

HOUSE BILL REPORT

HB 1638

As Reported by House Committee On:
Local Government

Title: An act relating to fireworks prohibitions adopted by cities or counties.

Brief Description: Concerning fireworks prohibitions adopted by cities or counties.

Sponsors: Representatives McEntire, Fitzgibbon, Rude, Duerr, Walen, Cody, Paul, Kloba and Pollet.

Brief History:

Committee Activity:

Local Government: 1/11/22, 1/14/22 [DPS].

Brief Summary of Substitute Bill

- Allows any ordinance adopted by cities or counties that is more restrictive than state fireworks law to take effect after 90 days rather than one year.
- Allows counties and cities to immediately prohibit the use of consumer fireworks due to environmental conditions after consultation with a local fire official.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 4 members: Representatives Pollet, Chair; Duerr, Vice Chair; Berg and Senn.

Minority Report: Do not pass. Signed by 3 members: Representatives Goehner, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Robertson.

Staff: Elizabeth Allison (786-7129).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Background:

Fireworks are legal in the State of Washington. Cities and counties must comply with statewide minimum standards regarding fireworks but are permitted to adopt ordinances that are more restrictive than minimum standards, including prohibitions on consumer fireworks. Ordinances that are more restrictive than state law, including prohibitions on consumer fireworks, do not take effect until one year after adoption.

Summary of Substitute Bill:

Any ordinance adopted by cities or counties that is more restrictive than state fireworks law takes effect within 90 days rather than one year after adoption. After consultation with a local fire marshal or other fire official, counties and cities may immediately prohibit the use of consumer fireworks when the risk of an uncontrolled fire due to fireworks and environmental conditions is high and other temporary burning prohibitions are in effect.

Substitute Bill Compared to Original Bill:

Instead of just prohibitions on consumer fireworks, the substitute bill allows any ordinance adopted by cities and counties that is more restrictive than state fireworks law to take effect within 90 days after adoption rather than one year.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) House Bill 1638 reduces the amount of time a county or city has to wait should they choose to enact a ban on fireworks. The wait time is lessened from one year to 90 days. Members of a community have to bear the costs of fireworks set off in that community despite many permanent residents not wanting fireworks, and a community should have input and make choices about what affects their communities. Cities would like to see a quicker effective date should they choose to prohibit fireworks. The bill creates more flexibility to react to changing circumstances and protect public health and safety. The bill allows cities that choose to prohibit fireworks the flexibility to do so without mandating that cities do so. The bill should also allow all ordinances stricter than state fireworks law to take effect within 90 days and not just firework bans. The concerns

of firework sellers and groups benefiting from the sales of fireworks are valid, but a wildfire is also a significant concern with devastating consequences. Fire is an increasing and serious threat due to drought and excessive heat and is a danger to people, animals, and property. Evidence shows that fires are intensifying and not going away. Fireworks have been restricted to the Fourth of July in safe areas because it is apparent that summers were too warm and dry. Such restrictions are also put in place out of respect for full time residents with pets or folks with post-traumatic stress disorder. A non-profit that sold fireworks did not purchase a year in advance and company took back the unsold fireworks.

(Opposed) Many fireworks are purchased a year or more in advance which is why the one year wait period exists in the current law. This allows preparation and gives vendors time to find a new location after a prohibition is enacted. Selling fireworks allows folks to make money for their families and in some cases has been done in families for years. Some vendors hire local high school and college students and donate money earned from selling fireworks to charities. The short time period in the bill will negatively impact these sellers. Fires are caused by factors other than fireworks. Illegal fireworks are what need to be addressed. Statistics show that firecrackers and illegal rockets are the main sources of fires caused by fireworks throughout the state during the Fourth of July season. Retailers can work with fire departments to determine whether or not it is safe to use fireworks. They are usually set off near water. Most of the fireworks people complain about come from the Reservations.

Persons Testifying: (In support) Representative Joel McEntire, prime sponsor; Shelby Mooney; Kathleen Davies; Catherine Brown; Missy Bageant, Better Beaches and Byways; and Paul Jewell, Washington State Association of Counties.

(Opposed) Dee-Ann Briggs Chartier, Real American Pageants; and Tim Freeburg.

Persons Signed In To Testify But Not Testifying: Craig Spredeman; Ian Rutherford, Three Rivers House of Prayer; Diana Thompson, Better Beaches and Byways; Tad Trout, TNT Fireworks; and Troy Nichols, American Promotional Events Northwest and TNT Fireworks.