

REQUIRES TWO-THIRDS MAJORITY VOTE

(§§ 1-3, 5-8)

(Reprinted with amendments adopted on April 22, 2019)

FIRST REPRINT

S.B. 338

SENATE BILL NO. 338—SENATORS OHRENSCHALL AND PARKS

MARCH 18, 2019

Referred to Committee on Government Affairs

SUMMARY—Makes various changes relating to the regulation of fireworks. (BDR 42-34)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets [omitted material] is material to be omitted.

AN ACT relating to fireworks; requiring the State Fire Marshal to adopt certain regulations regarding fireworks; authorizing the State Fire Marshal to conduct certain actions regarding fireworks; requiring the regulations and ordinances adopted by certain governmental entities to be at least as restrictive as the regulations adopted by the State Fire Marshal; providing that such regulations and ordinances concerning the matter of fireworks do not apply to and do not prohibit the manufacture of fireworks for, or the transportation or sale of fireworks to, Indian reservations and Indian colonies; requiring a person to reimburse the State Fire Marshal and certain governmental entities under certain circumstances for the improper storage or use of fireworks; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires the State Fire Marshal to enforce all laws and adopt
2 regulations relating to the storage and use of fireworks. (NRS 477.030) **Section 4** of
3 this bill requires the State Fire Marshal to enforce all laws and adopt regulations
4 relating to fireworks, including requiring the State Fire Marshal to require
5 fireworks sold, stored or used in this State to be certified by the American
6 Fireworks Standards Laboratory and to be accompanied by evidence that the
7 fireworks comply with the Standards for Consumer Fireworks that is published by
8 the American Fireworks Standards Laboratory. Further, **section 4** requires the State
9 Fire Marshal to adopt regulations to define the term “fireworks.” **Section 4**
10 additionally authorizes the State Fire Marshal to: (1) set standards for designating
11 which types of fireworks and pyrotechnics are “safe and sane fireworks”; and (2)



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12 institute a legal proceeding to enforce certain provisions as they relate to fireworks.
13 **Section 4** provides that any regulations of the State Fire Marshal concerning the
14 matter of fireworks and the provisions of **section 3** of this bill do not apply to and
15 do not prohibit the manufacture of fireworks for, or the transportation or sale of
16 fireworks to, Indian reservations and Indian colonies.

17 Existing law requires the board of directors of a county fire protection district
18 and the board of fire commissioners to adopt and enforce all rules and regulations
19 necessary for the administration and government of the county fire protection
20 district. (NRS 474.160, 474.470) Existing law authorizes a board of county
21 commissioners and a city council to create a district for a fire department and to
22 organize, regulate and maintain a fire department, respectively. (NRS 244.2961,
23 266.310) Existing law additionally authorizes a board of county commissioners to
24 pass ordinances concerning the sale, use, storage and possession of fireworks.
25 (NRS 244.367) Existing law authorizes the town board or board of county
26 commissioners to regulate the storage of gunpowder and other explosive or
27 combustive materials. (NRS 269.220) **Sections 1, 2 and 5-8** of this bill: (1) require
28 or authorize these governmental entities to regulate or adopt ordinances concerning
29 the manufacture, sale, use, storage and possession of fireworks so long as such
30 regulations or ordinances are at least as stringent as the regulations concerning
31 fireworks that are adopted by the State Fire Marshal; (2) require a person who
32 stores or uses fireworks in violation of such regulations or ordinances to reimburse
33 the governmental entity for certain costs resulting from such a violation; and (3)
34 authorize the governmental entity to institute a legal proceeding to enforce **sections**
35 **1, 2 and 5-8**, respectively. **Sections 1, 2 and 5-8** provide that any regulations or
36 ordinances and certain other provisions concerning the matter of fireworks do not
37 apply to and do not prohibit the manufacture of fireworks for, or the transportation
38 or sale of fireworks to, Indian reservations and Indian colonies.

39 Existing law authorizes the State Fire Marshal or the State Board of Fire
40 Services to issue a written administrative citation to a person who the State Fire
41 Marshal or the State Board of Fire Services has reason to believe has committed a
42 violation of existing law or regulations administered by the State Fire Marshal.
43 (NRS 477.240) **Section 3** of this bill additionally requires a person who stores or
44 uses fireworks in violation of existing law or regulations that are administered by
45 the State Fire Marshal to reimburse the State Fire Marshal and certain agencies of
46 state or local government for certain costs resulting from such a violation. **Section**
47 **3** authorizes the State Fire Marshal or certain agencies of state or local government
48 to institute a legal proceeding to enforce **section 3**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 474.160 is hereby amended to read as follows:
2 474.160 **1.** The board of directors shall:
3 ~~H-1~~ **(a)** Manage and conduct the business and affairs of the
4 county fire protection district.
5 ~~F-2~~ **(b)** Adopt and enforce all rules and regulations necessary
6 for the administration and government of the district and for the
7 furnishing of fire protection thereto, which may include regulations
8 relating to fire prevention. The regulations may include provisions
9 that are designed to protect life and property from:



1 ~~{(a)}~~ (1) The hazards of fire and explosion resulting from the
2 storage, handling and use of hazardous substances, materials and
3 devices; and

4 ~~{(b)}~~ (2) Hazardous conditions relating to the use or occupancy
5 of any premises.

