

# HOUSE BILL No. 6134

May 5, 2010, Introduced by Rep. Moore and referred to the Committee on Regulatory Reform.

A bill to revise, consolidate, and codify the laws relating to fireworks; to regulate the purchase, possession, sale, and use of fireworks; to establish the fireworks safety fund; to provide for the fireworks safety fee; to prescribe the transfer of funds; to provide for the 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  
6 wildlife management program administered by the United States

1 department of the interior or the department of natural resources  
2 of this state.

3 (b) "Alcoholic liquor" means any liquid or compound, whether  
4 or not medicated, proprietary, or patented, and by whatever name  
5 called, containing any amount of alcohol, including any liquid or  
6 compound described in section 105(3) of the Michigan liquor control  
7 code of 1998, 1998 PA 58, MCL 436.1105.

8 (c) "APA standard 87-1" means the 2001 APA standard 87-1  
9 published by the American pyrotechnics association of Bethesda,  
10 Maryland.

11 (d) "Articles pyrotechnic" means pyrotechnic devices for  
12 professional use that are similar to consumer fireworks in chemical  
13 composition and construction but not intended for consumer use,  
14 that meet the weight limits for consumer fireworks but are not  
15 labeled as such, and that are classified as UN0431 or UN0432 under  
16 49 CFR 172.101.

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

19 (f) "CFRSF" or "consumer fireworks retail sales facility"  
20 means any of the following:

21 (i) A permanent building or structure that is used for the  
22 retail display and sale of consumer fireworks to the public.

23 (ii) A temporary building or structure, including a stand,  
24 tent, canopy, or membrane structure that is used primarily for the  
25 retail display and sale of consumer fireworks to the public, if the  
26 stand, tent, canopy, or membrane structure complies with NFPA 101  
27 and 102, as applicable.

1 (g) "Consumer fireworks" means small fireworks devices that  
2 are designed to produce visible effects by combustion and that  
3 comply with the construction, chemical composition, and labeling  
4 regulations promulgated by the United States consumer product  
5 safety commission under 16 CFR parts 1500 and 1507 and that are  
6 listed in APA standard 87-1 3.1.1, 3.1.2, and 3.5.

7 (h) "Consumer fireworks certificate" or "certificate" is a  
8 certificate issued under section 5.

9 (i) "Display fireworks" means large fireworks designed  
10 primarily to produce visible or audible effects by combustion,  
11 deflagration, or detonation and includes, but is not limited to,  
12 salutes containing more than 2 grains (130 milligrams) of explosive  
13 materials, aerial shells containing more than 40 grams of  
14 pyrotechnic compositions, and other display pieces that exceed the  
15 limits of explosive materials for classification as consumer  
16 fireworks and are classified as fireworks UN0333, UN0334, or UN0335  
17 under 49 CFR 172.101 and includes fused set pieces containing  
18 components that exceed 50 milligrams of salute powder.

19 (j) "Distributor" means a person who sells fireworks to  
20 wholesalers and retailers for resale.

21 (k) "Explosive composition" means a chemical or mixture of  
22 chemicals that produces an audible effect by deflagration or  
23 detonation when ignited.

24 (l) "Firework" or "fireworks" means any composition or device,  
25 except for a starting pistol, a flare gun, or a flare, designed for  
26 the purpose of producing a visible or audible effect by combustion,  
27 deflagration, or detonation. Fireworks consist of consumer

1 fireworks, low-grade fireworks, articles pyrotechnic, display  
2 fireworks, and special effects.

3 (m) "Interstate wholesaler" means a person who is engaged in  
4 interstate commerce selling fireworks.

5 (n) "Low-grade fireworks" means 1 or more of the following:

6 (i) Ground and handheld sparkling devices as that phrase is  
7 defined under APA standard 87-1 3.1.1 and 3.5

8 (ii) Novelties as defined under APA standard 87-1 3.2.

9 (iii) Toy caps as defined under APA standard 87-1 3.3.

10 (o) "Local unit of government" means a city, municipality,  
11 township, village, or county.

12 (p) "Manufacturer" means a person engaged in the manufacture  
13 of fireworks.

14 (q) "Minor" means an individual who is under 18 years of age.

15 (r) "NFPA" means the national fire protection association  
16 headquartered at 1 Batterymarch Park, Quincy, MA.

17 (s) "NFPA 101" means the "Life Safety Code", 2009 edition,  
18 developed by NFPA.

