

UNFINISHED BUSINESS

Bill No: SB 828
Author: Cabaldon (D), et al.
Amended: 8/20/26
Vote: 21

Prior votes not relevant.

SENATE EMERGENCY MGT. COMMITTEE: 8-0, 8/27/26
AYES: Stern, Seyarto, Allen, Blakespear, Dahle, Grayson, Pérez, Rubio
NO VOTE RECORDED: Ashby

ASSEMBLY FLOOR: 77-0, 8/25/26 - See last page for vote

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

SOURCE: Author

DIGEST: This bill increases oversight of fireworks licensees by the Office of the State Fire Marshal (SFM) and local government jurisdictions.

Assembly Amendments incorporate recommendations from the SFM's Public Safety Fireworks Enforcement Task Force and make related technical and clarifying changes.

ANALYSIS:

Existing law:

- 1) Establishes the SFM, within the Department of Forestry and Fire Protection (CAL FIRE) to protect life and property through the development and application of fire prevention, engineering, training and education, and enforcement.

- 2) Establishes the State Fireworks Law (SFL), which 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.
- 3) Authorizes the retail sale of “safe and sane” fireworks in California from June 28 to July 6, annually, pursuant to a license issued by the SFM, as specified.
- 4) Authorizes the SFM to deny or revoke a fireworks license for specified reasons; and provides that a violation of the SFL or related regulations is a misdemeanor.
- 5) Requires fireworks licensees seeking authorization for specified fireworks-related activities 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.
- 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 of the following:
 - 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.
- 8) Requires a fireworks licensee or permittee to allow the chief of the issuing authority, or the chief’s authorized representatives, to enter and inspect any building or other premises subject to the control of or used by the licensee or permittee for any purpose related to fireworks at any time for the purpose of enforcing the SFL.

- 9) Provides that if a local government collects fines for seizing dangerous fireworks, the local government must forward 65 percent of collected moneys to the State Controller for deposit in the SFM's Fireworks Enforcement and Disposal Fund (Fireworks Fund).

This bill:

- 1) Makes a fireworks-related violation, pursuant to the SFL, that is an infraction punishable by prescribed fines, and increases the allowable fines for county ordinances relating to fireworks.
- 2) Adds to the list of "dangerous fireworks" any types of fireworks not examined and tested by the SFM, except those with a pending application for approval.
- 3) Clarifies the existing definition of "fireworks kit," as specified.
- 4) Removes the exemption for paper caps from the SFL.
- 5) Adds license requirements specific to importing fireworks that will not be sold within California to the regulations that the SFM adopts relating to fireworks.
- 6) Allows the SFM to deny, without hearing, an application for a license or renewal of a license, if within five years, instead of one year, prior to the date of application, the SFM has denied or revoked a license for the same applicant on the grounds of violation of the SFL, as specified.
- 7) Authorizes the SFM to deny or revoke any license issued pursuant to the SFL if the SFM finds that the licensee or license applicant has failed to provide the required documentation or information, excluding documentation related to permits that may only be acquired by those who already possess a license.
- 8) 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 addresses of any intended storage facilities for any fireworks on their initial application and advise the SFM of any new, relocated, or nonoperational facility.
- 9) Requires the licensees in 8) above to notify the SFM, the applicable city manager or other relevant city official, as specified, of the complete street addresses of any intended storage facilities for any fireworks.