6 ➔ Any regulation concerning hazardous substances, materials or
7 devices adopted pursuant to this ~~{section}~~ *paragraph* must be
8 consistent with any plan or ordinance concerning those substances,
9 materials or devices that is required by the Federal Government and
10 has been adopted by the board of county commissioners. *Any*
11 *regulation prohibiting, restricting, suppressing or otherwise*
12 *regulating the manufacture, sale, use, storage or possession of*
13 *fireworks, and any penalties for the violation thereof, must be at*
14 *least as stringent as the regulations that are adopted by the State*
15 *Fire Marshal pursuant to chapter 477 of NRS.*

16 ~~{3-}~~ (c) Organize, regulate, establish and disband fire
17 companies, departments or volunteer fire departments for the
18 district.

19 ~~{4-}~~ (d) Make and execute in the name of the district all
20 necessary contracts.

21 ~~{5-}~~ (e) Adopt a seal for the district to be used in the attestation
22 of proper documents.

23 ~~{6-}~~ (f) Provide for the payment from the proper fund of the
24 salaries of employees of the district and all the debts and just claims
25 against the district.

26 ~~{7-}~~ (g) Employ agents and employees for the district sufficient
27 to maintain and operate the property acquired for the purposes of the
28 district.

29 ~~{8-}~~ (h) Acquire real or personal property necessary for the
30 purposes of the district and dispose of that property when no longer
31 needed.

32 ~~{9-}~~ (i) Construct any necessary structures.

33 ~~{10-}~~ (j) Acquire, hold and possess, either by donation or
34 purchase, in the name and on behalf of the district any land or other
35 property necessary for the purpose of the district.

36 ~~{11-}~~ (k) Eliminate and remove fire hazards within the district if
37 practicable and possible, whether on private or public premises, and
38 to that end the board may clear the public highways and private
39 lands of dry grass, stubble, brush, rubbish or other inflammable
40 material in its judgment constituting a fire hazard.

41 ~~{12-}~~ (l) Perform all other acts necessary, proper and convenient
42 to accomplish the purposes of NRS 474.010 to 474.450, inclusive.

43 *2. A person who sells, stores or uses fireworks, including*
44 *fireworks for the purposes of commercial display, in violation of a*
45 *regulation adopted pursuant to paragraph (b) of subsection 1 shall*



1 *reimburse the district for the direct and indirect costs incurred by*
2 *the district to:*

- 3 (a) *Investigate any such violation;*
4 (b) *Suppress a fire resulting from the storage or use of such*
5 *fireworks; and*
6 (c) *Confiscate and dispose of such fireworks stored or used in*
7 *violation of the provisions of a regulation adopted pursuant to*
8 *paragraph (b) of subsection 1.*

9 3. *The district may institute a legal proceeding to enforce the*
10 *provisions of a regulation adopted pursuant to paragraph (b) of*
11 *subsection 1 that relates to fireworks or the provisions of*
12 *subsection 2.*

13 4. *Any regulations adopted pursuant to this section and any*
14 *provisions of this section concerning matters relating to fireworks*
15 *do not apply to and do not prohibit the manufacture of fireworks*
16 *for, or the transportation or sale of fireworks to, Indian*
17 *reservations and Indian colonies.*

18 5. *As used in this section:*
19 (a) *“Direct and indirect costs” includes, without limitation,*
20 *costs for:*

- 21 (1) *Labor;*
22 (2) *Equipment and materials;*
23 (3) *Supervision of employees;*
24 (4) *Supplies;*
25 (5) *Tools;*
26 (6) *Transportation;*
27 (7) *General and administrative expenses;*
28 (8) *Allocable benefits for employees;*
29 (9) *Amounts owed by the district pursuant to a mutual aid*
30 *agreement, interlocal agreement, interstate compact or other*
31 *agreement to provide fire-fighting support, investigation,*
32 *enforcement or aid; and*
33 (10) *Any other related expenses.*

34 (b) *“Fireworks” has the meaning ascribed to it by regulations*
35 *adopted by the State Fire Marshal pursuant to NRS 477.030.*

36 **Sec. 2.** NRS 474.470 is hereby amended to read as follows:
37 474.470 1. The board of fire commissioners shall:

38 ~~H-1~~ (a) Manage and conduct the business and affairs of districts
39 organized pursuant to the provisions of NRS 474.460 or 474.533.

40 ~~F-2~~ (b) Adopt and enforce all rules and regulations necessary
41 for the administration and government of the districts and for the
42 furnishing of fire protection thereto, which may include regulations
43 relating to emergency medical services and fire prevention. The
44 regulations may include provisions that are designed to protect life
45 and property from:



1 ~~{(a)}~~ (1) The hazards of fire and explosion resulting from the
2 storage, handling and use of hazardous substances, materials and
3 devices; and

4 ~~{(b)}~~ (2) Hazardous conditions relating to the use or occupancy
5 of any premises.

