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## SENATE COMMITTEE ON LOCAL GOVERNMENT

Senator María Elena Durazo, Chair

2025 - 2026 Regular

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**Bill No:** SB 828  
**Author:** Cabaldon  
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**Fiscal:** Yes  
**Consultant:** Favorini-Csorba

### ***FIREWORKS LICENSES AND PERMITS: DISQUALIFYING CONDITIONS: STORAGE FACILITIES: LOCAL JURISDICTIONS***

*Requires local agencies to annually inspect fireworks facilities and makes numerous other changes to State Fireworks Law.*

#### **Background**

The State Fireworks Law, established by AB 475 (Redwine, 1939), establishes a comprehensive scheme for regulating the use, manufacture, wholesale, import, export, and sale of all classes of fireworks. As described by the Attorney General, “generally speaking, the State Fireworks Law contemplates a system of state licenses governing various fireworks activities, supplemented by local permits where local control is called for.” 94 *Ops.Cal.Atty.Gen.* 39.

***State regulation of fireworks.*** The State Fireworks Law requires the State Fire Marshal within the Department of Forestry and Fire Protection to adopt regulations relating to fireworks necessary for the protection of life and property, and requires these regulations to include, among other things, provisions for the granting of licenses and permits for the manufacture, wholesale, import, export, and sale of all classes of fireworks.

State Fireworks Law lets the State Fire Marshal license retailers to sell certified “safe and sane” fireworks from June 28 to July 6 each year, unless otherwise prohibited by local ordinance. For example, the City of Los Angeles prohibits all fireworks. Currently, about 290 California communities permit the sale and use of state-approved fireworks.

All import and export licensees must file a notice with the State Fire Marshal prior to the arrival of any class of fireworks subject to the specified license. The notice must include:

- Estimated date of arrival;
- Type, kind, and quantity of fireworks;
- Name of carrier;
- Point of origin and bill of lading number;
- Name and address of consignee; and
- Load number or other identification carton marks.

The State Fire Marshal can deny or revoke a fireworks license if the applicant has:

- Violated State Fireworks Law;
- Caused a fire-related nuisance;

- Refused to make available their full, complete, and accurate records; or
- Been convicted of a felony involving explosives or dangerous fireworks or who has been convicted as a principal or accessory in a crime against property involving fire-related offenses.

The State Fire Marshal may also revoke a license if a permit issued by a local government has been revoked or rescinded, or if any condition exists that would have given the State Fire Marshal reason to refuse to issue a license when originally applied for.

To enforce compliance with State Fireworks Law, the State Fire Marshal may visit and inspect any building or other premises subject to the control of, or used by, the licensee for any purpose related to fireworks at any time. The State Fire Marshal may also inspect licensees' records.

The State Fire Marshal must establish and collect original and annual renewal fees for fireworks licenses. The fees cannot exceed the amount necessary to cover the Fire Marshal's administrative and enforcement costs.

Any violation of State Fireworks Law is a misdemeanor, punishable by fines of \$1,000 to \$2,000, imprisonment of up to one year, or both. Increasingly severe penalties apply for possession of dangerous fireworks, depending on the weight of fireworks possessed, such that possession of over 5,000 pounds of dangerous fireworks is a public offense punishable by up to three years imprisonment and a \$100,000 fine.

***Local regulation of fireworks.*** The California Constitution allows cities and counties to "make and enforce within its limits, all local, police, sanitary and other ordinances and regulations not in conflict with general laws." It is from this fundamental power (commonly called the police power) that cities and counties derive their authority to regulate behavior to preserve the health, safety, and welfare of the public. Cities and counties use the police power to regulate behavior and discourage illegal activity through licensing, permitting, and enforcement. Cities and counties also derive their land use authority from their police powers. This authority allows them to spell out, through general plans and zoning ordinances, the types of developments that can be built in their jurisdiction, where that development can occur, and what conditions must be satisfied to be approved.

City and county land use decisions must be consistent with their general plan and zoning ordinances. Individuals seeking to construct new structures or change the existing use of a structure to a new use must generally apply to the city or county for a land use permit to do so. These requirements apply to facilities related to fireworks.