19 (t) "NFPA 102" means the "Standard for Grandstands, Folding  
20 and Telescopic Seating, Tents, and Membrane Structures", 2006  
21 edition, developed by NFPA.

22 (u) "NFPA 1123" means the code for fireworks display, 2006  
23 edition, developed by NFPA.

24 (v) "NFPA 1124" means the code for the manufacture,  
25 transportation, storage, and retail sales of fireworks and  
26 pyrotechnic articles, 2006 edition, developed by NFPA.

27 (w) "NFPA 1126" means the standard for the use of pyrotechnics

1 before a proximate audience, 2006 edition, developed by NFPA.

2 (x) "Permanent building or structure" is a building or  
3 structure that satisfies all of the following requirements:

4 (i) It is affixed to the foundation on a site.

5 (ii) It has fixed utility connections.

6 (iii) It is intended to remain on the site for more than 180  
7 days.

8 (iv) It complies with all applicable building codes and the  
9 fire protection code, 1941 PA 207, MCL 29.1 to 29.33.

10 (y) "Person" means an individual, an association, an  
11 organization, a limited liability company, or a corporation.

12 (z) "Pyrotechnic composition" means a mixture of chemicals  
13 that produces a visible or audible effect by combustion rather than  
14 deflagration or detonation, and that will not explode upon ignition  
15 unless severely confined.

16 (aa) "Retailer" means a person who purchases consumer  
17 fireworks and low-grade fireworks for resale to consumers.

18 (bb) "Special effects" means a combination of chemical  
19 elements or chemical compounds capable of burning independently of  
20 the oxygen of the atmosphere and designed and intended to produce  
21 an audible, visual, mechanical, or thermal effect as an integral  
22 part of a motion picture, radio, television, theatrical, or opera  
23 production or live entertainment.

24 (cc) "State fire marshal" means the state fire marshal  
25 appointed under section 1b of the fire prevention code, 1941 PA  
26 207, MCL 29.1b.

27 (dd) "Wholesaler" means any person who sells consumer

1 fireworks and low-grade fireworks to a retailer or any other person  
2 for resale and any person who sells articles pyrotechnics, display  
3 fireworks, and special effects to a person licensed to possess and  
4 use those devices.

5 Sec. 3. This act does not prohibit any of the following:

6 (a) A wholesaler, retailer, manufacturer, importer, or  
7 distributor from the sale, storage, transportation, and  
8 distribution of consumer fireworks.

9 (b) The use of fireworks by railroads or other transportation  
10 agencies for signal purposes or illumination.

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

12 (d) The sale or use of blank cartridges for any of the  
13 following:

14 (i) A show or play.

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

16 (iii) Use by military organizations.

17 (e) The possession, sale, or disposal of fireworks incidental  
18 to the public display of fireworks by wholesalers or other persons  
19 who possess a permit to possess, store, and sell explosives from  
20 the bureau of alcohol, tobacco, firearms, and explosives of the  
21 United States department of justice.

22 (f) Interstate wholesalers from the sale, storage, use,  
23 transportation, or distribution of fireworks.

24 Sec. 4. A local unit of government shall not enact or enforce  
25 an ordinance or regulation pertaining to or in any manner  
26 regulating the sale, storage, transportation, or distribution of  
27 fireworks regulated under this act.

1           Sec. 5. (1) A retailer shall not sell consumer fireworks or  
2 low-grade fireworks unless the retailer annually obtains and  
3 maintains a consumer fireworks certificate from the bureau as  
4 provided in this section for each location from which consumer  
5 fireworks or low-grade fireworks are to be sold.

6           (2) An application for a consumer fireworks certificate under  
7 this section shall meet all of the following requirements:

8           (a) The application lists the name and address of each  
9 location from which consumer fireworks are to be sold.

10           (b) Except as provided in subsection (3), the application  
11 includes a registration fee for each building or structure as  
12 follows:

13           (i) For the sale of consumer fireworks from a CFRSF that is a  
14 permanent building or structure, \$3,500.00.

15           (ii) For the sale of consumer fireworks from a CFRSF that is a  
16 temporary building or structure, \$1,000.00.

17           (iii) For the sale of low-grade fireworks from a CFRSF that is a  
18 permanent building or structure, \$500.00.

19           (iv) For the sale of low-grade fireworks from a CFRSF that is a  
20 temporary building or structure, \$250.00.

