

Date of Hearing: June 15, 2026

ASSEMBLY COMMITTEE ON EMERGENCY MANAGEMENT

Rhodesia Ransom, Chair

SB 828 (Cabaldon) – As Amended January 5, 2026

SENATE VOTE: 39-0

SUBJECT: Fireworks licenses and permits: disqualifying conditions: storage facilities: local jurisdictions

SUMMARY: This bill expands oversight of fireworks licensees by increasing disclosure and notification requirements, requiring additional coordination between the Office of the State Fire Marshal (OSFM) and local governments, establishing new inspection and enforcement authorities for the SFM and local agencies, imposing additional penalties for noncompliance, and expanding the grounds in which the SFM may deny or revoke a license. Specifically, **this bill:**

- 1) Requires a licensee to provide the SFM the following, if applicable:
 - a) Documentation affirming the possession of a permit applicable to fireworks activity required by the public agency having local jurisdiction, as specified.
 - b) Documentation affirming possession of necessary local land use permits or other entitlements required by the public agency having local jurisdiction, as specified.
 - c) Information about the storage sites for the fireworks.
- 2) Requires the SFM to allow the applicable public agency an opportunity to validate the permit or entitlement assertions of the licensee described above and requires the SFM to furnish to the public agency a copy of any license issued to the licensee, as specified.
- 3) Authorizes the SFM to deny or revoke any license issued pursuant to the State Fireworks Law if the SFM finds that the licensee or license applicant has failed to provide the documentation or information described in (1), excluding documentation related to permits that may only be acquired by those who already possess a license.
- 4) Requires 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.
- 5) Requires the above licensees to notify the OSFM, the applicable city manager or other relevant city official, as specified, of the complete street addresses of any intended storage facilities for any fireworks or materials to build fireworks.
- 6) Specifies, in addition to any penalties imposed by existing law, a person who violates the above requirement will be fined no less than \$10,000 and authorizes the SFM to revoke their license.
- 7) Requires the OSFM, 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:

- a) The applicable county administrator and city manager or, if there is no city manager, chief administrative officer.
 - b) The applicable local fire chief.
 - c) The applicable hazardous materials office.
 - d) The applicable sheriff and police chief.
- 8) Authorizes the SFM to deny the application for a license or renewal filed by a person who meets any of the following conditions:
- a) The person is under indictment for, or has been convicted in any court of, a crime that is both punishable by imprisonment for a term exceeding one year and is a violent offense or an offense that creates a threat to public safety.
 - b) The person is prohibited from handling explosives under federal law.
 - c) The person was subject to either a previous federal seizure action related to fireworks or a previous denial or revocation of federal fireworks license.
- 9) Requires an import or export licensee, in addition to the existing requirements when filing a notice with the SFM before the arrival of any class of fireworks subject to their license, to include the street address and county of the facilities in which the fireworks will be stored, and copies of applications related to applicable zoning and land use approvals.
- 10) Requires the above notice to also be shared with the local jurisdiction listed as the destination of the fireworks.
- 11) Authorizes a public agency having local jurisdiction pursuant to this bill, including a city, county, city and county, or fire protection district, to adopt by ordinance or resolution a schedule of fees to recover the reasonable costs incurred in administering, processing, inspecting, and enforcing the conditions of permits required, as specified, for fireworks activities or storage within its jurisdiction.
- 12) Provides that the fees authorized by this bill may include, but are not limited to, costs associated with any of the following:
- a) Reviewing applications and documents submitted, as specified.
 - b) Conducting initial and annual inspections of facilities or storage sites where fireworks are manufactured, stored, sold, or otherwise handled.
 - c) Verifying compliance with local land use, zoning, and fire safety regulations.
 - d) Responding to complaints or violations related to fireworks operations.
- 13) Specifies that all fees collected under this bill shall be deposited in a special fund of the public agency having local jurisdiction and be used exclusively for activities specified in the State Fireworks Law.
- 14) Authorizes the chief of the fire department, fire marshal, or chief fire prevention officer of the city, county, city and county, or fire protection district or other relevant entity or representative, as specified, to enter and inspect, at reasonable times, any premise, facility, or storage site used for the manufacture, storage, sale, or display of fireworks to determine

compliance with the State Fireworks Law, the regulations of the SFM, and applicable local fire codes.

- 15) Requires a public agency having local jurisdiction, as specified, to inspect each fireworks facility or storage site within its jurisdiction at least once every 12 months,
- 16) The above-described inspection shall include verification of the following:
 - a) Permit validity and required documentation, as specified.
 - b) Compliance with the fireworks storage, separation, and safety requirements of Title 19 of the California Code of Regulations, as specified.
 - c) Maintenance of required fire protection systems and safety signage.
- 17) Authorizes a public agency having local jurisdiction, as specified, to
 - a) require the correction of any unsafe or noncompliant condition identified during inspection; and
 - b) suspend or revoke the local permit until compliance is achieved.
- 18) Repeals the requirement that if dangerous fireworks are seized pursuant to a local ordinance that provides for administration 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 Fireworks Fund.

