

Department of Planning and Budget

2015 Fiscal Impact Statement

1. Bill Number: SB1158S1

House of Origin	<input type="checkbox"/>	Introduced	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Engrossed
Second House	<input checked="" type="checkbox"/>	In Committee	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Enrolled

2. Patron: Garrett

3. Committee: House Committee on General Laws

4. Title: Statewide Fire Prevention Code; State Fire Marshal; consumer fireworks; penalties.

5. Summary: Authorizes the use of consumer fireworks in the Commonwealth. The bill defines "consumer fireworks" as small fireworks devices (i) containing restricted amounts of pyrotechnic composition designed primarily to produce visible or audible effects by combustion and (ii) complying with certain federal regulations regarding composition and labeling. The bill provides that the storage and transportation of consumer fireworks are to be considered the same hazard class as 1.4G explosives under the Statewide Fire Prevention Code (SFPC) and Uniform Statewide Building Code. In addition, the bill excludes from the provisions of the SFPC the use of consumer fireworks on residential or agricultural property with the consent of the owner of such property or when the fireworks are being transported from a locality where they were legally obtained to a locality where they are legally permitted. Current law only excludes the use of permissive fireworks on private property. The provisions of the bill have a delayed effective date of January 1, 2016.

6. Budget Amendment Necessary: No

7. Fiscal Impact Estimates: Indeterminate (see Item #8)

8. Fiscal Implications: According to the State Fire Marshal Office (SFMO), the provisions of this bill will have a fiscal impact; however, the impact cannot be quantified.

The substitute bill amends the definition of permissible fireworks to include any ground-based and handheld devices containing limited pyrotechnic composition designed primarily to produce visible or audible effects by combustion but that do not rise in the air, explode, or travel horizontally and are commonly known as sparklers, fountains, and spinning jennies. The bill also defines consumer fireworks and display fireworks.

According to the SFMO, the passage of this bill would likely result in increased workload demands upon the SFMO requiring additional personnel and funding to support this new responsibility. Currently, the SFMO has authority for 25 full-time equivalent positions consisting of 20 field inspectors and 5 regional managers. Two of the five regional manager positions are vacant and are currently being recruited. SFMO staff workloads consist primarily of mandated, fee based and contracted inspections. If field inspectors are

reassigned to do consumer firework inspections instead of the fee-based services they now provide, the SFMO could have a negative impact on agency non-general fund revenue collections.

The Virginia Department of Forestry (DOF) has expressed concern over the potential of high end consumer fireworks leading to wildfires and wildfire related damages. This potential fiscal impact on DOF cannot be quantified. Data taken from the Virginia Department of Fire Programs Fire Incident Reporting System, from FY 2005 – FY 2013, shows there have been 661 fires ignited by fireworks resulting in \$1,568,890 in fire damage loss.

- 9. Specific Agency or Political Subdivisions Affected:** Virginia Department of Fire Programs, Department of Housing and Community Development, Virginia Department of Forestry

- 10. Technical Amendment Necessary:** No

- 11. Other Comments:** None

RMT/021315