Local governments also oversee compliance with life safety codes for structures within their jurisdictions. City and county building departments are the enforcement agencies for the building code to ensure that structures that may be occupied by humans are safe. Additionally, the chief of any city or county fire department, or fire protection district is generally responsible for enforcing the building standards and other regulations of the State Fire Marshal regarding fire and panic safety within its jurisdiction. Local governments can charge fees to recover their costs to administer and enforce these safety requirements.

***Permits for fireworks.*** Anyone wanting to conduct activities related to fireworks must possess a permit from the applicable local government, in addition to a state license. Specifically, anyone

seeking to manufacture, import, export, store, possess, or sell fireworks, or conduct other specified activities related to fireworks, must submit a written application for a permit to the fire chief or other authority designated by the city or county for the activity. If the local government has not designated an authority, they must apply to the State Fire Marshal. A local government cannot accept an application unless the applicant demonstrates that they have a valid license issued by the State Fire Marshal for the activities specified in the application, and it can revoke the license for just cause where a fire nuisance exists or where personal injury may occur.

A fireworks licensee must allow the chief of the issuing authority, or the chief's authorized representatives, to enter and inspect any building or other premises for any purpose related to fireworks at any time for the purpose of enforcing the law.

If fireworks are seized pursuant to a local ordinance that provides for the administration of fines or penalties and these fines or penalties are collected, the local government entity collecting the fines or penalties must forward 65% of the collected moneys to the State Controller for deposit in the State Fire Marshal's Fireworks Enforcement and Disposal Fund.

**2025 Esparto California Fireworks Warehouse Explosion.** On July 1, 2025, a fire broke out at a fireworks warehouse in Esparto, California, located approximately 35 miles west of Sacramento in Yolo County. The fire caused several explosions in and around the warehouse culminating in a large blast, killing seven individuals and injuring two. Two to three residential buildings were destroyed, and several others were damaged. The fire, named the Oakdale Fire, spread to 78 acres and was fully contained by July 6. On July 15, CalFIRE's Office of the State Fire Marshal announced taking action to suspend the pyrotechnic licenses of individuals from Devastating Pyrotechnics Inc., and Blackstar Fireworks who were identified in association with the Esparto facility.

According to a July 25, 2025, article in the Sacramento Bee, a growing body of public records and interviews following the explosion "shows how the company and its associates repeatedly presented themselves as fireworks manufacturers despite lacking proper state licenses. And they did so from a property without proper zoning or permits, where tens of thousands of explosives were stored – and where local officials had apparent ties." The article notes that, in addition to "marketing materials, presentations to public officials and license records, The Bee found that Devastating Pyrotechnics Inc. imported large quantities of chemicals commonly mixed to produce 'flash powder' used in fireworks. Experts said those shipments were unusual for a display and wholesale company lacking a federal permit to process and manufacturer pyrotechnics." According to an August 29, 2025 article by Capitol Public Radio, Yolo County officials say no local permits were ever issued for the facility.

The 2025 July Esparto explosion followed a raid on a Southern California warehouse in May of that year, which, according to a November 17, 2025, article in the Sacramento Bee, "belonged to the company whose facility in Esparto exploded a little more than a month later, killing seven people." The article states that, "Cal Fire's Office of the State Fire Marshal and the federal Bureau of Alcohol, Tobacco, Firearms and Explosives agents seized more than 100,000 pounds of illegal fireworks on May 21 at a warehouse in the Los Angeles suburb of Commerce. Some of these fireworks belonged to Kenneth Chee, owner of Devastating Pyrotechnics, the company at the center of multiple investigations into the deadly July 1 blast."

In December of 2025, the Del Norte County Sheriff's Office announced that deputies and the Yolo County District Attorney's Criminal Investigation Bureau served a search warrant in

Crescent City stemming from the ongoing investigation into the Esparto explosion. According to authorities, more than 100 pounds of illegal fireworks were uncovered. One individual was arrested and booked on multiple related charges. The charges included numerous felonies and misdemeanors, including:

- Possession of destructive devices;
- Reckless possession of explosives near or in a residential area;
- Possession of materials with intent to make any destructive device;
- Child endangerment;
- Making, transporting, or possessing explosives;
- Keeping a firearm where a child can gain access;
- Illegal possession of an assault rifle; and
- Possession of more than 100 pounds of illegal fireworks.

The author wants to strengthen regulation of fireworks facilities in California.