6 ➔ Any regulation concerning hazardous substances, materials or
7 devices adopted pursuant to this ~~{section}~~ *paragraph* must be
8 consistent with any plan or ordinance concerning those substances,
9 materials or devices that is required by the Federal Government and
10 has been adopted by the board of county commissioners. *Any*
11 *regulation prohibiting, restricting, suppressing or otherwise*
12 *regulating the manufacture, sale, use, storage or possession of*
13 *fireworks, and any penalties for the violation thereof, must be at*
14 *least as stringent as regulations that are adopted by the State Fire*
15 *Marshal pursuant to chapter 477 of NRS.*

16 ~~{3}~~ (c) Organize, regulate, establish and disband fire
17 companies, departments or volunteer fire departments for the
18 districts.

19 ~~{4}~~ (d) Provide for the payment of salaries to the personnel of
20 those fire companies or fire departments.

21 ~~{5}~~ (e) Provide for payment from the proper fund of all the
22 debts and just claims against the districts.

23 ~~{6}~~ (f) Employ agents and employees for the districts sufficient
24 to maintain and operate the property acquired for the purposes of the
25 districts.

26 ~~{7}~~ (g) Acquire real or personal property necessary for the
27 purposes of the districts and dispose of the property if no longer
28 needed.

29 ~~{8}~~ (h) Construct any necessary structures.

30 ~~{9}~~ (i) Acquire, hold and possess, by donation or purchase, any
31 land or other property necessary for the purpose of the districts.

32 ~~{10}~~ (j) Eliminate and remove fire hazards from the districts if
33 practicable and possible, whether on private or public premises, and
34 to that end the board of fire commissioners may clear the public
35 highways and private lands of dry grass, stubble, brush, rubbish or
36 other inflammable material in its judgment constituting a fire
37 hazard.

38 ~~{11}~~ (k) Perform all other acts necessary, proper and
39 convenient to accomplish the purposes of NRS 474.460 to 474.540,
40 inclusive.

41 *2. A person who sells, stores or uses fireworks, including*
42 *fireworks for the purposes of commercial display, in violation of a*
43 *regulation adopted pursuant to paragraph (b) of subsection 1 shall*
44 *reimburse the district for the direct and indirect costs incurred by*
45 *the district to:*



- 1 (a) Investigate any such violation;
2 (b) Suppress a fire resulting from the sale, storage or use of
3 such fireworks; and
4 (c) Confiscate and dispose of such fireworks sold, stored or
5 used in violation of the provisions of a regulation adopted
6 pursuant to paragraph (b) of subsection 1.

7 3. The district may institute a legal proceeding to enforce the
8 provisions of a regulation adopted pursuant to paragraph (b) of
9 subsection 1 that relates to fireworks or the provisions of
10 subsection 2.

11 4. Any regulations adopted pursuant to this section and any
12 provisions of this section concerning matters relating to fireworks
13 do not apply to and do not prohibit the manufacture of fireworks
14 for, or the transportation or sale of fireworks to, Indian
15 reservations and Indian colonies.

16 5. As used in this section:

17 (a) "Direct and indirect costs" includes, without limitation,
18 costs for:

- 19 (1) Labor;
20 (2) Equipment and materials;
21 (3) Supervision of employees;
22 (4) Supplies;
23 (5) Tools;
24 (6) Transportation;
25 (7) General and administrative expenses;
26 (8) Allocable benefits for employees;
27 (9) Amounts owed by the district pursuant to a mutual aid
28 agreement, interlocal agreement, interstate compact or other
29 agreement to provide fire-fighting support, investigation,
30 enforcement or aid; and
31 (10) Any other related expenses.

32 (b) "Fireworks" has the meaning ascribed to it by regulations
33 adopted by the State Fire Marshal pursuant to NRS 477.030.

34 **Sec. 3.** Chapter 477 of NRS is hereby amended by adding
35 thereto a new section to read as follows:

36 1. A person who sells, stores or uses fireworks, including
37 fireworks for the purposes of commercial display, in violation of
38 the provisions of this chapter or the regulations adopted pursuant
39 thereto shall reimburse the State Fire Marshal and any agency of
40 the state or local government for the direct and indirect costs
41 incurred by the State Fire Marshal or agency to:

- 42 (a) Investigate any such violation;
43 (b) Suppress a fire resulting from the sale, storage or use of
44 such fireworks; and



1 (c) Confiscate and dispose of such fireworks sold, stored or
2 used in violation of the provisions of this chapter or the
3 regulations adopted pursuant thereto.

4 2. The State Fire Marshal or any agency of the state or local
5 government that incurred costs from a violation described in
6 subsection 1 may institute a legal proceeding to enforce the
7 provisions of subsection 1.

8 3. As used in this section:

9 (a) "Direct and indirect costs" includes, without limitation,
10 costs for:

11 (1) Labor;

12 (2) Equipment and materials;

13 (3) Supervision of employees;

14 (4) Supplies;

15 (5) Tools;

16 (6) Transportation;

17 (7) General and administrative expenses;

18 (8) Allocable benefits for employees;

19 (9) Amounts owed by the State Fire Marshal or any agency
20 of the state or local government pursuant to a mutual aid
21 agreement, interlocal agreement, interstate compact or other
22 agreement to provide fire-fighting support, investigation,
23 enforcement or aid; and

24 (10) Any other related expenses.