21           (3) A nonprofit organization is exempt from paying a fee under  
22 subsection (2). As used in this subsection, "nonprofit  
23 organization" means an organization or corporation that is exempt  
24 from taxation under section 501(c)(3) of the internal revenue code  
25 of 1986.

26           (4) A shipping company shall not ship consumer fireworks or  
27 low-grade fireworks into this state unless it first obtains and

1 maintains a consumer fireworks certificate under this section and  
2 pays the \$3,500.00 registration fee.

3 (5) Not more than 30 days after an application is submitted to  
4 the bureau under this section, the bureau shall issue or deny  
5 issuance of a consumer fireworks certificate to the retailer or  
6 out-of-state shipper and, if issuance is denied, shall indicate to  
7 the applicant the reason for denial.

8 (6) If the bureau denies issuance of a consumer fireworks  
9 certificate under this section, the applicant may cure any defect  
10 of the application within 20 days after the denial without paying  
11 an additional fee. The bureau shall not unreasonably delay or deny  
12 an application under this section.

13 (7) A retailer shall not sell consumer fireworks at a location  
14 for which a consumer fireworks certificate has not been issued.

15 (8) A retailer who violates subsection (1) or (7) is guilty of  
16 a misdemeanor punishable by imprisonment for not more than 2 years  
17 or a fine of not more than \$5,000.00 for each day the violation  
18 continues, or both.

19 (9) A shipping company that violates subsection (4) is  
20 responsible for a state civil infraction and may be ordered to pay  
21 a civil fine of not more than \$1,000.00 for each shipment made  
22 without complying with subsection (4).

23 (10) The application fees and registration fees collected  
24 under this section shall be deposited in the fireworks safety fund  
25 created under section 14.

26 Sec. 6. (1) A retailer shall only sell consumer fireworks from  
27 a CFRSF that complies with the requirements of this act and with

1 the requirements of all of the following that are not in conflict  
2 with the provisions of this act:

3 (a) Chapter 7 of NFPA 1124.

4 (b) NFPA 101.

5 (c) NFPA 102.

6 (2) A retailer who violates this section is liable for a civil  
7 fine of not more than \$2,500.00 for each violation.

8 Sec. 7. (1) Low-grade fireworks shall only be sold from a  
9 CFRSF or from another permanent building or structure.

10 (2) All low-grade fireworks sold in a permanent building or  
11 structure other than a CFRSF shall satisfy the minimum standards of  
12 the United States consumer product safety commission and shall be  
13 tested and certified as described in section 9(b).

14 (3) Smoking shall not be permitted in a permanent building or  
15 structure where low-grade fireworks are sold.

16 (4) The explosive content of each individual consumer firework  
17 item other than a low-grade firework shall be listed on each item.  
18 A person or retailer that violates this subsection is guilty of a  
19 misdemeanor punishable by imprisonment for not more than 30 days or  
20 a fine of \$1,000.00, or both.

21 (5) A CFRSF that is a tent shall not be used to sell fireworks  
22 for more than 60 days in a calendar year.

23 Sec. 8. Fireworks that are manufactured and shipped directly  
24 out of state do not require a permit for sale, possession, or  
25 transportation. However, this exception to the permit requirement  
26 applies only to fireworks transported by commercial carrier, and  
27 does not apply to household purchases by individual users. A signed

1 statement that the purchaser will transport the fireworks out of  
2 state is insufficient to qualify for a permit exception under this  
3 section. This section does not apply if its application is contrary  
4 to federal law.

5 Sec. 9. A consumer fireworks retail sales facility operator  
6 shall comply with the following criteria:

7 (a) There shall be not less than 1 uniformed security guard on  
8 duty during all business hours at a CFRSF. The uniformed security  
9 guard shall be licensed under the private security business and  
10 security alarm act, 1968 PA 330, MCL 338.1051 to 338.1083.

11 (b) All consumer fireworks products sold from a CFRSF shall  
12 satisfy the minimum standards of the United States consumer product  
13 safety commission and shall be tested, or certified, or both tested  
14 and certified by a third-party testing agency recognized by the  
15 United States consumer product safety commission.