### **Proposed Law**

Senate Bill 828 requires local agencies to annually inspect fireworks facilities and makes numerous other changes to State Fireworks Law.

***New requirements on licensees.*** SB 828 requires a licensee to provide the State Fire Marshal the following, if applicable:

- Documentation affirming the possession of a permit applicable to fireworks activity required by the public agency having local jurisdiction, as specified;
- Documentation affirming possession of necessary local land use permits or other entitlements required by the public agency having local jurisdiction, as specified; and
- Information about the storage sites for the fireworks.

Failing to provide this documentation is grounds for the State Fire Marshal to deny or revoke a license.

Applicants for a wholesaler's license, a manufacturer's license, an importer's license, or an exporter's license to disclose the complete street address of any intended storage facilities for any fireworks or materials to build fireworks on their initial application. Those same licensees must notify the State Fire Marshal, the applicable city manager—or, if there is no city manager, chief administrative officer—county administrator, sheriff, and police chief of the complete street addresses of any intended storage facilities for any fireworks or materials to build fireworks. A licensee that fails to notify the applicable local officials is liable for a fine of no less than \$10,000, and the State Fire Marshal may revoke their license.

Import and export licensees must include the address of the facilities in which the fireworks will be stored and copies of applications related to applicable land use approvals in their notice to the State Fire Marshal under current law. They must also to additionally provide the notice to the local jurisdiction listed as the destination of the fireworks.

The bill additionally allows the State Fire Marshal to deny the application for a license or renewal filed by a person who meets any of the following conditions:

- The person is under indictment for, or has been convicted in any court of, a crime that is a violent offense or creates a threat to public safety and is punishable by imprisonment for a term exceeding one year;
- The person is prohibited from handling explosives under federal law; or
- The person was subject to either a previous federal seizure action related to fireworks or a previous denial or revocation of federal fireworks license.

***Coordination between State Fire Marshal and local agencies.*** SB 828 requires the State Fire Marshal, upon approval of an application for a wholesaler's license, a manufacturer's license, an importer's license, or an exporter's license, to notify the following parties of any storage site reported on the application:

- The applicable county administrator and city manager or, if there is no city manager, chief administrative officer;
- The applicable local fire chief;
- The applicable hazardous materials office; and
- The applicable sheriff and police chief.

It also directs the State Fire Marshal to allow the applicable public agency an opportunity to validate the permit or entitlement assertions of the licensee described above and requires the State Fire Marshal to furnish to the public agency a copy of any license issued to the licensee, as specified.

***Local requirements and authority.*** SB 828 authorizes the fire officials, as specified, to enter and inspect, at reasonable times, facilities associated with fireworks to determine compliance with the State Fireworks Law, the regulations of the State Fire Marshal, and applicable local fire codes.

The bill also requires a local agency having jurisdiction over these facilities to inspect each fireworks facility or storage site within its jurisdiction at least once every 12 months. The inspection must verify the validity of the permit and required documentation, compliance with State Fireworks Law, and maintenance of required fire protection systems and safety signage. The public agency can require the correction of any unsafe or noncompliant condition identified during inspection and can suspend or revoke the local permit until compliance is achieved.

SB 828 allows public agencies to charge fees to cover its costs of administering and enforcing the conditions of permits required by State Fireworks Law and requires them to deposit those fees in a special fund for use exclusively for those activities. It also repeals the requirement that 65% of the fines collected for a violation of a local ordinance be remitted to the State Fire Marshal's Fireworks Enforcement and Disposal Fund.

The bill makes related technical and conforming changes.

### Comments

1. Purpose of the bill. According to the author, "The explosion that killed seven people in Esparto last July was a tragedy that never should have happened. As families in the 3<sup>rd</sup> Senate district continue to grieve, we owe it to them—and to all Californians—to understand what went wrong and prevent it from happening again."

“Espero wasn’t an isolated incident. In May 2023, authorities seized more than 100,000 pounds of illegal fireworks in Commerce. Across California, illegal fireworks are being imported, stored, and detonated at unprecedented levels, often in residential and agricultural areas where families live and work.

“The problem lies in a critical gap in our regulatory system. Currently, the State Fire Marshal licenses fireworks wholesalers, manufacturers, and importers. Local governments issue permits for storage facilities. But there’s no requirement that these two systems talk to each other.