EXISTING LAW:

- 1) Establishes the SFM, within the Department of Forestry and Fire Protection (CALFIRE), as specified. (Health & Safety Code § 13100)
- 2) The State Fireworks Law requires the SFM to adopt regulations relating to fireworks as may be 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. (Health & Safety Code § 12552)
- 3) Authorizes the SFM to deny or revoke any firework license if the licensee or applicant: failed to pay their renewal fee; violated provisions, as specified; created a fire nuisance; failed to keep records, as specified; failed to file a required report; failed to share requested records; if a local jurisdiction rescinds prior approval; or if any condition exists that would have resulted in the SFM denying the application if the condition existed at the time of the original application. (HSC § 12560)
- 4) Authorizes the retail sale of safe and sane fireworks from June 28 to July 6, annually, pursuant to a license issued by the State Fire Marshal (SFM), unless otherwise prohibited or regulated by law or ordinance. A new retail sales license shall be required annually for the period, as specified. (HSC § 12599)
- 5) Requires fireworks licensees seeking authorization for specified activities related to fireworks to submit a written application for a permit to the chief of the fire department

or the chief fire prevention officer of the city or county, or to another issuing authority that may be designated by the governing body of the city or county, or, in the event there is no officer or person appointed within the area, to the SFM or the SFM's deputy, as provided. (HSC § 12640)

- 6) Requires all import and export licenses to file a notice with the SFM prior to the arrival of any class of fireworks subject to the specified license, and requires the notice to state all the following (HSC § 12619):
 - a. Estimated date of arrival.
 - b. Type, kind, and quantity of fireworks.
 - c. Name of carrier.
 - d. Point of origin and bill of lading number.
 - e. Name and address of consignee.
 - f. Load number or other identification carton marks.
- 7) Authorizes the SFM to deny the application for a license or the application for renewal of a license filed by a person who has 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 arson or any other fire-related offenses, as provided. (HSC § 12607)
- 8) Provides that if dangerous 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 shall forward 65 percent of the collected moneys to the State Controller (Controller) for deposit in the SFM's Fireworks Enforcement and Disposal Fund (Fireworks Fund). (HSC § 12726)
- 9) Authorizes the chief of the fire department, fire marshal, or chief fire prevention officer of the city, county, city and county, or fire protection district or other public agency, as specified, or their authorized representative, to enter and inspect, at reasonable times, any premise, facility, or storage site used for the manufacture, storage, sale, or display of fireworks to determine compliance with the State Fireworks Law, the regulations of the State Fire Marshal, and applicable local fire codes. (HSC § 12640.3)

FISCAL EFFECT: According to the Senate Committee on Appropriations:

“Unknown revenue loss to the SFM Fireworks Enforcement and Disposal Fund. The bill repeals the requirement that 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 SFM Fireworks Enforcement and Disposal Fund. To the extent that this revenue is significant, there may be a corresponding impact to the fund and the SFM's administrative and enforcement operations.

The California Department of Forestry and Fire Protection (CALFIRE) anticipates any administrative associated costs to be minor and absorbable.”

COMMENTS:

Author’s Statement: “The July 2025 explosion in Esparto, California was a terrible tragedy in the Senate District that I represent. The lives of 7 people were taken that day, and their families are still reeling from their losses. There are so many questions about what went wrong here, and I have a responsibility to the district to make sure that we do what we can to prevent such dangerous conditions to develop – apparently with state and local officials unaware. Esparto was certainly not an isolated incident, though it was the most deadly in recent memory. Shown by the May 2023 seizure in Commerce of more than 100,000 lbs. of fireworks, illegal fireworks are entering, being stored, and being detonated in California at a level we’ve never seen before. And reveals how dangerous it can be when responsibilities are fragmented, communication is inconsistent, or enforcement systems operate in silos. By requiring upfront disclosure of storage locations and proof of local permits, SB 828 ensures alignment between state and local regulatory frameworks. This improves fire safety, enables better emergency response planning, and prevents unauthorized storage facilities. SB 828 also authorizes local agencies to adopt fee schedules to recover costs associated with permitting, inspection, and enforcement activities.”

Equity Statement: Communities hosting unlicensed or improperly permitted storage facilities tend to be lower-income and rural, as illustrated by Esparto, a small agricultural community in Yolo County, where residents bore the deadly consequences of inadequate oversight with little recourse.

State Fireworks Law: California’s 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.”

The State Fireworks Law authorizes the State Fire Marshal licensed 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. Public fireworks shows can be conducted by state-licensed pyrotechnicians with licenses obtained from the SFM, through the Fireworks Program. Approximately 290 communities in California currently allow the purchase and personal use of state-approved fireworks for the July Fourth holiday. Typically, non-profit organizations such as service clubs (like Rotary), Boy and Girl Scout troops, PTAs, Little Leagues, and other neighborhood associations operate fireworks stands.

Fireworks Licensing and Regulations: The SFM requires the licensing of all pyrotechnic operators, fireworks manufacturers, importer-exporters, wholesalers, retailers, and public display companies. Pyrotechnic operators who discharge fireworks at public displays or launch high powered and experimental rockets, must also pass a written examination and provide proof of experience. The State’s Explosives Law authorizes the SFM to adopt regulations for the safe use, handling, storage and transportation of explosives. Under those regulations local law enforcement agencies track the location of storage magazines within their jurisdictions through a permit process. Special exemptions have been provided within the regulations to allow for limited possession and storage of some explosives, such as black powder, used by hunters and the sporting community.

2025 Esparto California Fireworks 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. According to the Yolo County District Attorney, the warehouse was storing approximately one million pounds of illegal fireworks at the time of the explosion.¹ At least two 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 SFM announced taking action to suspend the pyrotechnic licenses of individuals from Devastating Pyrotechnics Inc., and Blackstar Fireworks who were identified in conjunction 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.² 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.”

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.”³ 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.”

