

HOUSE BILL NO. HB0057

Fireworks on the 4th of July.

Sponsored by: Representative(s) Harshman, Allemand, Davis,
Haroldson, Larsen, L, Nicholas, Singh and
Strock and Senator(s) Driskill

A BILL

for

1 AN ACT relating to public health and safety; prohibiting
2 counties and municipalities from prohibiting or regulating
3 the use or possession of fireworks on July 4; allowing the
4 use and possession of fireworks on July 4 in state parks,
5 campgrounds and similar areas; and providing for an
6 effective date.

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8 *Be It Enacted by the Legislature of the State of Wyoming:*

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10 **Section 1.** W.S. 35-10-205, 35-10-208(a)(intro), (c)
11 and by creating a new subsection (d) and 36-8-104(a)(i),
12 (ii) and by creating a new paragraph (iii) are amended to
13 read:

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15 **35-10-205. Further regulations by municipalities.**

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2 (a) Except as provided in subsection (b) of this
3 section, this act shall not be construed to prohibit the
4 imposition by municipal ordinance of further regulations or
5 prohibitions upon the sale, use and possession of fireworks
6 within the corporate limits of any city or town, including
7 those items defined under 15 U.S.C. 1261, but no ~~such~~ city
8 or town shall permit or authorize the sale, use or
9 possession of any fireworks in violation of this act.

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11 (b) No municipal ordinance shall prohibit or
12 otherwise regulate the use or possession of fireworks
13 between noon and midnight on July 4 of each year if the use
14 or possession would otherwise be permissible under this act
15 unless the prohibition or regulation is part of an open
16 fire ban.

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18 **35-10-208. County regulation of fireworks.**

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20 (a) For the purpose of this section, "fireworks"
21 means only those items which may be sold or offered for
22 sale under 15 U.S.C. 1261, 21 U.S.C. 371 and 16 C.F.R.,
23 Commercial Practices, part 1507. A board of county

1 commissioners may, subject to ~~subsection~~subsections (b)
2 and (d) of this section:

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4 (c) Except as provided in subsection (d) of this
5 section, any resolution adopted by a county prohibiting the
6 sale or use of fireworks which was in effect on February 1,
7 1990, is deemed to be valid unless amended or repealed by
8 the board of county commissioners pursuant to subsection
9 (b) of this section.

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11 (d) No resolution adopted by a county shall prohibit
12 or otherwise regulate the use or possession of fireworks
13 between noon and midnight on July 4 of each year if the use
14 or possession would otherwise be permissible under this act
15 unless the prohibition or regulation is part of an open
16 fire ban.

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18 **36-8-104. Use of firearms, fireworks, explosives and**
19 **weapons prohibited; exceptions.**

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21 (a) The use of firearms, fireworks, explosives and
22 weapons of all kinds is prohibited in all state parks,

1 campgrounds, recreational grounds, historic landmarks or
2 historic sites providing, however, that:

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4 (i) Firearms and weapons that otherwise comply
5 with state law may be used at such times and in such places
6 as the Wyoming game and fish commission may designate; ~~and~~

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8 (ii) A supervised public fireworks display may
9 be held in a state park that is not subject to an open fire
10 ban if the fireworks operator has obtained both a special
11 use permit from the superintendent of the park, pursuant to
12 department rules and regulations, and a permit for the
13 display pursuant to W.S. 35-10-203; ~~and~~ and

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15 (iii) The use or possession of fireworks not
16 otherwise prohibited under W.S. 35-10-201 through 35-10-208
17 shall be allowed without restriction in all state parks,
18 campgrounds, recreational grounds, historic landmarks and
19 historic sites between noon and midnight on July 4 of each
20 year except in areas subject to an open fire ban.

21

1 **Section 2.** This act is effective immediately upon
2 completion of all acts necessary for a bill to become law
3 as provided by Article 4, Section 8 of the Wyoming
4 Constitution.

5

6

(END)