25 (b) "Fireworks" has the meaning ascribed to it by regulations
26 adopted by the State Fire Marshal pursuant to NRS 477.030.

27 **Sec. 4.** NRS 477.030 is hereby amended to read as follows:
28 477.030 1. Except as otherwise provided in this section, the
29 State Fire Marshal shall enforce all laws and adopt regulations
30 relating to:

31 (a) The prevention of fire.

32 (b) The storage and use of:

33 (1) ~~Combustibles,~~ Fireworks for the purposes of
34 commercial display, combustibles and flammables ; ~~and~~
35 ~~fireworks;~~ and

36 (2) Explosives in any commercial construction, but not in
37 mining or the control of avalanches,

38 ↪ under those circumstances that are not otherwise regulated by the
39 Division of Industrial Relations of the Department of Business and
40 Industry pursuant to NRS 618.890.

41 (c) The safety, access, means and adequacy of exit in case of fire
42 from mental and penal institutions, facilities for the care of children,
43 foster homes, residential facilities for groups, facilities for
44 intermediate care, nursing homes, hospitals, schools, all buildings,
45 except private residences, which are occupied for sleeping purposes,



1 buildings used for public assembly and all other buildings where
2 large numbers of persons work, live or congregate for any purpose.
3 As used in this paragraph, “public assembly” means a building or a
4 portion of a building used for the gathering together of 50 or more
5 persons for purposes of deliberation, education, instruction, worship,
6 entertainment, amusement or awaiting transportation, or the
7 gathering together of 100 or more persons in establishments for
8 drinking or dining.

9 (d) The suppression and punishment of arson and fraudulent
10 claims or practices in connection with fire losses.

11 *(e) Fireworks, including, without limitation, fireworks used for*
12 *the purposes of commercial display, consumer fireworks and safe*
13 *and sane fireworks. The State Fire Marshal shall:*

14 *(1) Require fireworks sold, stored or used in this State to be*
15 *certified by the American Fireworks Standards Laboratory and to*
16 *be accompanied by evidence that the fireworks comply with the*
17 *most recent edition of the Standards for Consumer Fireworks that*
18 *is published by the American Fireworks Standards Laboratory;*
19 *and*

20 *(2) Adopt regulations to define the term “fireworks” for*
21 *purposes of this paragraph and NRS 244.2961, 244.367, 266.310,*
22 *269.220, 474.160 and 474.470 and sections 3 and 7.5 of this act.*

23 ➔ Except as otherwise provided in subsection 12, the regulations of
24 the State Fire Marshal apply throughout the State, but except with
25 respect to state-owned or state-occupied buildings, the State Fire
26 Marshal’s authority to enforce them or conduct investigations under
27 this chapter does not extend to a school district except as otherwise
28 provided in NRS 393.110, or a county whose population is 100,000
29 or more or which has been converted into a consolidated
30 municipality, except in those local jurisdictions in those counties
31 where the State Fire Marshal is requested to exercise that authority
32 by the chief officer of the organized fire department of that
33 jurisdiction or except as otherwise provided in a regulation adopted
34 pursuant to paragraph (b) of subsection 2.

35 2. The State Fire Marshal may:

36 (a) Set standards for equipment and appliances pertaining to fire
37 safety or to be used for fire protection within this State, including
38 the threads used on fire hose couplings and hydrant fittings . [~~;~~ and]

39 (b) Adopt regulations based on nationally recognized standards
40 setting forth the requirements for fire departments to provide
41 training to firefighters using techniques or exercises that involve the
42 use of fire or any device that produces or may be used to produce
43 fire.

44 *(c) Set standards for designating which types of fireworks and*
45 *pyrotechnics are safe and sane fireworks. If the State Fire*



1 *Marshal sets such standards, the State Fire Marshal may provide*
2 *that the devices discussed under standards 101, 102, 103A, 104,*
3 *105, 106, 107, 111, 112, 114 and 115 of the Standards for*
4 *Consumer Fireworks, 2019 edition, that is published by the*
5 *American Fireworks Standards Laboratory are "safe and sane*
6 *fireworks."*

7 *(d) Enforce the provisions of this chapter, NRS 244.2961,*
8 *244.367, 266.310, 269.220, 474.160 and 474.470 and section 7.5 of*
9 *this act as they relate to fireworks.*

10 3. The State Fire Marshal shall cooperate with the State
11 Forester Firewarden in the preparation of regulations relating to
12 standards for fire retardant roofing materials pursuant to paragraph
13 (e) of subsection 1 of NRS 472.040 and the mitigation of the risk of
14 a fire hazard from vegetation in counties within or partially within
15 the Lake Tahoe Basin and the Lake Mead Basin.

16 4. The State Fire Marshal shall cooperate with the Division of
17 Child and Family Services of the Department of Health and Human
18 Services in establishing reasonable minimum standards for
19 overseeing the safety of and directing the means and adequacy of
20 exit in case of fire from foster homes.

21 5. The State Fire Marshal shall coordinate all activities
22 conducted pursuant to 15 U.S.C. §§ 2201 et seq. and receive and
23 distribute money allocated by the United States pursuant to that act.

