

SENATE BILL NO. 227—SENATOR OHRENSCHALL

MARCH 15, 2021

Referred to Committee on Government Affairs

SUMMARY—Makes various changes relating to the regulation of fireworks. (BDR 42-520)

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 take 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 sale, 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)
- 12 institute a legal proceeding to enforce certain provisions as they relate to fireworks.



13 Existing law requires the board of directors of a county fire protection district  
14 and the board of fire commissioners to adopt and enforce all rules and regulations  
15 necessary for the administration and government of the county fire protection  
16 district. (NRS 474.160, 474.470) Existing law authorizes a board of county  
17 commissioners and a city council to organize, regulate and maintain a fire  
18 department. (NRS 244.2961, 266.310) Existing law additionally authorizes a board  
19 of county commissioners to pass ordinances concerning the sale, use, storage and  
20 possession of fireworks. (NRS 244.367) Finally, existing law authorizes a town  
21 board or board of county commissioners to regulate the storage of gunpowder and  
22 other explosive or combustible materials. (NRS 269.220) **Sections 1, 2 and 5-9** of  
23 this bill: (1) require or authorize these governmental entities to regulate or adopt  
24 ordinances concerning the manufacture, sale, use, storage and possession of  
25 fireworks so long as such regulations or ordinances are at least as stringent as the  
26 regulations concerning fireworks that are adopted by the State Fire Marshal; (2)  
27 require a person who sells, stores or uses fireworks in violation of such regulations  
28 or ordinances to reimburse the governmental entity for certain costs resulting from  
29 such a violation; and (3) authorize the governmental entity to institute a legal  
30 proceeding to enforce **sections 1, 2 and 5-9**, respectively. **Sections 1-9** provide that  
31 any regulations or ordinances and certain other provisions concerning the matter of  
32 fireworks do not apply to and do not prohibit the manufacture of fireworks for, or  
33 the transportation or sale of fireworks to, Indian reservations and Indian colonies.

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

44 **Section 10** of this bill makes a conforming change to reflect technical changes  
45 in **section 7**. **Section 11** of this bill makes the provisions of the bill effective on  
46 October 1, 2022.

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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 ~~{1}~~ **(a)** Manage and conduct the business and affairs of the  
4 county fire protection district.

5 ~~{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:

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



1 ~~[(b)]~~ (2) Hazardous conditions relating to the use or occupancy  
2 of any premises.

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

13 ~~[(3)]~~ (c) Organize, regulate, establish and disband fire  
14 companies, departments or volunteer fire departments for the  
15 district.

16 ~~[(4)]~~ (d) Make and execute in the name of the district all  
17 necessary contracts.

18 ~~[(5)]~~ (e) Adopt a seal for the district to be used in the attestation  
19 of proper documents.

20 ~~[(6)]~~ (f) Provide for the payment from the proper fund of the  
21 salaries of employees of the district and all the debts and just claims  
22 against the district.

23 ~~[(7)]~~ (g) Employ agents and employees for the district sufficient  
24 to maintain and operate the property acquired for the purposes of the  
25 district.

26 ~~[(8)]~~ (h) Acquire real or personal property necessary for the  
27 purposes of the district and dispose of that property when no longer  
28 needed.

29 ~~[(9)]~~ (i) Construct any necessary structures.

30 ~~[(10)]~~ (j) Acquire, hold and possess, either by donation or  
31 purchase, in the name and on behalf of the district any land or other  
32 property necessary for the purpose of the district.

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

38 ~~[(12)]~~ (l) Perform all other acts necessary, proper and convenient  
39 to accomplish the purposes of NRS 474.010 to 474.450, inclusive.

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

45 (a) *Investigate any such violation;*



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

3 (c) Confiscate and dispose of such fireworks sold, stored or  
4 used in violation of the provisions of a regulation adopted  
5 pursuant to paragraph (b) of subsection 1.

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

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

15 5. As used in this section:

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

18 (1) Labor;

19 (2) Equipment and materials;

20 (3) Supervision of employees;

21 (4) Supplies;

22 (5) Tools;

23 (6) Transportation;

24 (7) General and administrative expenses;

25 (8) Allocable benefits for employees;

26 (9) Amounts owed by the district pursuant to a mutual aid  
27 agreement, interlocal agreement, interstate compact or other  
28 agreement to provide fire-fighting support, investigation,  
29 enforcement or aid; and

30 (10) Any other related expenses.

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

33 **Sec. 2.** NRS 474.470 is hereby amended to read as follows:

34 474.470 1. The board of fire commissioners shall:

35 ~~1~~ (a) Manage and conduct the business and affairs of districts  
36 organized pursuant to the provisions of NRS 474.460 or 474.533.

37 ~~2~~ (b) Adopt and enforce all rules and regulations necessary  
38 for the administration and government of the districts and for the  
39 furnishing of fire protection thereto, which may include regulations  
40 relating to emergency medical services and fire prevention. The  
41 regulations may include provisions that are designed to protect life  
42 and property from:

43 ~~(a)~~ (1) The hazards of fire and explosion resulting from the  
44 storage, handling and use of hazardous substances, materials and  
45 devices; and



1 ~~[(b)]~~ (2) Hazardous conditions relating to the use or occupancy  
2 of any premises.