- 10) Provides that, in addition to any penalties imposed by the SFL, a person who violates the requirement in 9) above shall be fined no less than \$10,000 and the SFM may revoke their license.
- 11) Requires the SFM to establish, by regulation, when the wholesaler licensee, manufacturer licensee, importer licensee, or exporter licensee shall provide the documentation required pursuant to this bill as necessary to carry out the purposes of the SFL.
- 12) Directs the SFM, 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 relevant local government officials, as specified, of any storage site reported on the application.
- 13) Allows the SFM, upon three days' notice, to suspend any license for a period not exceeding 90 days, instead of 30 days, pending investigation of any violation of the SFL and provides that this suspension is not subject to the hearing requirements of SFL.
- 14) Authorizes the SFM to deny the application for a license or the application for renewal of a license filed by a person who meets any of the following conditions:
 - a) The person has been convicted of a felony.
 - b) The person has been convicted as a principal or accessory in a crime against property involving arson or any other fire-related offense, as specified.
 - c) The person is under indictment or information for a crime punishable by imprisonment for a term exceeding one year.
 - d) The person is prohibited from handling explosives under federal law.
 - e) The person is ineligible for a Federal Explosives License, as specified.
 - f) The person was subject to either a previous federal or state seizure action related to fireworks or a previous denial or revocation of a federal or state fireworks license.
- 15) Requires all import and export licensees to file a notice containing specified information with the SFM before any class of fireworks subject to the specified license arrives.
- 16) Requires an import or export licensee to provide the notice required in 15) above to the local jurisdiction listed as the destination for the fireworks.
- 17) Requires licensees 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 the possession of a Federal Explosives License, as specified.
 - c) Documentation affirming possession of necessary local land use permits or other entitlements required by the public agency having local jurisdiction, as specified.
 - d) Information about the storage sites for the fireworks.
- 18) Directs the SFM to allow the applicable public agency an opportunity to validate the permit or entitlement assertions of the licensee described in 17) above and requires the SFM to furnish to the public agency a copy of any license issued to the licensee, as specified.
- 19) Provides that the SFM shall establish, by regulation, when the licensee shall provide the documentation required pursuant to 17) above, as specified.
- 20) Authorizes a public agency having local jurisdiction pursuant to this bill, 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.
- 21) 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.
- 22) 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 SFL.
- 23) Authorizes the chief of the fire department, fire marshal, or chief fire prevention officer of the public agency having local jurisdiction, 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 SFL, the regulations of the SFM, and applicable local fire codes.
- 24) Requires a public agency having local jurisdiction, as specified, to, at least once every 12 months, inspect each fireworks facility or storage site within its jurisdiction.
- 25) Provides that the inspection required in 24) above must 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.
- 26) Provides that a public agency having local jurisdiction, as specified, may require the correction of any unsafe or non-compliant condition identified during inspection and may suspend or revoke the local permit until compliance is achieved.
- 27) Specifies that the public agency shall notify the SFM if the public agency suspends or revokes the local permit pursuant to 26) above.
- 28) Repeals the requirement that a local agency collecting fines or penalties resulting from the agency's seizure of dangerous fireworks forward 65% of the collected revenue to the State Controller for deposit in the Fireworks Fund.
- 29) Provides that no reimbursement is required by this bill pursuant to the California Constitution, as specified.

Background

Author's Statement. According to the author's office, "The July 2025 explosion in Esparto, California, was a terrible tragedy in the Senate District that I represent. The lives of seven 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....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.”

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. 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, 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*, public records and interviews following the explosion showed “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, 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.”

In November 2025, the *Sacramento Bee* reported on a raid on a Southern California warehouse in May of that year that, as noted in the article, “belonged to the company whose facility in Esparto exploded a little more than a month later, killing seven people.” Specifically, the article states that the SFM and the federal Bureau of Alcohol, Tobacco, Firearms and Explosives agents “seized more than 100,000 pounds of illegal fireworks on May 21 at [the] 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.”

California’s fireworks program. The SFM is the only fireworks classification authority in California under the SFL. Fireworks are classified through laboratory analysis, field examinations, and test firing of items. As part of the program, 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 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 as used by hunters and the sporting community.

Currently, the SFM can deny or revoke a fireworks license if the applicant has:

- Violated the SFL;
- 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 SFM 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 SFM reason to refuse to issue a license when originally applied for.

To enforce compliance, the SFM 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 SFM may also inspect licensees' records.

Any violation of the SFL 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.

Safe vs Seized Fireworks in California. The retail sale of “safe and sane” fireworks is legal in California between noon on June 28 and noon on July 6 of every calendar year, unless otherwise prohibited by local ordinance. 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.

Fireworks not designated “safe and sane” are considered illegal in the state. However, there are fireworks seized that are illegal in California, but legal in other

states and allowed to be sold 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 that seize them. If these 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.

According to the SFM, seizures of illegal fireworks have increased each year with an uptick in March moving towards the Fourth of July holiday. The state seizes on average over 240,000 pounds of fireworks each year that will need to be disposed of. On June 30, 2025, the day before the Esparto explosion, state fire officials announced that over 600,000 pounds of illegal fireworks had already been seized during the first half of 2025. The SFM reports that, over the years, the focus has been on properly disposing of the stockpiles, leaving few resources, if any, for enforcement.