The article states that, “[p]hotos provided by Cal Fire of the Commerce raid show boxes similar to those housed in storage containers on the Esparto site as shown in photographs posted online by one of the men killed in the blast. In images from both locations, the boxes show a bright orange shield indicating explosives, a label federally required for the transportation of hazardous material with fire and explosive danger.”⁴

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, and one individual was arrested and booked on multiple related charges.

¹ <https://www.kcra.com/article/6-people-indicted-esparto-explosions-court-thursday-arraignments/71039030>

² Was the Esparto fireworks facility a deadly powder keg hiding in plain sight?, <https://www.sacbee.com/news/local/article311329030.html>

³ Following warehouse fireworks raid, investigators failed to follow trail to Esparto, <https://www.sacbee.com/news/local/article312686990.html>

⁴ Fireworks explosion, https://www.sacbee.com/public/latest-news/92yk9t/picture309880420/alternates/FREE_960/0382_NSL_250702_FireworksExplosion.jpg

In April 2026, eight people were charged with a combined 30 charges related to the Esparto explosion, including murder, conspiracy to commit a crime, possession of illegal assault weapons, illegal explosives possession, insurance fraud, child endangerment and animal cruelty.⁵ The case is ongoing.

General Fireworks Committee: The General Fireworks Committee (GFAC), within the Office of the SFM, provides a means of communications between the SFM, representatives of industry, the public, and the fire service; and to seek comments and specific views on proposed regulations and technical issues.⁶

According to a September 15, 2015, article by KCRA 3, during GFAC's first meeting following the Esparto explosion, State Fire Marshal Daniel Berlant said, "what happened in Esparto, while still under investigation, has already taught us that there were loopholes that were being used." State Fire Marshal Berlant further noted that the SFM's office is actively working on improving fireworks licensing standards and best practices. The article states that the "process was already underway, he said, before the explosion, but has been intensified given the gravity of what happened in Esparto."⁷

Public Safety Fireworks Enforcement Task Force

In response to the initial findings from the Esparto incident, the OSFM assembled and convened the Public Safety Fireworks Enforcement Task Force (Task Force). The purpose of the Task Force was to conduct a comprehensive review of current state laws and regulations related to fireworks, propose changes to enhance public safety, and develop a robust Fireworks Program enforcement plan. The Task Force consisted of local public safety professionals from police, sheriff, and fire agencies, representing various organizations and agencies throughout the State. The goal of the Task Force was to improve public safety by reducing both the fire and injury incidents related to fireworks. As a result, the Task Force developed recommendations in the following categories⁸:

1. State Fireworks Law
2. State Fireworks Regulations
3. Fireworks Program Application Process
4. Fireworks Program Inspection
5. Training Requirements for Individuals Involved in Handling Fireworks
6. Fireworks Enforcement Strategies

The recommendations made regarding the State Fireworks Law is most applicable to this bill. Nearly all of the recommendations are reflected in the Committee Amendments.

Their recommended changes to the State Fireworks Law include:

⁵ <https://www.cnn.com/2026/04/10/us/california-fireworks-warehouse-explosion-charges>

⁶ General Fireworks Committee (GFAC), <https://osfm.fire.ca.gov/committees/general-fireworks-advisory-committee>

⁷ Esparto fireworks explosion prompts legislative and regulatory changes, <https://www.kcra.com/article/esparto-fireworks-explosion-prompts-legislative-and-regulatory-changes/66114794>

⁸ <https://34c031f8-c9fd-4018-8e5a-4159cdff6b0d-cdn-endpoint.azureedge.net/-/media/osfm-website/what-we-do/fire-engineering-and-investigations/2026/public-safety-fireworks-enforcement-task-force-with-appendix-a.pdf?rev=d3ce397c2b684c5d8b8eea00e041a6c1&hash=B20A786D949A1BD05DDCFD091D27587D>

Clarifying The OSFM's Jurisdiction Over Fireworks Imported Via State Ports: The Task Force recommends that the OSFM promulgate a regulation adopting a definition of transit pursuant to the authorities in Health and Safety Code (HSC) section 12552 and determine whether changes to the HSC are needed.

Align The Health and Safety Codes' Felony Disqualification With The Department Of Justice: To ensure public safety and prevent felons from obtaining fireworks licenses, the Task Force recommends that HSC § 12607 align its licensure disqualifiers with the California Department of Justice's Firearms Prohibited Categories⁹.

Review The Chain of Approvals For License Issuance: The Task Force recommends that the OSFM review its licensing process to ensure that applicants have both an ATF license and a local permit, when required.

Move License Scope from Statute To Regulation: The Task Force identified a need for the OSFM to change license scope and definitions. To allow these changes to occur more timely in the future, the Task Force recommends that the licensing scope and definitions be moved from the State Fireworks Law to regulation.

This is the only recommendation not reflected in Committee Amendments.

Remove The Exception for Paper Caps: The State Fireworks Law has an exemption for paper caps containing less than 0.25 grains of pyrotechnic composition. The Task Force identified a challenge in ensuring that devices claiming to meet this exemption actually contain the legal amount or less. Removing this exemption would enable their contents to be controlled while still allowing them to be sold year-round. The exception for paper caps is difficult to confirm without verifying the pyrotechnic composition of the devices; therefore, the Task Force recommend deleting the exception for clarity.

Expanding or Clarifying the Definition of a Fireworks Kit: The Task Force recommends expanding the definition of a fireworks kit in statute to, at a minimum, include an expanded definition and a list of precursor chemicals, in order to remove challenges in using the definition in legal proceedings for those who possess precursor chemicals for making fireworks.