24 6. Except as otherwise provided in subsection 10, the State Fire
25 Marshal shall:

26 (a) Investigate any fire which occurs in a county other than one
27 whose population is 100,000 or more or which has been converted
28 into a consolidated municipality, and from which a death results or
29 which is of a suspicious nature.

30 (b) Investigate any fire which occurs in a county whose
31 population is 100,000 or more or which has been converted into a
32 consolidated municipality, and from which a death results or which
33 is of a suspicious nature, if requested to do so by the chief officer of
34 the fire department in whose jurisdiction the fire occurs.

35 (c) Cooperate with the Commissioner of Insurance, the Attorney
36 General and the Fraud Control Unit established pursuant to NRS
37 228.412 in any investigation of a fraudulent claim under an
38 insurance policy for any fire of a suspicious nature.

39 (d) Cooperate with any local fire department in the investigation
40 of any report received pursuant to NRS 629.045.

41 (e) Provide specialized training in investigating the causes of
42 fires if requested to do so by the chief officer of an organized fire
43 department.



1 7. The State Fire Marshal shall put the National Fire Incident
2 Reporting System into effect throughout the State and publish at
3 least annually a summary of data collected under the System.

4 8. The State Fire Marshal shall provide assistance and
5 materials to local authorities, upon request, for the establishment of
6 programs for public education and other fire prevention activities.

7 9. The State Fire Marshal shall:

8 (a) Except as otherwise provided in subsection 12 and NRS
9 393.110, assist in checking plans and specifications for construction;

10 (b) Provide specialized training to local fire departments; and

11 (c) Assist local governments in drafting regulations and
12 ordinances,

13 ↪ on request or as the State Fire Marshal deems necessary.

14 10. Except as otherwise provided in this subsection, in a county
15 other than one whose population is 100,000 or more or which has
16 been converted into a consolidated municipality, the State Fire
17 Marshal shall, upon request by a local government, delegate to the
18 local government by interlocal agreement all or a portion of the
19 State Fire Marshal's authority or duties if the local government's
20 personnel and programs are, as determined by the State Fire
21 Marshal, equally qualified to perform those functions. If a local
22 government fails to maintain the qualified personnel and programs
23 in accordance with such an agreement, the State Fire Marshal shall
24 revoke the agreement. The provisions of this subsection do not
25 apply to the authority of the State Fire Marshal to adopt regulations
26 pursuant to paragraph (b) of subsection 2.

27 11. The State Fire Marshal may, as a public safety officer or as
28 a technical expert on issues relating to hazardous materials,
29 participate in any local, state or federal team or task force that is
30 established to conduct enforcement and interdiction activities
31 involving:

32 (a) Commercial trucking;

33 (b) Environmental crimes;

34 (c) Explosives and pyrotechnics;

35 (d) Drugs or other controlled substances; or

36 (e) Any similar activity specified by the State Fire Marshal.

37 12. Except as otherwise provided in this subsection, any
38 regulations of the State Fire Marshal concerning matters relating to
39 building codes, including, without limitation, matters relating to the
40 construction, maintenance or safety of buildings, structures and
41 property in this State:

42 (a) Do not apply in a county whose population is 700,000 or
43 more which has adopted a code at least as stringent as the
44 International Fire Code and the International Building Code,
45 published by the International Code Council. To maintain the



1 exemption from the applicability of the regulations of the State Fire
2 Marshal pursuant to this subsection, the code of the county must be
3 at least as stringent as the most recently published edition of the
4 International Fire Code and the International Building Code within 1
5 year after publication of such an edition.

6 (b) Apply in a county described in paragraph (a) with respect to
7 state-owned or state-occupied buildings or public schools in the
8 county and in those local jurisdictions in the county in which the
9 State Fire Marshal is requested to exercise that authority by the chief
10 executive officer of that jurisdiction. As used in this paragraph,
11 "public school" has the meaning ascribed to it in NRS 385.007.

12 ***13. Any regulations of the State Fire Marshal concerning***
13 ***matters relating to fireworks and the provisions of section 3 of this***
14 ***act do not apply to and do not prohibit the manufacture of***
15 ***fireworks for, or the transportation or sale of fireworks to, Indian***
16 ***reservations and Indian colonies.***

17 ***14. As used in this section, "safe and sane fireworks" are***
18 ***fireworks that are not dangerous.***

19 **Sec. 5.** NRS 244.2961 is hereby amended to read as follows:

20 244.2961 1. The board of county commissioners may by
21 ordinance create a district for a fire department. The board of county
22 commissioners is ex officio the governing body of any district
23 created pursuant to this section and may:

24 (a) Organize, regulate and maintain the fire department.

25 (b) Appoint and prescribe the duties of the fire chief.

26 (c) Designate arson investigators as peace officers.

27 (d) Regulate or prohibit the storage of any explosive,
28 combustible or inflammable material in or transported through the
29 county, and prescribe the distance from any residential or
30 commercial area where it may be kept. Any ordinance adopted
31 pursuant to this paragraph that regulates places of employment
32 where explosives are stored must be at least as stringent as the
33 standards and procedures adopted by the Division of Industrial
34 Relations of the Department of Business and Industry pursuant to
35 NRS 618.890.