16 (c) Smoking and igniting a tobacco product, a lighter, or any  
17 other flame-producing devices shall not be permitted in a CFRSF or  
18 within 50 feet of a CFRSF. A person who violates this subdivision  
19 is guilty of a misdemeanor punishable by imprisonment for not more  
20 than 1 year or a fine of not more than \$1,000.00, or both. Signage  
21 stating this no-smoking prohibition and its associated penalties  
22 shall be erected and shall be of a number and type and placed in a  
23 proximity as determined by rule promulgated under the fire  
24 prevention code, 1941 PA 207, MCL 29.1 to 29.33.

25 (d) An individual shall be not less than 16 years of age to  
26 sell fireworks in a CFRSF.

27 (e) An individual who has been convicted of or pled guilty to

1 a felony shall not be permitted to hold any interest in or be  
2 employed by a business licensed in this state to sell consumer  
3 fireworks or low-grade fireworks, or both. An individual's  
4 fingerprints and criminal history shall be checked prior to  
5 employment.

6 (f) All CFRSFs shall be inspected by a certified fire  
7 inspector before initial certification under this act and  
8 thereafter at least annually before the prime fireworks sales  
9 season.

10 (g) Each purchaser of consumer fireworks or low-grade  
11 fireworks, or both, shall receive, at the time of sale, a consumer  
12 fireworks safety brochure approved by the state fire marshal.

13 Sec. 10. A minor shall not purchase consumer fireworks or low-  
14 grade fireworks.

15 Sec. 11. (1) A user fee, known as the fireworks safety fee, is  
16 imposed on retail transactions made in this state for consumer  
17 fireworks and low-grade fireworks as provided in section 12.

18 (2) A person who acquires consumer fireworks or low-grade  
19 fireworks in a retail transaction is liable for the fireworks  
20 safety fee on the transaction and, except as otherwise provided in  
21 this act, shall pay the fireworks safety fee to the retailer as a  
22 separate added amount to the consideration in the transaction. The  
23 retailer shall collect the fireworks safety fee as an agent for the  
24 state.

25 (3) The fireworks safety fee shall be deposited in the  
26 fireworks safety fund as provided in section 14.

27 Sec. 12. (1) The fireworks safety fee is 10% of the gross

1 retail income from consumer fireworks and low-grade fireworks  
2 received by a retail merchant in a retail unitary transaction of  
3 fireworks.

4 (2) If the fireworks safety fee calculated under subsection  
5 (1) results in a fraction of 1/2 cent or more, the amount of the  
6 fireworks safety fee shall be rounded to the next additional cent.

7 Sec. 13. A retailer has a duty to remit the fireworks safety  
8 fee calculated under section 12 to the department of treasury of  
9 this state, holds the fireworks safety fees collected in trust for  
10 the state until remitted to the state, and is personally liable for  
11 the payment of the fireworks safety fee money to this state.

12 Sec. 14. (1) The fireworks safety fund is created within the  
13 state treasury.

14 (2) The state treasurer may receive money or other assets from  
15 any source for deposit into the fireworks safety fund. The state  
16 treasurer shall direct the investment of the fireworks safety fund.  
17 The state treasurer shall credit to the fireworks safety fund  
18 interest and earnings from fund investments.

19 (3) Money in the fireworks safety fund at the close of the  
20 fiscal year shall remain in the fireworks safety fund and shall not  
21 lapse to the general fund.

22 (4) The first \$4,000,000.00 deposited to the fireworks safety  
23 fund shall be used for firefighter training by cities, counties,  
24 townships, and villages in accordance with the firefighters  
25 training council act, 1966 PA 291, MCL 29.361 to 29.377.

26 (5) The state fire marshal shall expend the remaining money  
27 from the fireworks safety fund, upon appropriation, only to carry

1 out the purposes of this act.

2       Sec. 15. (1) The bureau shall promulgate rules under the  
3 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to  
4 24.328, to administer this act, including, but not limited to, all  
5 of the following:

6       (a) Establish fees for permits under subdivision (c).

7       (b) Create uniform applications and other forms for  
8 dissemination to and use by local units of government under this  
9 act.

10       (c) Establish the criteria to be used by local units of  
11 government and fire chiefs in deciding whether to grant or deny  
12 permits or certificates under this act.

13       (d) Procedures for the collection of application fees and  
14 fireworks safety fees.

15       (e) Enforcement of regulatory duties.

16       (f) Plan for the enforcement of age limitations.

17       (g) Subject to section 16, delegate authority and  
18 responsibility to local fire officials as it considers necessary to  
19 enforce this act under section 2b of the fire prevention code, 1941  
20 PA 207, MCL 29.2b.

