

By: Representative Horne

To: Judiciary A

## HOUSE BILL NO. 644

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 AND 21-19-15, MISSISSIPPI CODE OF 1972, WHICH  
10 RELATE TO FIREWORKS AND EXPLOSIVES, MUNICIPALITIES, AND PRESERVING  
11 GOOD ORDER AND PEACE, FOR PURPOSES OF POSSIBLE AMENDMENT; TO AMEND  
12 SECTION 97-37-27, MISSISSIPPI CODE OF 1972, TO MAKE A MINOR  
13 NONSUBSTANTIVE CHANGE; AND FOR RELATED PURPOSES.

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

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

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



24 stock of fireworks in all buildings where fireworks are sold.

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

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

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

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

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



by such person, firm, partnership or corporation which is prohibited by this article within the State of Mississippi, and any injured person or his legal representatives, shall have a right to bring a civil action against the dealer, distributor or manufacturer or person who sold said fireworks, whether said dealer, distributor or manufacturer or person be located in this state or not. Any dealer, distributor or manufacturer or person located outside of this state who shall sell fireworks in Mississippi shall make, constitute and appoint the Secretary of State as their lawful agent for service of process in any civil proceeding brought under the provisions of this article, to recover all damages caused or resulting from the sale of any fireworks prohibited by this article.

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

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



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

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

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



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

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

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

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

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



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

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

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



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

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

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

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

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

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



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

186       **SECTION 13.** Section 21-19-15, Mississippi Code of 1972, is  
187 brought forward as follows:

188       21-19-15. (1) The governing authorities of municipalities  
189 shall have power to make all needful police regulations necessary  
190 for the preservation of good order and peace of the municipality  
191 and to prevent injury to, destruction of, or interference with  
192 public or private property.

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





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

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

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

217           **SECTION 14.** Section 97-37-27, Mississippi Code of 1972, is  
218 amended as follows:

219           97-37-27. It shall be unlawful to explode any fire-crackers,  
220 roman candles, sky-rockets or any kind of fireworks in any  
221 unincorporated town or village in this state, within three hundred  
222 (300) yards of any railroad depot, and cotton or hay warehouse or



223 any cotton-yard. And any one violating the provisions of this  
224 section shall, upon conviction, before any justice of the peace,  
225 be fined not more than Ten Dollars (\$10.00) nor less than One  
226 Dollar (\$1.00), or imprisoned not more than ten (10) days, or may  
227 be both fined and imprisoned.

228       **SECTION 15.** This act shall take effect and be in force from  
229 and after July 1, 2025.