36 (e) Establish, by ordinance, a fire code and other regulations
37 necessary to carry out the purposes of this section.

38 (f) Include the budget of the district in the budget of the county.

39 (g) Hold meetings of the governing body of the district in
40 conjunction with the meetings of the board of county commissioners
41 without posting additional notices of the meetings within the
42 district.

43 ***(h) Adopt ordinances prohibiting, restricting, suppressing or***
44 ***otherwise regulating the manufacture, sale, use, storage or***
45 ***possession of fireworks, and providing penalties for the violation***



1 *thereof, if the ordinances are at least as stringent as the*
2 *regulations that are adopted by the State Fire Marshal pursuant to*
3 *chapter 477 of NRS.*

4 2. Except as otherwise provided in subsection 6, if the fire
5 department transports sick or injured persons to a medical facility,
6 the board of county commissioners shall adopt an ordinance:

7 (a) Requiring the fire department to defray the expenses of
8 furnishing such transportation by imposing and collecting fees; and

9 (b) Establishing a schedule of such fees.

10 3. The board of county commissioners of a county whose
11 population is 700,000 or more shall, when adopting an ordinance
12 pursuant to subsection 2:

13 (a) Limit the number of transports of sick or injured persons to a
14 medical facility that may be made by the fire department to not
15 more than 1,000 such transports per year, except that the fire
16 department may, exclusive of the limit, make any such emergency
17 transport that is necessary for the health or life of a sick or injured
18 person when other ambulance services are not available; and

19 (b) Require the fire department and all other ambulance services
20 operating in the county to report to the board:

21 (1) The total number of transports of sick or injured persons
22 to a medical facility that are made each month; and

23 (2) For each transport reported pursuant to subparagraph (1):

24 (I) The fees charged to transport the person to a medical
25 facility;

26 (II) Whether the person had health insurance at the time
27 of the transport; and

28 (III) The name of the medical facility where the fire
29 department or ambulance service transported the person to or from.

30 4. The other officers and employees of the county shall
31 perform duties for the district that correspond to the duties they
32 perform for the county.

33 5. All persons employed to perform the functions of the fire
34 department are employees of the county for all purposes.

35 6. The provisions of subsection 2 do not apply to any county
36 for which a nonprofit corporation has been granted an exclusive
37 franchise for ambulance service in that county.

38 7. *A person who sells, stores or uses fireworks, including*
39 *fireworks for the purposes of commercial display, in violation of*
40 *an ordinance adopted pursuant to paragraph (h) of subsection 1*
41 *shall reimburse the county for the direct and indirect costs*
42 *incurred by the county to:*

43 (a) *Investigate any such violation;*

44 (b) *Suppress a fire resulting from the sale, storage or use of*
45 *such fireworks; and*



1 (c) Confiscate and dispose of such fireworks sold, stored or
2 used in violation of the provisions of an ordinance adopted
3 pursuant to paragraph (h) of subsection 1.

4 8. The county may institute a legal proceeding to enforce the
5 provisions of an ordinance adopted pursuant to paragraph (h) of
6 subsection 1 or the provisions of subsection 7.

7 9. Any ordinances adopted pursuant to this section and any
8 provisions of this section concerning matters relating to fireworks
9 do not apply to and do not prohibit the manufacture of fireworks
10 for, or the transportation or sale of fireworks to, Indian
11 reservations and Indian colonies.

12 10. As used in this section:

13 (a) "Direct and indirect costs" includes, without limitation,
14 costs for:

15 (1) Labor;

16 (2) Equipment and materials;

17 (3) Supervision of employees;

18 (4) Supplies;

19 (5) Tools;

20 (6) Transportation;

21 (7) General and administrative expenses;

22 (8) Allocable benefits for employees;

23 (9) Amounts owed by the county pursuant to a mutual aid
24 agreement, interlocal agreement, interstate compact or other
25 agreement to provide fire-fighting support, investigation,
26 enforcement or aid; and

27 (10) Any other related expenses.

28 (b) "Fireworks" has the meaning ascribed to it by regulations
29 adopted by the State Fire Marshal pursuant to NRS 477.030.

30 **Sec. 6.** NRS 244.367 is hereby amended to read as follows:

31 244.367 1. The board of county commissioners ~~[shall have~~
32 ~~power and jurisdiction]~~ may adopt in their respective counties ~~to~~
33 ~~pass]~~ ordinances prohibiting, restricting, suppressing or otherwise
34 regulating the *manufacture*, sale, use, storage and possession of
35 fireworks, and providing penalties for the violation thereof ~~[]~~, *if*
36 *the ordinances are at least as stringent as the regulations that are*
37 *adopted by the State Fire Marshal pursuant to chapter 477 of*
38 *NRS.*

39 2. An ordinance ~~[passed]~~ *adopted* pursuant to subsection 1
40 must provide that any license or permit that may be required for the
41 sale of fireworks must be issued by the licensing authority for:

42 (a) The county, if the fireworks are sold within the
43 unincorporated areas of the county; or

44 (b) A city located within the county, if the fireworks are sold
45 within the jurisdiction of that city.