Increasing the Suspension Timeframe: The Task Force provided a recommendation that the statutory timeframe for suspensions be increased from 30 days to 90 days. This extension will allow the OSFM program staff to conduct a thorough investigation and prevent those licensees under investigation from operating.

Inclusion of Law Enforcement Agencies in the Inspection Authority: California Health and Safety Code § 12721 provides a list of agencies with explicit authority to seize fireworks. HSC § 12558 provides authority to conduct inspections and points to the listed authorities identified in HSC § 12721. The Task Force identified that local law enforcement agencies were not included in the list. The Task Force recommends that the law be updated to include

⁹ <https://oag.ca.gov/system/files/media/Firearms-Prohibited-Categories.pdf>

local law enforcement's ability to assist, but not to be included in the right of entry in this statute.

Increase Allowable Fines for County Ordinances Relating to Fireworks: The Task Force recommends increasing the limit on fines imposed specifically for fireworks to allow county jurisdictions flexibility in issuing administrative citations and to allow for more punitive fines, in line with other cities' ordinances and state fines for dangerous fireworks.

Seized Fireworks in California: Fireworks that are not designated “safe and sane” are illegal in California; as a result, there are fireworks seized that are illegal within the state, but legal to be sold in other states per federal and other state regulations. Existing law requires the SFM to dispose of “dangerous fireworks” within 60 days upon receiving notification from the local jurisdictions once seized. If seized fireworks are deemed hazardous waste, they must be handled according to state and federal hazardous waste laws and can only be transported, treated, stored, or disposed of by registered and authorized facilities.

Existing law states that if dangerous fireworks are seized pursuant to a local ordinance providing for administrative fines or penalties and these fines or penalties are collected, the local government entity must forward 65 percent of the collected moneys to the State Controller (Controller) for deposit in the SFM’s Fireworks Fund. This bill repeals that requirement.

According to the SFM, seizures of these fireworks have increased each year beginning around March with an uptick in interdictions moving towards the July Fourth holiday. Each year, the state seizes on average over 240,000 pounds of fireworks that will need to be disposed. In 2020, a statewide operation conducted between June 26 and 30 designed to prevent illegal fireworks from entering California resulted in the confiscation of nearly 50,000 pounds of illegal fireworks, and resulted in 29 felonies, 165 misdemeanors, and 25 infractions. On June 30, 2025, the day before the Esparto explosion, Governor Newsom announced via press release that over 600,000 pounds of illegal fireworks had already been seized during the first half of 2025.¹⁰ Over the years, the focus has been on properly disposing of the stockpiles leaving few resources, if any, for enforcement.

Industry Proposals: In response to the Task Force’s recommendations, representatives of the fireworks industry that participate in the GFAC jointly submitted their own statutory framework titled “Statutory Solutions to Prevent Catastrophic Illegal Fireworks and Explosives Incidents.”¹¹ This framework builds upon, and makes edits to, the Task Force’s recommendations. According to industry representatives, “Several of the industries’ proposed statutory provisions are specifically designed to create additional opportunities for earlier identification of unlawful storage, diversion, trafficking activity, and other warning signs before dangerous conditions become catastrophic. These include provisions related to import monitoring and supply-chain visibility, storage-location disclosure and local notification, intelligence-sharing and enforcement

¹⁰ Governor Newsom urges safety this Fourth of July after 600,000 pounds of illegal explosives seized, <https://www.gov.ca.gov/2025/06/30/governor-newsom-urges-safety-this-fourth-of-july-after-600000-pounds-of-illegal-explosives-seized/>

¹¹ <https://34c031f8-c9fd-4018-8c5a-4159cdf6b0d-cdn-endpoint.azureedge.net/-/media/osfm-website/what-we-do/fire-engineering-and-investigations/fireworks/fireworks/revised-final-firework-industries-submittal-00062124xb1573.pdf?rev=1d22fe7b45b44ab98ac3254fbd6868f6&hash=F176E97AB18360AA03C36BC6EA56E20>

coordination, and enhanced tools directed at organized illegal fireworks trafficking enterprises. These provisions are grounded in the belief that public safety is best served not only by stronger penalties, inspections, and enforcement authority, but also by improving California's ability to identify elevated-risk activities sooner and intervene earlier.”

More specifically, they recommend the following:

- 1) Specify a fireworks device only be classified or certified by SFM as “safe and sane” unless the total net pyrotechnic composition contained within the device does not exceed 500 grams per individual device.
- 2) Require the OSFM to establish a coordinated, intelligence-driven fireworks enforcement program to address the illegal importation, storage, distribution, and sale of illegal fireworks and explosives that include a Specialized Enforcement Unit, Information Sharing System, Multi-Agency Coordination, Supply-Chain Enforcement Focus, and Risk-Based Enforcement Prioritization.
- 3) Require the SFM to complete an Annual Enforcement Report that includes a summary of enforcement activities related to illegal fireworks; the number and type of seizures conducted; coordination efforts with local, state, and federal agencies; identified trends in illegal fireworks importation and distribution; and recommendations for improving enforcement effectiveness next year and beyond.
- 4) Maintain the current 30-day license suspension period language
- 5) Require the notices all import and export licensees are required to file with the SFM to include documentation confirming applicable zoning and land use approvals for the destination storage facility in California.
- 6) Require the SFM to review submitted import and export notices for purposes of identifying potential violations or risks associated with illegal fireworks activity, including patterns indicative of unlawful importation, diversion, or distribution.
- 7) Make a budget allocation for fireworks enforcement
- 8) Requires the SFM to issue separate one-time retail licenses that shall authorize the retail sale of safe and sane fireworks within this state only from 9 a.m. on December 26 to midnight of January 1 of the following year and make related reporting and tax requirements for the sale of these fireworks.