21       (2) Rules promulgated under this section shall provide that an  
22 application for a permit under subsection (1)(c) shall include, at  
23 a minimum, all of the following:

24       (a) The name of the operator who will detonate the display  
25 fireworks or special effects.

26       (b) A brief summary of the operator's experience sufficient to  
27 establish that the operator is competent to officiate the public

1 display of fireworks and detonate the display fireworks or special  
2 effects.

3 (c) The application fee as determined by the bureau.

4 (d) Proof that the applicant carries not less than  
5 \$1,000,000.00 of liability insurance.

6 (3) An application for a permit under subsection (1)(c) shall  
7 be received, along with the applicable fee, not less than 30 days  
8 before the public display of fireworks is to take place.

9 (4) Rules promulgated under this section shall conform to the  
10 following codes developed by the national fire protection  
11 association, except for any code provision that conflicts with this  
12 act:

13 (a) NFPA 1123.

14 (b) NFPA 1124.

15 (c) NFPA 1126.

16 (5) An NFPA standard does not apply if it conflicts with a  
17 provision of this act.

18 (6) An appeal from the denial of a permit or certificate under  
19 this act shall be to the state fire safety board created under  
20 section 3b of the fire safety code, 1941 PA 207, MCL 29.3b.

21 Sec. 16. (1) If authority and responsibility are transferred  
22 to local fire officials under section 2b of the fire prevention  
23 code, 1941 PA 207, MCL 29.2b, funding to perform the delegated  
24 operations shall be transferred to the local unit of government  
25 that performs the operation in a ratio of 80% local funding: 20%  
26 state funding.

27 (2) The state fire marshal's office shall pay the funds to the

1 local units of government to the extent described in subsection  
2 (1).

3 (3) The bureau shall enter into a contract with local fire  
4 officials performing enforcement of this act. The contract shall  
5 clearly state the authority and responsibilities delegated to the  
6 local fire officials for enforcing this act.

7 Sec. 17. A person who has 1 or more convictions for violating  
8 this act shall not officiate, or be granted a permit to officiate,  
9 a public display of fireworks for at least 1 year after his or her  
10 latest conviction for a violation of this act.

11 Sec. 18. (1) A person shall only produce or transport, or  
12 produce and transport, a firework that is a new explosive and that  
13 is either a division 1.3 or division 1.4 explosive if the person  
14 first meets the requirements of 49 CFR 173.56(2)(j).

15 (2) As used in this section:

16 (a) "Division 1.3 explosive" means that term as defined in 49  
17 CFR 173.50.

18 (b) "Division 1.4 explosive" means that term as defined in 49  
19 CFR 173.50.

20 (c) "New explosive" means that term as defined in 49 CFR  
21 173.56.

22 Sec. 19. The state fire marshal shall create and maintain, or  
23 cause to be created and maintained, an internet website that has as  
24 its purpose the protection of the residents of this state who  
25 purchase, use, or transport fireworks. The website shall maintain a  
26 list of every person or entity that is issued a consumer fireworks  
27 certificate.

1           Sec. 20. (1) A person shall not ignite, discharge, or use  
2 consumer fireworks or low-grade fireworks on public property,  
3 school property, church property, or the property of another person  
4 without that organization's or person's express permission to use  
5 those fireworks on those premises. Except as otherwise provided in  
6 this subsection, a person who violates this subsection is  
7 responsible for a state civil infraction and may be ordered to pay  
8 a civil fine of not more than \$500.00. A person who commits a  
9 second or subsequent violation of this subsection within 5 years of  
10 a prior violation of this subsection is guilty of a misdemeanor  
11 punishable by imprisonment for not more than 30 days or a fine of  
12 not more than \$1,000.00, or both.

13           (2) A minor shall not possess, purchase, or offer for sale  
14 consumer fireworks or low-grade fireworks, except as provided in  
15 section 9(d). Except as otherwise provided in this subsection, a  
16 person who violates this subsection is responsible for a state  
17 civil infraction and may be ordered to pay a civil fine of not more  
18 than \$500.00 for each day that the violation occurred.

19           (3) The parent of a minor who knows or should know that the  
20 minor is violating subsection (2) is responsible for a state civil  
21 infraction and may be ordered to pay a civil fine of not more than  
22 \$500.00.

