO AMEND SECTION 45-13-15, MISSISSIPPI CODE  
 6 OF 1972, TO REVISE THE PENALTY FOR A VIOLATION OF THIS ACT FROM A  
 7 FELONY TO A MISDEMEANOR; TO BRING FORWARD SECTIONS 45-13-1,  
 8 45-13-3, 45-13-11, 45-13-13, 45-13-101, 45-13-103, 45-13-105,  
 9 45-13-107, 45-13-109, 97-37-27 AND 21-19-15, MISSISSIPPI CODE OF  
 10 1972, WHICH RELATE TO FIREWORKS AND EXPLOSIVES, MUNICIPALITIES,  
 11 AND PRESERVING GOOD ORDER AND PEACE, FOR PURPOSES OF POSSIBLE  
 12 AMENDMENT; AND FOR RELATED PURPOSES.

13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

14 **SECTION 1.** Section 45-13-7, Mississippi Code of 1972, is  
 15 amended as follows:

16 45-13-7. Fireworks kept for sale at wholesale and retail  
 17 shall be stored in a room set aside for the storage and sale of  
 18 fireworks only, and shall be located within a permanent structure  
 19 and shall not be located in a temporary stand. Over the entrance  
 20 to this room shall be posted a sign reading "FIREWORKS-NO  
 21 SMOKING-KEEP OPEN FLAMES AWAY." Two (2) approved fire  
 22 extinguishers shall be provided and kept in close proximity to the  
 23 stock of fireworks in all buildings where fireworks are sold.



24 \* \* \* All fireworks kept for sale on counters must remain in  
25 original packages unless an attendant is on duty at all times at  
26 the counter where the fireworks are on display. Signs reading  
27 "FIREWORKS FOR SALE-NO SMOKING ALLOWED" shall be displayed in the  
28 section of any store set aside for the sale of fireworks.

29 **SECTION 2.** Section 45-13-9, Mississippi Code of 1972, is  
30 amended as follows:

31 45-13-9. \* \* \* Fireworks shall be available for sale and  
32 purchase \* \* \* at retail \* \* \* year-round. No fireworks shall be  
33 sold to any person under the age of twelve (12) years. It shall  
34 be unlawful to ignite or discharge fireworks of any type within  
35 six hundred (600) feet of any church, hospital or school, or  
36 within seventy-five (75) feet of where fireworks are stored or  
37 offered for sale. It shall also be unlawful to ignite or  
38 discharge the same within or throw the same from or into or at any  
39 motor vehicle.

40 **SECTION 3.** Section 45-13-15, Mississippi Code of 1972, is  
41 amended as follows:

42 45-13-15. Any person, firm, partnership or corporation  
43 violating any provision of this article shall be guilty of a \* \* \*  
44 misdemeanor. In addition to said criminal penalties, any person,  
45 firm, partnership or corporation violating any provision of this  
46 article shall be responsible for any and all injuries, deaths and  
47 property damage caused by or resulting from illegal fireworks sold  
48 by such person, firm, partnership or corporation which is



49 prohibited by this article within the State of Mississippi, and  
50 any injured person or his legal representatives, shall have a  
51 right to bring a civil action against the dealer, distributor or  
52 manufacturer or person who sold said fireworks, whether said  
53 dealer, distributor or manufacturer or person be located in this  
54 state or not. Any dealer, distributor or manufacturer or person  
55 located outside of this state who shall sell fireworks in  
56 Mississippi shall make, constitute and appoint the Secretary of  
57 State as their lawful agent for service of process in any civil  
58 proceeding brought under the provisions of this article, to  
59 recover all damages caused or resulting from the sale of any  
60 fireworks prohibited by this article.

61       **SECTION 4.** Section 45-13-1, Mississippi Code of 1972, is  
62 brought forward as follows:

63       45-13-1. Except as herein provided, the manufacture, sale,  
64 possession or use of fireworks in this state is prohibited,  
65 provided the manufacture, sale, possession and use of fireworks  
66 which are now or may hereafter be classified as "common fireworks"  
67 by the Interstate Commerce Commission, and are labeled by said  
68 commission with the Class C common fireworks label, and which were  
69 designed to produce an audible effect shall contain an explosive  
70 composition not exceeding two (2) grains in weight, such fireworks  
71 being referred to as safe and sane items, and including such items  
72 as cone fountains, small Chinese crackers, small nonexplosive  
73 Roman candles and rockets, and similar nondangerous items, shall



74 be permitted within this state, but only upon the conditions as  
75 hereinafter set forth in this article. Paper caps for use in toy  
76 guns and similar items and nonexplosive sparklers are not included  
77 within the term "fireworks" as herein used.