Public Safety Fireworks Enforcement Task Force. In response to the initial findings from the Esparto incident, the SFM assembled and convened the Public Safety Fireworks Enforcement Task Force (Task Force) in coordination with the SFM's existing General Fireworks Committee, which provides a means of communication between the SFM, representatives of industry, the public, and the fire service, to seek comments and specific views on proposed regulations and technical issues. Specifically, 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.

In March of this year, the Task Force released its review with recommendations in the areas of the SFL, fireworks regulations, the licensee application and inspection process, training requirements, and enforcement strategies. Specific recommendations are described below:

- 1) Clarify the SFM's jurisdiction over imported fireworks.
- 2) Align the licensure disqualifiers in the Health and Safety Codes with the state Department of Justice's Firearms Prohibited Categories.
- 3) Review the SFM's licensing process to ensure that applicants have both a federal license and a local permit, when required.
- 4) Move the licensing scope and definitions from the SFL to regulation.

- 5) Remove the exception for paper caps from the SFL.
- 6) Clarify the definition of a 'fireworks kit' to include a list of precursor chemicals.
- 7) Increase the statutory timeframe for suspensions from 30 days to 90 days.
- 8) Include local law enforcement agencies in the inspection authority.
- 9) Increase the limit on fireworks-related fines to allow local jurisdictions A flexibility in issuing administrative citations and more punitive fines.

The provisions of this bill reflect these Task Force recommendations.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Assembly Appropriations Committee:

- 1) CAL FIRE anticipates no fiscal impact from this bill. Although this bill expands fireworks license requirements and the SFM's enforcement authority, the expansion is generally within the existing scope of work of the SFM. CAL FIRE notes the SFM already oversees licensure and enforcement under the SFL, and that this bill does not require the SFM to undertake additional enforcement measures. For these reasons, CAL FIRE contends that this bill would not create new costs, and the current SFL fee structure would continue to provide the necessary funding for licensing and enforcement at existing levels. However, to the extent this bill increases public awareness about allowable fireworks activities and local enforcement efforts, this bill may create corresponding cost pressures, potentially in excess of \$150,000, for CAL FIRE to increase staffing to bolster state enforcement efforts (General Fund or SFM Fund).
- 2) Costs of an unknown, but potentially significant amount, by requiring a local agency to conduct annual inspections of each fireworks facility or storage site within the agency's jurisdiction. However, such costs are likely non-reimbursable by the state since this bill authorizes a local agency to adopt fees to recover the costs of such inspections.
- 3) SFM Fund revenue loss of an unknown amount, potentially in excess of \$150,000, by repealing the requirement that a local agency collecting fines or penalties resulting from the agency's seizure of dangerous fireworks forward 65% of the collected revenue to the State Controller for deposit in the SFM Fund. To the extent such revenue loss is significant, there may be a corresponding impact in the SFM's administrative and enforcement operations, potentially necessitating a General Fund backfill to support ongoing workload.

SUPPORT: (Verified 8/27/26)

California Association of Environmental Health Administrators
California Certified Unified Program Agencies Forum
California Fire Chiefs Association
California Professional Firefighters
California Special Districts Association
Elmhurst Neighborhood Association
Fire Districts Association of California
Los Paseos Neighborhood Association
Orange County Fire Authority

OPPOSITION: (Verified 8/27/26)

None received

ARGUMENTS IN SUPPORT: In support of this bill, the California Fire Chiefs Association and the Fire Districts Association of California write that, "The tragic explosion in Esparto highlighted significant gaps in the oversight of fireworks storage facilities and demonstrated the need for stronger coordination between state and local agencies. SB 828 addresses these deficiencies by increasing transparency regarding storage locations, strengthening licensing standards, enhancing local inspection and enforcement authority, and improving communication between the Office of the State Fire Marshal and local jurisdictions. These changes will better equip local fire agencies to identify potential hazards before they become emergencies. The bill also provides local agencies with additional enforcement tools and the authority to recover reasonable costs associated with administering and enforcing fireworks permits, helping ensure communities have the resources necessary to carry out these important public safety responsibilities."

ASSEMBLY FLOOR: 77-0, 8/25/26

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Fariás, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Johnson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez,

Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Tangipa, Valencia,
Wallis, Ward, Wicks, Wilson, Zbur, Rivas
NO VOTE RECORDED: McKinnor, Ta

Prepared by: Cassie Royce / E.M. /
8/27/26 22:14:45

**** **END** ****