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

13 ~~[(3)]~~ (c) Organize, regulate, establish and disband fire  
14 companies, departments or volunteer fire departments for the  
15 districts.

16 ~~[(4)]~~ (d) Provide for the payment of salaries to the personnel of  
17 those fire companies or fire departments.

18 ~~[(5)]~~ (e) Provide for payment from the proper fund of all the  
19 debts and just claims against the districts.

20 ~~[(6)]~~ (f) Employ agents and employees for the districts sufficient  
21 to maintain and operate the property acquired for the purposes of the  
22 districts.

23 ~~[(7)]~~ (g) Acquire real or personal property necessary for the  
24 purposes of the districts and dispose of the property if no longer  
25 needed.

26 ~~[(8)]~~ (h) Construct any necessary structures.

27 ~~[(9)]~~ (i) Acquire, hold and possess, by donation or purchase, any  
28 land or other property necessary for the purpose of the districts.

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

35 ~~[(11)]~~ (k) Perform all other acts necessary, proper and  
36 convenient to accomplish the purposes of NRS 474.460 to 474.540,  
37 inclusive.

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

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

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

13 5. As used in this section:

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

16 (1) Labor;

17 (2) Equipment and materials;

18 (3) Supervision of employees;

19 (4) Supplies;

20 (5) Tools;

21 (6) Transportation;

22 (7) General and administrative expenses;

23 (8) Allocable benefits for employees;

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

28 (10) Any other related expenses.

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

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

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

39 (a) Investigate any such violation;

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

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



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

5       3. *As used in this section:*

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

8           (1) *Labor;*

9           (2) *Equipment and materials;*

10          (3) *Supervision of employees;*

11          (4) *Supplies;*

12          (5) *Tools;*

13          (6) *Transportation;*

14          (7) *General and administrative expenses;*

15          (8) *Allocable benefits for employees;*

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

21          (10) *Any other related expenses.*

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

24       **Sec. 4.** NRS 477.030 is hereby amended to read as follows:

25       477.030 1. Except as otherwise provided in this section, the  
26 State Fire Marshal shall enforce all laws and adopt regulations  
27 relating to:

28       (a) The prevention of fire.

29       (b) The storage and use of:

30           (1) Combustibles ~~[;]~~ and flammables ; ~~[and fireworks;]~~ and

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

33       ↳ under those circumstances that are not otherwise regulated by the  
34 Division of Industrial Relations of the Department of Business and  
35 Industry pursuant to NRS 618.890.

36       (c) The safety, access, means and adequacy of exit in case of fire  
37 from mental and penal institutions, facilities for the care of children,  
38 foster homes, residential facilities for groups, facilities for  
39 intermediate care, nursing homes, hospitals, schools, all buildings,  
40 except private residences, which are occupied for sleeping purposes,  
41 buildings used for public assembly and all other buildings where  
42 large numbers of persons work, live or congregate for any purpose.  
43 As used in this paragraph, “public assembly” means a building or a  
44 portion of a building used for the gathering together of 50 or more  
45 persons for purposes of deliberation, education, instruction, worship,



1 entertainment, amusement or awaiting transportation, or the  
2 gathering together of 100 or more persons in establishments for  
3 drinking or dining.

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

6 (e) The maintenance and testing of:

7 (1) Fire dampers, smoke dampers and combination fire and  
8 smoke dampers; and

9 (2) Smoke control systems.

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

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

19 (2) *Include in the regulations adopted pursuant to this*  
20 *subsection a definition of the term "fireworks" for purposes of this*  
21 *section and NRS 244.2961, 244.367, 266.310, 269.220, 474.160*  
22 *and 474.470 and sections 3 and 8 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 8 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 ~~[5.]~~ (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. 8.** 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. 9.** 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 ~~[-]~~; 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 county pursuant to a*
- 8 *mutual aid agreement, interlocal agreement, interstate compact or*
- 9 *other 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. 10.** NRS 289.250 is hereby amended to read as follows:

15          289.250 1. The following persons have only those powers of

16 a peace officer necessary to enforce the provisions of the laws of

17 this State respecting forest and watershed management or the

18 protection of forests and other lands from fire:

19          (a) Paid foresters and firewardens appointed pursuant to

20 paragraph (a) of subsection 2 of NRS 472.040.

21          (b) Citizen-wardens appointed pursuant to paragraph (b) of

22 subsection 2 of NRS 472.040.

23          (c) Voluntary firewardens appointed pursuant to paragraph (c)

24 of subsection 2 of NRS 472.040.

25          2. A paid forester or firewarden appointed as an arson

26 investigator pursuant to paragraph (d) of subsection 2 of NRS

27 472.040 has the powers of a peace officer.

28          3. An arson investigator designated as a peace officer pursuant

29 to:

30          (a) Paragraph (c) of subsection 1 of NRS 244.2961; or

31          (b) ~~Subsection 3~~ *Paragraph (c) of subsection 1* of

32 NRS 266.310,

33          ↪ has the powers of a peace officer.

34          **Sec. 11.** 1. This section becomes effective upon passage and

35 approval.

36          2. Sections 1 to 10, inclusive, of this act become effective:

37          (a) Upon passage and approval for the purpose of adopting any

38 regulations and performing any other preparatory administrative

39 tasks that are necessary to carry out the provisions of this act; and

40          (b) On October 1, 2022, for all other purposes.