“In practice, this means local fire departments and planning agencies often don’t know that fireworks are being stored in their communities. They rely on businesses to voluntarily report their operations—and when businesses don’t, there’s no way to catch them until something goes wrong.

“That’s why I’ve introduced Senate Bill 828. The legislation creates a simple but essential requirement: anyone applying for a state fireworks license must disclose the complete addresses of all their storage facilities and prove they have the proper local permits.

“The State Fire Marshal would then notify local fire departments and planning agencies about these facilities. If an applicant can’t provide proof of local permits, the state can deny or revoke their license.

“This common-sense reform ensures that state and local agencies are working together, not in silos. Local fire departments will know where fireworks are stored in their jurisdictions. Emergency responders can plan accordingly. And unauthorized storage facilities will be identified before tragedy strikes.

“The bill also allows local agencies to charge fees to cover the costs of inspections and enforcement—ensuring this improved oversight doesn’t burden taxpayers.

“No legislation can undo the loss felt by the families of those killed in Espero. But we can honor their memory by making sure our regulatory system works the way it should—with clear communication, coordinated enforcement, and a shared commitment to public safety.

“When dangerous materials are stored in our communities, everyone responsible for public safety should know about it. That’s not a bureaucratic nicety—it’s a basic requirement for protecting lives.

“SB 828 closes a dangerous loophole and gives local agencies the tools they need to keep our communities safe. It’s a necessary step forward, and one I’m committed to advancing.”

2. Who’s responsible? The State Fire Marshal and local agencies share responsibility for administering and enforcing State Fireworks Law: fireworks activities require both a state license and a local permit. SB 828 makes a number of changes to the law in an effort to avoid future incidents similar to the Espero disaster. Some of these changes establish greater responsibilities for local agencies. Specifically, under current law, both the State Fire Marshal and local agencies have discretion over how frequently to inspect fireworks facilities. SB 828 mandates that local agencies conduct inspections annually do so at least every year, which generates costs and reduces local officials’ abilities to prioritize their workload. Meanwhile, the bill assigns relatively few new duties to the State Fire Marshal to verify that fireworks licensees are

complying with the terms of their licenses. Under the bill, the State Fire Marshal must communicate with local governments and verify that an applicant possesses a valid local permit, but the bill does not similarly mandate that the State Fire Marshal inspect fireworks facilities to determine compliance with state license requirements. The Committee may wish to consider whether the State Fire Marshal or local agencies should have the greater role in on-the-ground enforcement efforts related to State Fireworks Law.

3. Is it enough? Reporting on the Esparto explosion indicate that the facility had not received any local permits and seems to have been operating out of compliance with the requirements of its state license. A licensee that flaunts other provisions of State Fireworks Law may similarly ignore SB 828's new requirements to identify their fireworks storage locations and communicate with local governments.

4. Gut and amend. Prior to September 11, 2025, SB 828 contained provisions relating to the Surplus Land Act. The September 11, 2025, amendments deleted the initial contents of SB 828 and inserted the current language relating to fireworks.

5. Mandate. The California Constitution requires the state to reimburse local governments for the costs of new or expanded state mandated local programs. Because SB 828 imposes new duties on local governments and expands the scope of a crime, Legislative Counsel says it imposes a new state mandate. SB 828 disclaims the state's responsibility for providing reimbursement by citing local governments' authority to charge for the costs of implementing the bill's provisions and because costs may be incurred because the act changes the penalty for a crime.

6. Charter city. The California Constitution allows cities that adopt charters to control their own "municipal affairs." In all other matters, charter cities must follow the general, statewide laws. Because the Constitution doesn't define "municipal affairs," the courts determine whether a topic is a municipal affair or whether it's an issue of statewide concern. SB 828 does not explicitly apply to charter cities, nor does it include findings and declarations asserting that it is a matter of statewide concern. Accordingly, it is unclear whether the bill's inspection requirements for local agencies apply to charter cities.

7. Incoming! The Senate Rules Committee has ordered a double referral of SB 828: first to the Committee on Governmental Organization, which is scheduled to hear SB 828 at its January 13<sup>th</sup> meeting, and second to the Committee on Local Government.

#### **Support and Opposition** (1/9/2026)

Support: None Submitted

Opposition: None Submitted

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