23           (4) Except as otherwise provided in this subsection, a person  
24 shall not ignite, discharge, or use consumer fireworks after 12  
25 midnight and before 10 a.m. However, on a legal holiday, a person  
26 shall not ignite, discharge, or use consumer fireworks between 1  
27 a.m. and 9 a.m. of the same day. A person who violates this

1 subsection is responsible for a state civil infraction and may be  
2 ordered to pay a civil fine of not more than \$500.00 for each day  
3 that the violation occurred. However, a person who commits a second  
4 or subsequent violation of this subsection within 5 years of a  
5 prior violation of this subsection is guilty of a misdemeanor  
6 punishable by imprisonment for not more than 30 days or a fine of  
7 not more than \$500.00 for each day that the violation occurred, or  
8 both.

9 (5) Unless otherwise provided in this act, if a person  
10 violates this act, the person is guilty of a misdemeanor punishable  
11 by imprisonment for not more than 30 days or a fine of not more  
12 than \$1,000.00, or both.

13 (6) If a person violates this act and by that violation causes  
14 damage to the property of another person, the person is guilty of a  
15 misdemeanor punishable by imprisonment for not more than 90 days or  
16 a fine of not more than \$5,000.00, or both.

17 (7) If a person violates this act and by that violation causes  
18 serious impairment of a body function of another person, the person  
19 is guilty of a felony punishable by imprisonment for not more than  
20 1 year or a fine of not more than \$5,000.00, or both. As used in  
21 this subsection, "serious impairment of a body function" means that  
22 term as defined in section 58c of the Michigan vehicle code, 1949  
23 PA 300, MCL 257.58c.

24 (8) If a person violates this act and by that violation causes  
25 the death of another person, the person is guilty of a felony  
26 punishable by imprisonment for not more than 5 years or a fine of  
27 not more than \$10,000.00, or both.

1 (9) A person who fails to collect or remit a fireworks safety  
2 fee as required under section 11 is guilty of a crime as follows:

3 (a) If the violation is a first offense, a misdemeanor  
4 punishable by imprisonment for not more than 93 days or a fine of  
5 not more than \$2,000.00, or both.

6 (b) If the violation is a second or subsequent offense, a  
7 felony punishable by not more than 2 years imprisonment or a fine  
8 of not more than \$5,000.00, or both.

9 (10) A person shall not have fireworks in his or her immediate  
10 possession if the person is visibly impaired due to the consumption  
11 of alcoholic liquor, a controlled substance, or a combination of  
12 alcoholic liquor and a controlled substance. A person who violates  
13 this subsection is guilty of a misdemeanor punishable by  
14 imprisonment for not more than 90 days or a fine of not more than  
15 \$1,000.00, or both.

16 Sec. 21. In addition to any other penalty imposed for the  
17 violation of this act, a person who is found guilty of a violation  
18 of this act shall be required to reimburse the appropriate  
19 governmental agency for the costs of storing or disposing of seized  
20 fireworks that the governmental agency confiscated for a violation  
21 of this act in the same manner that expenses may be ordered to be  
22 reimbursed under section 1f of chapter IX of the code of criminal  
23 procedure, 1927 PA 175, MCL 769.1f.

24 Sec. 22. A governmental agency that confiscates fireworks as  
25 the result of a suspected violation of this act shall only be  
26 required to store, inventory, and maintain 1 item of each type of  
27 firework confiscated and, after photographing the remaining items,

1 may properly discard the remaining items. Evidence of the fireworks  
2 confiscated in compliance with this subsection constitutes  
3 competent evidence in a criminal or civil proceeding arising from a  
4 violation of this act.

5       Sec. 23. (1) Fireworks are solely regulated under this act.  
6 Fireworks seized for a suspected violation of this act shall be  
7 stored in compliance with this act and rules promulgated under this  
8 act.

9       (2) Following final disposition of a prosecution under this  
10 act, the seizing agency shall destroy fireworks retained as  
11 evidence in that prosecution. However, if the fireworks are  
12 determined to constitute hazardous waste as that term is defined in  
13 section 11103 of the natural resources and environmental protection  
14 act, 1994 PA 451, MCL 324.11103, the fireworks shall be disposed of  
15 by the department of natural resources and environment as required  
16 under part 111 of the natural resources and environmental  
17 protection act, 1994 PA 451, MCL 324.11101 to 324.11304.

18       Enacting section 1. Chapter XXXIX of the Michigan penal code,  
19 1931 PA 328, MCL 750.243a to 750.243e, is repealed.