The final recommendation, which would authorize the retail sale of safe and sane fireworks during the week preceding New Year's Day, has been proposed in prior legislative sessions with industry sponsorship but has never been sent to the Governor. Unlike the others, this recommendation is not directly related to preventing catastrophic fireworks or explosives incidents and instead addresses a broader policy question regarding the retail sale of fireworks.

Arguments in Support: In support of the bill, the California Special Districts Association (CSDA) writes “The recent disaster at a warehouse in Esparto, California highlighted the need for reforms related to the storage of fireworks. SB 828 would, among other things, require the State Fire Marshall, upon approval of an application for a fireworks wholesaler’s license, a

manufacturer’s license of fireworks and other pyrotechnic devices, a fireworks importer’s license, or a fireworks exporter’s license, to notify the applicable local fire chief of any storage site reported on the application.... SB 828 would empower the fire protection district to require correction of any unsafe or noncompliant condition identified during inspection and may suspend or revoke the local permit until compliance is achieved. In these ways, SB 828 strengthens existing laws related to the oversight of fireworks licensees and the storage of fireworks.”

Related Legislation:

AB 3065 (Garcia, 2024) would have authorized the sale of safe and sane fireworks the week preceding New Year’s Day, as specified. (Held on the Assembly Appropriations Committee Suspense File)

AB 1403 (Garcia, Chapter 368, Statutes of 2023) required the SFM, by January 1, 2025, to collect and analyze data about firework-related fires, damages, and arrests; submit a workload analysis to the relevant committees of the Legislature and train local authorities on relevant regulations related to fireworks, as specified. Additionally, authorizes local agencies, as specified, to adopt an ordinance for the actual and reasonable costs associated with safe and sane and illegal fireworks; and requires the SFM to develop training for the proper management of seized fireworks.

SB 277 (Archuleta, Chapter 238, Statutes of 2022) requires the SFM to manage seized fireworks classified as hazardous waste in compliance with California and federal laws, rather than dispose of them, and ensures that transportation and disposal of this hazardous waste is handled only by registered and authorized facilities.

AB 1497 (Frazier, 2021) would have increased fines for breaking the State Fireworks Law, owning a certain amount of dangerous fireworks, and penalties for a third or more conviction, as specified. (Held in the Assembly Governmental Organization Committee)

AB 1588 (Committee on Governmental Organization, 2021) would have created the State Fire Marshal Statewide Illegal Fireworks Enforcement Action Fund dedicated to improving the enforcement of statewide programs concerning illegal and dangerous fireworks, as specified. (Held in the Senate Governance and Finance Committee)

AB 2740 (Carrillo, 2020) would have broadened the definition of dangerous fireworks to include those containing certain hazardous substances, required the SFM to track all dangerous fireworks imported into or exported out of California, and called for an annual charge on importers based on the volume of product imported, as specified. (Never referred to a policy committee in the Assembly)

SB 794 (Stern, 2017) would have established the Fireworks Stewardship Program to create a uniform statewide policy regarding a state, county, special district, and local government entity’s safe seizure, storage, repurposing, destruction, or disposal of 1.4G federally approved dangerous fireworks and 1.4G California, classified safe and sane fireworks, as specified. (Never heard in the Assembly Governmental Organization Committee)

SB 677 (Mendoza, 2015) would have authorized the sale of safe and sane fireworks during the week preceding New Year’s Day and would have made numerous changes to the State Fireworks

Law and fireworks disposal, as specified. (Failed passage in the Senate Governmental Organization Committee)

AB 475 (Redwine, Chapter 534, Statutes of 1939) California's Fireworks Law, among other things, defined "dangerous fireworks" and "safe and sane" fireworks, and prohibited any person without a permit from manufacturing, possessing, or selling any dangerous fireworks, from selling any safe and sane fireworks as a retailer, and from discharging dangerous fireworks in any place.

Double Referral: This bill was also referred to the Assembly Local Government Committee.

Committee Amendments: As discussed above, Committee Amendments incorporate the majority Public Safety Fireworks Enforcement Task Force recommendations. The major provisions of the amendments are as follows:

- 1) Requires the SFM to adopt regulations that include provisions for determining when a license is required for fireworks shipped to a California port that will not be sold in California.
- 2) Revises the definition of a fireworks kit, as specified,
- 3) Expands the definition of dangerous fireworks to include any types of fireworks not examined and tested by the SFM, excluding fireworks with a pending application for approval.
- 4) Repeals the exemption for paper caps, as specified.
- 5) Authorizes the maximum fines for violation of an ordinance relating to fireworks that is an infraction to increase to \$1,000 for a first violation, \$2,000 for a 2nd violation of the same ordinance within 5 years, and \$5,000 for each additional violation of the same ordinance within 5 years of the first violation.
- 6) Requires a public agency that suspends or revokes the local permit to notify the State Fire Marshal.
- 7) Authorizes local law enforcement agencies to seize any fireworks and to charge any entity, as specified, whose fireworks are seized, as specified, an amount that is sufficient to cover the cost of transporting, storing, and handling the seized fireworks.
- 8) Authorizes the State Fire Marshal to now deny an application for a license or renewal of a license without a hearing if within 5 years, as opposed to 1 year in current statute, before the date of application, the State Fire Marshal has denied or revoked a license, as specified.
- 9) Authorizes the SFM to now suspend any license for up to a 90 day period, as opposed to a 30 day period in current statute, pending investigation of any violation of the provisions of the State Fireworks Law and establishes that the entitlement, as specified, to a hearing conducted in accordance with the Administrative Procedure Act does not apply during the suspensions.