78 **SECTION 5.** Section 45-13-3, Mississippi Code of 1972, is  
79 brought forward as follows:

80 45-13-3. Except as hereinafter provided, no retailer, dealer  
81 or any other person shall sell, offer for sale, store, display, or  
82 have in their possession, or use or explode anywhere in this state  
83 any fireworks that have not been approved and labeled as Class C  
84 common fireworks by the Interstate Commerce Commission. No  
85 jobber, wholesaler, manufacturer or any other person shall sell to  
86 retail dealers or any other person in this state for the purpose  
87 of resale or use in this state any fireworks which do not have the  
88 Interstate Commerce Commission Class C label printed on the  
89 fireworks or on the smallest package in which the same are sold.  
90 The Interstate Commerce Commission Class C label must be visible  
91 on the fireworks or smallest container in which the same are sold  
92 and the label shall be on the fireworks or on the package or both  
93 which are received by the general public from the dealer, and such  
94 label shall be of such size and so positioned as to be readily  
95 seen and recognized by law enforcement officers and the public.  
96 Wherever practical such fireworks and container shall have  
97 imprinted thereon directions for the handling thereof.



98           **SECTION 6.** Section 45-13-11, Mississippi Code of 1972, is  
99 brought forward as follows:

100           45-13-11. The governing body of any municipality or the  
101 board of supervisors of any county outside a municipality may  
102 grant permits under which fireworks, the sale, possession or use  
103 of which is otherwise prohibited hereby, may be sold and used for  
104 exhibition purposes; however, such permit shall be issued in  
105 compliance with Section 1123 of the National Fire Protection  
106 Association, as revised, and the Mississippi Fire Prevention Code,  
107 as revised. Such permits shall require that the persons in charge  
108 of such exhibitions shall be experienced in the handling of  
109 fireworks and the members of the public attending the exhibitions  
110 shall be kept at a safe distance therefrom. Any fireworks held in  
111 storage for such exhibitions shall be kept in a closed box until  
112 removed therefrom for firing.

113           **SECTION 7.** Section 45-13-13, Mississippi Code of 1972, is  
114 brought forward as follows:

115           45-13-13. The provisions of this article shall not in any  
116 manner limit or affect the right of the governing body of  
117 municipalities and the boards of supervisors of counties to  
118 regulate or hereafter prohibit the possession, sale and use of  
119 fireworks of any kind within the limits thereof.

120           **SECTION 8.** Section 45-13-101, Mississippi Code of 1972, is  
121 brought forward as follows:



122           45-13-101. Every person who sells or otherwise disposes of  
123 dynamite, nitroglycerine, explosives, gas bombs, dynamite caps,  
124 nitroglycerine caps, fuses, detonators or other similar  
125 explosives, shall keep an accurate record of the name of the  
126 purchaser, his address, quantity, and the general purpose of its  
127 intended use. It shall be unlawful to sell dynamite,  
128 nitroglycerine, explosives, gas bombs, dynamite caps,  
129 nitroglycerine caps, fuses, detonators or other similar explosives  
130 unless the person making the sale knows the purchaser and the  
131 general purpose for which such explosive or its counterpart will  
132 be used.

133           **SECTION 9.** Section 45-13-103, Mississippi Code of 1972, is  
134 brought forward as follows:

135           45-13-103. Every seller of dynamite, nitroglycerine,  
136 explosives, gas bombs, dynamite caps, nitroglycerine caps, fuses,  
137 detonators or other similar explosives shall report any sale,  
138 transfer of title, or removal to the sheriff of the county where  
139 such transfer or removal took place within twenty-four (24) hours  
140 on forms to be provided. Should the sale, transfer of title of  
141 removal of explosives be within a municipality, then a report  
142 shall also be made within twenty-four (24) hours to the chief of  
143 police on forms to be provided. The governing authorities of  
144 municipalities shall have the power to adopt ordinances for the  
145 further regulation and control of dynamite, nitroglycerine and  
146 similar explosives.



147           **SECTION 10.** Section 45-13-105, Mississippi Code of 1972, is  
148 brought forward as follows:

149           45-13-105. Any seller of dynamite, nitroglycerine,  
150 explosives, gas bombs, dynamite caps, nitroglycerine caps, fuses,  
151 detonators, or other similar explosives who does not report to  
152 proper authorities as required by this article shall, upon  
153 conviction, be punished by imprisonment in the Penitentiary not  
154 exceeding five (5) years, or in the county jail not exceeding one  
155 (1) year.

