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**SB-277 Fireworks: dangerous fireworks: seizure: management.** (2021-2022)

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Date Published: 09/02/2022 09:00 PM

**Senate Bill No. 277**

**CHAPTER 238**

An act to amend Section 12726 of the Health and Safety Code, relating to fireworks.

[ Approved by Governor September 02, 2022. Filed with Secretary of State September 02, 2022. ]

**LEGISLATIVE COUNSEL'S DIGEST**

SB 277, Archuleta. Fireworks: dangerous fireworks: seizure: management.

Existing law authorizes the State Fire Marshal, among other entities, to seize certain fireworks. Existing law requires the State Fire Marshal to dispose of dangerous fireworks after specified proceedings. Under existing law, if no proceedings are commenced, the State Fire Marshal may dispose of the fireworks after satisfying certain specified requirements.

This bill would require the State Fire Marshal to manage rather than dispose of these fireworks, as provided, and would eliminate the requirements, including the conditions on disposal, imposed on the State Fire Marshal in the absence of proceedings. The bill would require the State Fire Marshal to ensure that any dangerous fireworks seized that are identified by the State Fire Marshal as hazardous waste are managed in accordance with California and federal hazardous waste laws and regulations. The bill would require the State Fire Marshal to ensure that this hazardous waste is shipped only by registered hazardous waste transporters and treated, stored, or disposed of only by authorized hazardous waste facilities.

Existing law also requires the State Fire Marshal to acquire and use statewide mobile dangerous fireworks destruction units, as specified.

This bill would eliminate the requirements regarding statewide mobile dangerous fireworks destruction units.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

**SECTION 1.** Section 12726 of the Health and Safety Code is amended to read:

**12726.** (a) The dangerous fireworks seized pursuant to this part shall be managed by the State Fire Marshal in the manner prescribed by the State Fire Marshal and in accordance with subdivision (b) at any time after the final determination of proceedings under Section 12724, or upon final termination of proceedings under Section 12593, whichever is later. If no proceedings are commenced pursuant to Section 12724, the State Fire Marshal shall manage the dangerous fireworks in a manner prescribed by the State Fire Marshal and in accordance with subdivision (b).

(b) (1) The State Fire Marshal shall ensure that any dangerous fireworks seized pursuant to this part that are identified by the State Fire Marshal as hazardous waste are managed in accordance with California and federal hazardous waste laws and

regulations. The State Fire Marshal shall ensure that this hazardous waste is shipped only by registered hazardous waste transporters and treated, stored, or disposed of only by authorized hazardous waste facilities.

(2) When managing fireworks seized pursuant to this part, the State Fire Marshal shall not repurpose, transfer, or sell the seized fireworks for purposes of retail sale.

(3) Management of fireworks seized pursuant to this part shall only involve the following actions:

(A) Use by fire and law enforcement agencies for safety, education, training, testing, and enforcement purposes.

(B) Use by the Office of the State Fire Marshal and the federal Consumer Product Safety Commission for regulatory compliance testing and comparison.

(C) Held for testing, comparison, or disposal in the interest of public safety, if identified and seized pursuant to a recall issued by the federal Consumer Product Safety Commission.

(D) Reclassification by the Office of the State Fire Marshal from a consumer product to a hazardous waste, and disposed of in accordance with applicable laws governing hazardous waste.

(E) Deconstruction or alteration by the arson and bomb unit of the Office of the State Fire Marshal, local public safety bomb squads, the federal Bureau of Alcohol, Tobacco, Firearms and Explosives, or the Federal Bureau of Investigations, for purposes of testing, as it relates to the investigation of criminal, terrorist, or civil disobedience acts.

(F) Held for investigation, as it relates to counterfeit or illicit seals of the State Fire Marshal, product packaging, labeling, coding, inspection labeling, manufacturer labeling, or importer or exporter labeling.

(G) Held by the Office of the State Fire Marshal as evidence for local, state, or federal criminal prosecution.

(H) Use by the arson and bomb unit of the Office of the State Fire Marshal for fireworks education, testing, disposal, enforcement, and investigations not addressed in subparagraphs (A) to (G), inclusive.

(c) If dangerous fireworks are seized pursuant to a local ordinance that provides for administrative fines or penalties and these fines or penalties are collected, the local government entity collecting the fines or penalties shall forward 65 percent of the collected moneys to the Controller for deposit in the State Fire Marshal Fireworks Enforcement and Disposal Fund, as described in Section 12728.