Full Committee Amendments:

Amendment 1

In the title, in line 1, after “amend” insert:
Section 25132 of the Government Code, and to amend

Amendment 2

In the title, in line 1, after “Sections” insert:
12505, 12512, 12540, 12552, 12588,

Amendment 3

In the title, in line 1, after “12590,” insert:
12591,

Amendment 4

In the title, in line 2, after “12635,” insert:
12721,

Amendment 5

On page 5, before line 1, insert:

SECTION 1. Section 25132 of the Government Code is amended to read:

25132. (a) Violation of a county ordinance is a misdemeanor unless by ordinance it is made an infraction. The violation of a county ordinance may be prosecuted by county authorities in the name of the people of the State of California, or redressed by civil action.

(b) Every violation that is an infraction is punishable by the following:

(1) A fine not exceeding one hundred dollars (\$100) for a first violation.

(2) A fine not exceeding two hundred dollars (\$200) for a second violation of the same ordinance within one year of the first violation.

(3) A fine not exceeding five hundred dollars (\$500) for each additional violation of the same ordinance within one year of the first violation.

(c) Notwithstanding any other law, a violation of local building and safety codes that is an infraction is punishable by the following:

(1) A fine not exceeding one hundred thirty dollars (\$130) for a first violation.

(2) A fine not exceeding seven hundred dollars (\$700) for a second violation of the same ordinance within one year of the first violation.

(3) (A) A fine not exceeding one thousand three hundred dollars (\$1,300) for each additional violation of the same ordinance within one year of the first violation.

(B) A fine not exceeding two thousand five hundred dollars (\$2,500) for each additional violation of the same ordinance within two years of the first violation if the property is a commercial property that has an existing building at the time of the violation and the violation is due to failure by the owner to remove visible refuse or failure to prohibit unauthorized use of the property.

(d) (1) Notwithstanding any other law, including subdivisions (b), (c), and (e), a violation of an event permit requirement that is an infraction is punishable by the following:

(A) A fine not exceeding one hundred fifty dollars (\$150) for the first violation of an event permit requirement.

(B) A fine not exceeding seven hundred dollars (\$700) for a second occurrence of the same violation of an event permit requirement by the same owner or operator within three years of the first violation.

(C) A fine not exceeding two thousand five hundred dollars (\$2,500) for each additional occurrence of the same violation of an event permit requirement by the same owner or operator within three years of the first violation.

(2) (A) For purposes of this subdivision, “violation of an event permit requirement” means failure to obtain a permit required for a professionally organized special event on private property that is commercial in nature, or from which the owner or operator derives a commercial benefit.

(B) For purposes of this paragraph, the following definitions apply:

(i) “Commercial in nature” means that a primary purpose of the special event is to derive an economic benefit resulting from the holding of the event through admission charges or sales of merchandise that occur as part of the event.

(ii) “Commercial benefit” means any remuneration received in exchange for allowing the property upon which the event occurs to be used for the event, including any remuneration that results from the rental of the property for a term of less than 31 consecutive days.

(e) (1) Notwithstanding any other law, including subdivisions (b), (c), and (d), the violation of a short-term rental ordinance that is an infraction is punishable by the following:

(A) A fine not exceeding one thousand five hundred dollars (\$1,500) for a first violation.

(B) A fine not exceeding three thousand dollars (\$3,000) for a second violation of the same ordinance within one year.

(C) A fine not exceeding five thousand dollars (\$5,000) for each additional violation of the same ordinance within one year of the first violation.

(2) For purposes of this section, “short-term rental” means a residential dwelling, or any portion of a residential dwelling, that is rented to a person or persons for 30 consecutive days or less.

(3) For purposes of this section, “residential dwelling” means a private structure designed and available, pursuant to applicable law, for use and occupancy as a residence by one or more individuals. “Residential dwelling” does not include a commercially operated hotel, motel, bed and breakfast inn, or time-share property as defined by subdivision (aa) of Section 11212 of the Business and Professions Code.

(4) The fine limits set by this subdivision apply only to infractions that pose a threat to public health or safety. The fines described in this subdivision shall not apply to a first time offense of failure to register or pay a business license fee. Nothing in this subdivision limits the authority of a county, or city and county, to establish lower fines for specific violations by ordinance.

(f) A county levying a fine pursuant to paragraphs (2) and (3) of subdivisions (b) and (c), and paragraph (1) of subdivision (e), shall establish a process for granting a hardship waiver to reduce the amount of the fine upon a showing by a responsible party that the responsible party has made a bona fide effort to comply after the first violation, and that payment of the full amount of the fine would impose an undue financial burden on the responsible party.

(g) Notwithstanding any other law, a violation relating to fireworks, as defined in Section 12511 of the Health and Safety Code, that is an infraction is punishable by the following:

(1) A fine not exceeding one thousand dollars (\$1,000) for a first violation.

(2) A fine not exceeding two thousand dollars (\$2,000) for a second violation of the same ordinance within five years of the first violation.

(3) A fine not exceeding five thousand dollars (\$5,000) for each additional violation of the same ordinance within five years of the first violation.