156           **SECTION 11.** Section 45-13-107, Mississippi Code of 1972, is  
157 brought forward as follows:

158           45-13-107. Any person who has dynamite, nitroglycerine,  
159 explosives, gas bombs, dynamite caps, nitroglycerine caps, fuses,  
160 detonators or other similar explosives in his possession and being  
161 engaged in a lawful business which ordinarily requires the use  
162 thereof in the ordinary and usual conduct of such business, and  
163 who possesses said articles for the purpose of use in said  
164 business, or any seller, dealer, or person transporting said  
165 articles, shall keep said articles under his control and secure  
166 from theft or pilferage at all times.

167           **SECTION 12.** Section 45-13-109, Mississippi Code of 1972, is  
168 brought forward as follows:

169           45-13-109. Every person transporting or bringing dynamite,  
170 nitroglycerine, explosives, gas bombs, dynamite caps,  
171 nitroglycerine caps, fuses, detonators or other similar explosives



172 into the State of Mississippi shall immediately report to the  
173 sheriff of the county of original entry, identify himself, give  
174 his destination and an inventory which shall be filed in a  
175 register to be kept by the sheriff. The sheriff shall, within  
176 twenty-four (24) hours, after receiving the name, destination and  
177 inventory, report same to the Commissioner of Public Safety. For  
178 such registering and reporting, the sheriff shall be paid a fee of  
179 Three Dollars (\$3.00) by the person transporting the explosives.  
180 A person transporting dynamite, nitroglycerine, explosives, gas  
181 bombs, dynamite caps, nitroglycerine caps, fuses, detonators or  
182 other similar explosives who fails to report his name, destination  
183 and inventory shall, upon conviction, be punished by imprisonment  
184 in the Penitentiary not exceeding twenty (20) years.

185 **SECTION 13.** Section 97-37-27, Mississippi Code of 1972, is  
186 brought forward as follows:

187 97-37-27. It shall be unlawful to explode any fire-crackers,  
188 roman candles, sky-rockets or any kind of fireworks in any  
189 unincorporated town or village in this state, within three hundred  
190 yards of any railroad depot, and cotton or hay warehouse or any  
191 cotton-yard. And any one violating the provisions of this section  
192 shall, upon conviction, before any justice of the peace, be fined  
193 not more than Ten Dollars nor less than One Dollar, or imprisoned  
194 not more than ten days, or may be both fined and imprisoned.

195 **SECTION 14.** Section 21-19-15, Mississippi Code of 1972, is  
196 brought forward as follows:





197           21-19-15. (1) The governing authorities of municipalities  
198 shall have power to make all needful police regulations necessary  
199 for the preservation of good order and peace of the municipality  
200 and to prevent injury to, destruction of, or interference with  
201 public or private property.

202           (2) The governing authority of a municipality shall have the  
203 power to regulate or prohibit any mill, laundry or manufacturing  
204 plant from operating whereby the soot, cinders or smoke therefrom,  
205 or the unnecessary noises thereof, may do damage to or interfere  
206 with the use or occupation of public or private property.

207           (3) The governing authority of a municipality shall have the  
208 power to prohibit or regulate the sale or use of firecrackers,  
209 roman candles, torpedoes, sky rockets, and any and all explosives  
210 commonly known and referred to as fireworks; the term "fireworks"  
211 shall not include toy pistols, toy canes, toy guns, other devices  
212 in which paper caps manufactured in accordance with United States  
213 Interstate Commerce Commission regulations for packing and  
214 shipping of toy paper caps are used, or toy pistol paper caps  
215 manufactured as provided herein, the sale and use of which shall  
216 be permitted at all times.

217           (4) The governing authority of a municipality may enact an  
218 ordinance specifying the manner and means by which a motor vehicle  
219 may be immobilized due to failure of the record title owner of the  
220 motor vehicle to pay traffic or parking fines totaling over Two  
221 Hundred Dollars (\$200.00).



222 (5) The governing authority of a municipality may enforce an  
223 ordinance regulating or restricting parking on any public street  
224 or roadway. However, signage that adequately describes the  
225 parking regulation or restriction must be posted.

226 **SECTION 15.** This act shall take effect and be in force from  
227 and after July 1, 2024.