1 3. A person who sells, stores or uses fireworks, including
2 fireworks for the purposes of commercial display, in violation of
3 an ordinance adopted pursuant to subsection 1 shall reimburse the
4 county for the direct and indirect costs incurred by the county to:

5 (a) Investigate any such violation;

6 (b) Suppress a fire resulting from the sale, storage or use of
7 such fireworks; and

8 (c) Confiscate and dispose of such fireworks sold, stored or
9 used in violation of the provisions of an ordinance adopted
10 pursuant to subsection 1.

11 4. The county may institute a legal proceeding to enforce the
12 provisions of an ordinance adopted pursuant to subsection 1 or the
13 provisions of subsection 3.

14 5. Any ordinances adopted pursuant to this section and any
15 provisions of this section concerning matters relating to fireworks
16 do not apply to and do not prohibit the manufacture of fireworks
17 for, or the transportation or sale of fireworks to, Indian
18 reservations and Indian colonies.

19 6. As used in this section:

20 (a) "Direct and indirect costs" includes, without limitation,
21 costs for:

22 (1) Labor;

23 (2) Equipment and materials;

24 (3) Supervision of employees;

25 (4) Supplies;

26 (5) Tools;

27 (6) Transportation;

28 (7) General and administrative expenses;

29 (8) Allocable benefits for employees;

30 (9) Amounts owed by the county pursuant to a mutual aid
31 agreement, interlocal agreement, interstate compact or other
32 agreement to provide fire-fighting support, investigation,
33 enforcement or aid; and

34 (10) Any other related expenses.

35 (b) "Fireworks" has the meaning ascribed to it by regulations
36 adopted by the State Fire Marshal pursuant to NRS 477.030.

37 **Sec. 7.** NRS 266.310 is hereby amended to read as follows:

38 266.310 1. The city council may:

39 ~~1.~~ (a) Organize, regulate and maintain a fire department.

40 ~~2.~~ (b) Prescribe the duties of the fire chief.

41 ~~3.~~ (c) Designate arson investigators as peace officers.

42 ~~4.~~ (d) Regulate or prohibit the storage of any explosive,
43 combustible or inflammable material in or transported through the
44 city, and prescribe the distance from any residential or commercial
45 area where it may be kept. Any ordinance adopted pursuant to this



1 subsection that regulates places of employment where explosives
2 are stored must be at least as stringent as the standards and
3 procedures adopted by the Division of Industrial Relations of the
4 Department of Business and Industry pursuant to NRS 618.890.

5 ~~15.1~~ (e) Establish, by ordinance, a fire code and other
6 regulations necessary to carry out the purposes of this section.

7 (f) *Adopt ordinances prohibiting, restricting, suppressing or*
8 *otherwise regulating the manufacture, sale, use, storage or*
9 *possession of fireworks, and providing penalties for the violation*
10 *thereof, if the ordinances are at least as stringent as the*
11 *regulations that are adopted by the State Fire Marshal pursuant to*
12 *chapter 477 of NRS.*

13 2. *A person who sells, stores or uses fireworks, including*
14 *fireworks for the purposes of commercial display, in violation of*
15 *an ordinance adopted pursuant to paragraph (f) of subsection 1*
16 *shall reimburse the city for the direct and indirect costs incurred*
17 *by the city to:*

18 (a) *Investigate any such violation;*

19 (b) *Suppress a fire resulting from the sale, storage or use of*
20 *such fireworks; and*

21 (c) *Confiscate and dispose of such fireworks sold, stored or*
22 *used in violation of the provisions of an ordinance adopted*
23 *pursuant to paragraph (f) of subsection 1.*

24 3. *The city may institute a legal proceeding to enforce the*
25 *provisions of an ordinance adopted pursuant to paragraph (f) of*
26 *subsection 1 or the provisions of subsection 2.*

27 4. *Any ordinances adopted pursuant to this section and any*
28 *provisions of this section concerning matters relating to fireworks*
29 *do not apply to and do not prohibit the manufacture of fireworks*
30 *for, or the transportation or sale of fireworks to, Indian*
31 *reservations and Indian colonies.*

32 5. *As used in this section:*

33 (a) *“Direct and indirect costs” includes, without limitation,*
34 *costs for:*

35 (1) *Labor;*

36 (2) *Equipment and materials;*

37 (3) *Supervision of employees;*

38 (4) *Supplies;*

39 (5) *Tools;*

40 (6) *Transportation;*

41 (7) *General and administrative expenses;*

42 (8) *Allocable benefits for employees;*

43 (9) *Amounts owed by the city pursuant to a mutual aid*
44 *agreement, interlocal agreement, interstate compact or other*



1 *agreement to provide fire-fighting support, investigation,*
2 *enforcement or aid; and*

3 *(10) Any other related expenses.*

4 *(b) "Fireworks" has the meaning ascribed to it by regulations*
5 *adopted by the State Fire Marshal pursuant to NRS 477.030.*

6 **Sec. 7.5.** Chapter 268 of NRS is hereby amended by adding
7 thereto a new section to read as follows:

8 *1. The governing body of an incorporated city may adopt*
9 *ordinances prohibiting, restricting, suppressing or otherwise*
10 *regulating the manufacture, sale, use, storage or possession of*
11 *fireworks, and providing penalties for the violation thereof, if the*
12 *ordinances are at least as stringent as the regulations that are*
13 *adopted by the State Fire Marshal pursuant to chapter 477 of*
14 *NRS.*

15 *2. A person who sells, stores or uses fireworks, including*
16 *fireworks for the purposes of commercial display, in violation of*
17 *an ordinance adopted pursuant to subsection 1 shall reimburse the*
18 *city for the direct and indirect costs incurred by the city to:*

19 *(a) Investigate any such violation;*

20 *(b) Suppress a fire resulting from the sale, storage or use of*
21 *such fireworks; and*

22 *(c) Confiscate and dispose of such fireworks sold, stored or*
23 *used in violation of the provisions of an ordinance adopted*
24 *pursuant to subsection 1.*

25 *3. The city may institute a legal proceeding to enforce the*
26 *provisions of this section.*

27 *4. Any ordinances adopted pursuant to this section and any*
28 *provisions of this section concerning matters relating to fireworks*
29 *do not apply to and do not prohibit the manufacture of fireworks*
30 *for, or the transportation or sale of fireworks to, Indian*
31 *reservations and Indian colonies.*

32 *5. As used in this section:*

33 *(a) "Direct and indirect costs" includes, without limitation,*
34 *costs for:*

35 *(1) Labor;*

36 *(2) Equipment and materials;*

37 *(3) Supervision of employees;*

38 *(4) Supplies;*

39 *(5) Tools;*

40 *(6) Transportation;*

41 *(7) General and administrative expenses;*

42 *(8) Allocable benefits for employees;*

43 *(9) Amounts owed by the city pursuant to a mutual aid*
44 *agreement, interlocal agreement, interstate compact or other*



1 *agreement to provide fire-fighting support, investigation,*
2 *enforcement or aid; and*

3 *(10) Any other related expenses.*

4 *(b) "Fireworks" has the meaning ascribed to it by regulations*
5 *adopted by the State Fire Marshal pursuant to NRS 477.030.*

6 **Sec. 8.** NRS 269.220 is hereby amended to read as follows:

7 269.220 **1.** In addition to the powers and jurisdiction
8 conferred by other laws, the town board or board of county
9 commissioners may regulate ~~the~~ :

10 *(a) The storage of gunpowder and other explosive or*
11 *combustible materials ~~is~~; and*

12 *(b) The manufacture, sale, use, storage and possession of*
13 *fireworks, and provide penalties for the violation thereof, if such*
14 *regulations are at least as stringent as the regulations that are*
15 *adopted by the State Fire Marshal pursuant to chapter 477 of*
16 *NRS.*

17 **2.** Any ordinance adopted pursuant to this section that regulates
18 places of employment where explosives are stored must be at least
19 as stringent as the standards and procedures adopted by the Division
20 of Industrial Relations of the Department of Business and Industry
21 pursuant to NRS 618.890.

22 **3.** *A person who sells, stores or uses fireworks, including*
23 *fireworks for the purposes of commercial display, in violation of*
24 *an ordinance adopted pursuant to paragraph (b) of subsection 1*
25 *shall reimburse the town or county for the direct and indirect costs*
26 *incurred by the town or county to:*

27 *(a) Investigate any such violation;*

28 *(b) Suppress a fire resulting from the sale, storage or use of*
29 *such fireworks; and*

30 *(c) Confiscate and dispose of such fireworks sold, stored or*
31 *used in violation of the provisions of an ordinance adopted*
32 *pursuant to paragraph (b) of subsection 1.*

33 **4.** *The town or county may institute a legal proceeding to*
34 *enforce the provisions of paragraph (b) of subsection 1 or the*
35 *provisions of subsection 3.*

36 **5.** *Any ordinances adopted pursuant to this section and any*
37 *provisions of this section concerning matters relating to fireworks*
38 *do not apply to and do not prohibit the manufacture of fireworks*
39 *for, or the transportation or sale of fireworks to, Indian*
40 *reservations and Indian colonies.*

41 **6.** *As used in this section:*

42 *(a) "Direct and indirect costs" includes, without limitation,*
43 *costs for:*

44 *(1) Labor;*

45 *(2) Equipment and materials;*



1 (3) *Supervision of employees;*

2 (4) *Supplies;*

3 (5) *Tools;*

4 (6) *Transportation;*

5 (7) *General and administrative expenses;*

6 (8) *Allocable benefits for employees;*

7 (9) *Amounts owed by the town or city pursuant to a mutual*
8 *aid agreement, interlocal agreement, interstate compact or other*
9 *agreement to provide fire-fighting support, investigation,*
10 *enforcement or aid; and*

11 (10) *Any other related expenses.*

12 (b) *“Fireworks” has the meaning ascribed to it by regulations*
13 *adopted by the State Fire Marshal pursuant to NRS 477.030.*

14 **Sec. 9.** 1. This section and section 4 of this act become
15 effective upon passage and approval.

16 2. Sections 1, 2, 3 and 5 to 8, inclusive, of this act become
17 effective on October 1, 2019.