SEC. 2. Section 12505 of the Health and Safety Code is amended to read:

12505. "Dangerous fireworks" includes all of the following:

(a) Any fireworks which that contain any of the following:

(1) Arsenic sulfide, arsenates, or arsenites.

(2) Boron.

(3) Chlorates, except:

(A) In colored smoke mixture in which an equal or greater amount of sodium bicarbonate is included.

(B) In caps and party poppers.

(C) In those small items (such as ground spinners) wherein the total powder content does not exceed 4 grams of which not greater than 15 percent (or 600 milligrams) is potassium, sodium, or barium chlorate.

(4) Gallates or Gallic acid.

(5) Magnesium (magnesium-aluminum alloys, called magnalium, are permitted).

(6) Mercury salts.

(7) Phosphorous (red or white except that red phosphorus is permissible in caps and party poppers).

(8) Picrates or picric acid.

(9) Thiocyanates.

(10) Titanium, except in particle size greater than 100-mesh.

(11) Zirconium.

(b) Firecrackers.

(c) Skyrockets and rockets, including all devices which that may employ any combustible or explosive material and which that rise in the air during discharge.

(d) Roman candles, including all devices which that discharge balls of fire into the air.

(e) Chasers, including all devices which that dart or travel about the surface of the ground during discharge.

(f) Sparklers more than 10 inches in length or one-fourth of one inch in diameter.

(g) All fireworks designed and intended by the manufacturer to create the element of surprise upon the user. These items include, but are not limited to, auto-foolers, cigarette loads, exploding golf balls, and trick matches.

(h) Fireworks known as devil-on-the-walk, or any other firework ~~which~~ that explodes through means of friction, unless otherwise classified by the State Fire Marshal pursuant to this part.

(i) Torpedoes of all kinds ~~which~~ that explode on impact.

(j) Fireworks kits.

(k) ~~Such other~~ Other fireworks examined and tested by the State Fire Marshal and determined by ~~him~~, the State Fire Marshal, with the advice of the State Board of Fire Services, to possess characteristics of design or construction ~~which~~ that make ~~such~~ those fireworks unsafe for use by any person not specially qualified or trained in the use of fireworks.

(l) Any types of fireworks not examined and tested by the State Fire Marshal, excluding fireworks with a pending application for approval.

SEC. 3. Section 12512 of the Health and Safety Code is amended to read:

12512. "Fireworks kit" means any assembly of materials or ~~explosive substances, which is designed and intended by the seller to be assembled by the person receiving such material or explosive substance and when so assembled would come within the definition of fireworks in Section 12511.~~ components, chemical substances, or mechanical parts that are packaged, marketed, or distributed with the intent that the purchaser will combine, mix, assemble, or otherwise prepare them into a device that, when completed, would meet the definition of fireworks under Section 12511. A fireworks kit may include, but is not limited to, any combination of oxidizing agents, fuels, or reducing agents, metal powders, binders, stabilizers, color-producing agents, ignition components, or containment materials, whether or not individually hazardous. Materials, components, chemical substances, or mechanical parts shipped together or separately from the same supplier for these purposes shall qualify under this definition as a fireworks kit.

SEC. 4. Section 12540 of the Health and Safety Code is amended to read:

12540. The provisions of this part shall not apply to any of the following:

- (a) Explosives regulated under Part 1 (commencing with Section 12000) of Division 11.
- (b) Arms and handguns defined as firearms by the Federal Gun Control Act of 1968, as well as ~~such~~ those devices and weapons classified under Section 16460 of the Penal Code or any provision listed in Section 16590 of the Penal Code, including blank cartridge pistols of the type used at sporting events or theatrical productions.
- (c) Research or experiments with rockets or missiles or the production or transportation of rockets or missiles by the Department of Defense of the United States, or by any agency or organization acting pursuant to a contract with the Department of Defense for the development and production of rockets or missiles.
- ~~(d) Paper caps which contain less than 0.25 grain of pyrotechnic composition per unit load.~~

SEC. 5. Section 12552 of the Health and Safety Code is amended to read:

12552. The State Fire Marshal shall adopt regulations relating to fireworks as may be necessary for the protection of life and property not inconsistent with the provisions of this part. These regulations shall include, but are not limited to, provisions for the following:

- (a) Granting of licenses and permits for the manufacture, wholesale, import, export, and sale of all classes of fireworks.
- (b) Determination of when a license is required for fireworks shipped to a California port that will not be sold in California.
- ~~(b)~~
- (c) Classification of fireworks and pyrotechnic devices.
- ~~(c)~~
- (d) Registration of employees of licensees.
- ~~(d)~~
- (e) Licenses and permits required for presentation of public displays.
- ~~(e)~~
- (f) Granting of licenses and permits for research or experimentation with experimental or model rockets and missiles.
- ~~(f)~~
- (g) Investigation, examination, and licensing of pyrotechnic operators of all classes.
- ~~(g)~~

(h) Registration of emergency signaling devices and the classification and use of exempt fireworks.

(h)

(i) Transportation of all classifications of fireworks, model rockets, emergency signaling devices, and exempt fireworks.

SEC. 6. Section 12588 of the Health and Safety Code is amended to read:

12588. The State Fire Marshal may deny, without hearing, an application for a license or renewal of a license, if within ~~one year prior to~~ five years before the date of application, the State Fire Marshal has denied or revoked a license after proceedings conducted in accordance with the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code for the same applicant on the ground of violation of this part.

Amendment 6

On page 5, in line 1, strike out "SECTION 1." and insert:

SEC. 7.

Amendment 7

On page 5, in line 31, strike out "SEC. 2." and insert:

SEC. 8.

Amendment 8

On page 6, between lines 10 and 11, insert:

(c) The State Fire Marshal shall, by regulation, establish when the wholesaler licensee, manufacturer licensee, importer licensee, or exporter licensee shall provide the documentation required pursuant to this section as necessary to carry out the purposes of this part.

Amendment 9

On page 6, in line 11, strike out "SEC. 3." and insert:

SEC. 9.

Amendment 10

On page 6, in line 21, strike out "hazardous materials office." and insert:
local unified program agency, as defined in Section 25404.

Amendment 11

On page 6, between lines 22 and 23, insert:

SEC. 10. Section 12591 of the Health and Safety Code is amended to read:

12591. The State Fire Marshal may, upon three days notice, suspend any license for a period not exceeding ~~30~~ 90 days pending investigation of any violation of the provisions of this part. This suspension is not subject to the hearing requirements of Sections 12592 and 12593.

Amendment 12

On page 6, in line 24, strike out “SEC. 4.” and insert:

SEC. 11.

Amendment 13

On page 6, in line 29, strike out “felony involving”, strike out line 30 and insert:
felony.

Amendment 14

On page 6, strike out lines 35 to 40, inclusive, and insert:

(c) The person is under indictment or information for a crime punishable by imprisonment for a term exceeding one year.

Amendment 15

On page 7, between lines 2 and 3, insert:

(e) The person is ineligible for a Federal Explosives License issued by the United States Bureau of Alcohol, Tobacco, Firearms and Explosives.

Amendment 16

On page 7, in line 3, strike out “(e)” and insert:

(f)

Amendment 17

On page 7, in line 3, after “federal” insert:
or state

Amendment 18

On page 7, in line 5, after “federal” insert:
or state

Amendment 19

On page 7, in line 6, strike out “SEC. 5.” and insert:

SEC. 12.

Amendment 20

On page 7, strike out lines 20 and 21

Amendment 21

On page 7, in line 23, strike out “SEC. 6.” and insert:

SEC. 13.

Amendment 22

On page 7, in line 28, strike out “SEC. 7.” and insert:

SEC. 14.

Amendment 23

On page 7, in line 36, strike out “SEC. 8.” and insert:

SEC. 15.

Amendment 24

On page 8, between lines 3 and 4, insert:

(2) Documentation affirming the possession of a Federal Explosives License issued by the United States Bureau of Alcohol, Tobacco, Firearms, and Explosives.

Amendment 25

On page 8, in line 4, strike out “(2)” and insert:

(3)

Amendment 26

On page 8, in line 7, strike out “(3)” and insert:

(4)

Amendment 27

On page 8, in line 11, strike out “(2), and (3)” and insert:

(3), and (4)

Amendment 28

On page 8, between lines 13 and 14, insert:

(c) The State Fire Marshal shall, by regulation, establish when the licensee shall provide the documentation required pursuant to this section as necessary to carry out the purposes of this part.

Amendment 29

On page 8, in line 14, strike out “(c)” and insert:

(d)

Amendment 30

On page 8, in line 18, strike out “SEC. 9.” and insert:

SEC. 16.

Amendment 31

On page 9, in line 3, strike out “SEC. 10.” and insert:

SEC. 17.

Amendment 32

On page 9, in line 22, after “1.00)” insert:
and Title 24

Amendment 33

On page 9, in line 31, after the period insert:

If a public agency suspends or revokes the local permit, the public agency shall notify the State Fire Marshal.

(d) Nothing in this section diminishes or otherwise affects the authority of the Division of Occupational Safety and Health to inspect places of employment or enforce occupational safety and health standards established pursuant to Chapter 6 (commencing with Section 140) of Division 1 of the Labor Code at places of employment where fireworks are manufactured, stored, sold, displayed, maintained, or otherwise handled.

SEC. 18. Section 12721 of the Health and Safety Code is amended to read:

12721. The State Fire Marshal, ~~his or her~~ their salaried deputies, or any chief of a fire department, or ~~his or her~~ their authorized representatives, any fire protection agency, or any other public agency authorized by statute to enforce the State Fire Marshal’s regulations, or local law

enforcement agencies, may seize any fireworks described in this part. The State Fire Marshal, any chief of a fire department, any fire protection agency, ~~or~~ any other public agency authorized to enforce the State Fire Marshal's ~~regulations~~ regulations, or any local law enforcement agency may charge any person, firm, or corporation, whose fireworks are seized pursuant to this section, an amount ~~which~~ that is sufficient to cover the cost of transporting, storing, and handling the seized fireworks. When the State Fire Marshal, other enforcing officer or agency described in this section, or a court determines that a ~~person's, firm's,~~ person`s, firm`s, or corporation's fireworks are illegally or erroneously seized, or if legal proceedings do not result in a conviction for violation of any provision of this part, any funds collected pursuant to this section shall be refunded, or if charged but unpaid, canceled.

Amendment 34

On page 9, in line 32, strike out "SEC. 11." and insert:

SEC. 19.

Amendment 35

On page 10, in line 18, strike out "federal" and insert:
United States

Amendment 36

On page 10, in line 23, strike out "federal" and insert:
United States

Amendment 37

On page 11, strike out lines 19 to 29, inclusive, and insert:

SEC. 20. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

REGISTERED SUPPORT / OPPOSITION:

Support

American Promotional Events, INC.
California Special Districts Association
City of Carson

Opposition

None on file.

Analysis Prepared by: Ryan Fleming / E.M. / (916) 319-3802