**South Carolina General Assembly**

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**S. 422**

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Summary: State Board of Pyrotechnic Safety

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

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3/5/2025 Senate Referred to Committee on **Labor, Commerce and Industry** ([Senate Journal‑page 16](h:\sj\20250305.docx))

3/6/2025 Scrivener's error corrected

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**VERSIONS OF THIS BILL**

[03/05/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/422_20250305.docx)

[03/06/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/422_20250306.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 40‑56‑90 SO AS TO PROVIDE REMEDIES FOR VIOLATIONS OF PROVISIONS CONCERNING THE REGULATION OF PYROTECHNICS; BY AMENDING SECTION 40‑56‑1, RELATING TO POLICIES AND PURPOSES CONCERNING THE REGULATION OF PYROTECHNICS, SO AS TO RESTATE PUBLIC SAFETY GOALS OF POLICIES FOR THE MANUFACTURE, STORAGE, PURCHASE, SUPPLY, AND SALE OF PYROTECHNICS; BY AMENDING SECTION 40‑56‑10, RELATING TO THE STATE BOARD OF PYROTECHNIC SAFETY, SO AS TO REVISE BOARD COMPOSITION AND MEETING REQUIREMENTS; BY AMENDING SECTION 40‑56‑20, RELATING TO DEFINITIONS CONCERNING THE REGULATION OF PYROTECHNICS AND FIREWORKS, SO AS TO REVISE THE DEFINITIONS; BY AMENDING SECTION 40‑56‑35, RELATING TO LICENSES REQUIRED FOR THE MANUFACTURE, SALE, OR STORAGE OF FIREWORKS, SO AS TO REVISE THE REQUIREMENTS TO INCLUDE LICENSES AND PERMITS REQUIRED FOR THE MANUFACTURING, SELLING, DEALING, DISTRIBUTING, OR STORAGE OF PYROTECHNICS AND FIREWORKS, AND TO REVISE RELATED LICENSING AND PERMITTING REQUIREMENTS; BY AMENDING SECTION 40‑56‑70, RELATING TO DUTIES OF THE BOARD, SO AS TO REVISE THE DUTIES TO INCLUDE CERTAIN DISCIPLINARY AUTHORITY, AMONG OTHER THINGS; BY AMENDING SECTION 40‑56‑80, RELATING TO INVESTIGATIONS OF COMPLAINTS OF VIOLATIONS BY THE BOARD, SO AS TO PROVIDE REQUIREMENTS FOR THE PRESENTATION OF INVESTIGATION RESULTS AND SUBSEQUENT HEARINGS, TO PROVIDE CERTAIN RELATED POWERS NECESSARY FOR THE INTEREST OF PUBLIC SAFETY; BY AMENDING SECTION 40‑56‑115, RELATING TO JURISDICTION OF THE BOARD, SO AS TO PROVIDE THE BOARD HAS JURISDICTION OVER ACTIONS OF ENTITIES OR INDIVIDUALS, IN ADDITION TO LICENSEES AND FORMER LICENSEES, FOUND TO VIOLATE THE PROVISIONS OF CHAPTER 56, TITLE 40; BY AMENDING SECTION 40‑56‑120, RELATING TO DISCIPLINARY GROUNDS AND PROCEDURES CONCERNING THE BOARD, SO AS TO EXPAND THE GROUNDS FOR DISCIPLINE, TO PROVIDE FOR THE AVAILABILITY OF PRIVATE REPRIMANDS, AND TO PROVIDE CERTAIN FINAL ORDERS WITH FINDINGS OF VIOLATIONS ARE SUBJECT TO PUBLIC DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT; BY AMENDING SECTION 40‑56‑130, RELATING TO LICENSE DENIAL BY THE BOARD BASED ON THE ACTIONS THAT CONSTITUTE GROUNDS FOR DISCIPLINE, SO AS TO PROVIDE THE BOARD MAY REFUSE TO ISSUE LICENSES OR PERMITS IN SUCH SITUATIONS; BY AMENDING SECTION 40‑56‑140, RELATING TO LICENSE DENIAL BY THE BOARD BASED ON FINDINGS OF A PRIOR CRIMINAL RECORD, SO AS TO INCLUDE THE DENIALS OF PERMITS UPON SUCH A FINDING; BY AMENDING SECTION 40‑56‑150, RELATING TO VOLUNTARY SURRENDER OF LICENSES ISSUED BY THE BOARD, SO AS TO INCLUDE THE VOLUNTARY SURRENDER OF PERMITS ISSUED BY THE BOARD; BY AMENDING SECTION 40‑56‑200, RELATING TO PENALTIES FOR VIOLATIONS OF PROVISIONS REGULATING PYROTECHNICS BY LICENSEES OF THE BOARD, SO AS TO INCLUDE HOLDERS OF PERMITS ISSUED BY THE BOARD; BY AMENDING SECTION 40‑56‑220, RELATING TO FACILITIES THAT MUST COMPLY WITH CERTAIN REGULATIONS OF THE BOARD, SO AS TO PROVIDE THE PROVISIONS DO NOT WAIVE CERTAIN OTHER REQUIREMENTS, TO INCLUDE FIREWORKS DISTRIBUTION FACILITIES, AND TO PROVIDE AUTHORIZED AGENTS OF THE BOARD MAY CONDUCT INSPECTIONS OF THESE FACILITIES, AMONG OTHER THINGS; BY AMENDING SECTION 40‑56‑230, RELATING TO INSURANCE REQUIRED FOR RETAIL FIREWORKS SALES LICENSES, SO AS TO REVISE REQUIREMENTS FOR SUCH INSURANCE COVERAGE; BY AMENDING SECTION 40‑56‑240, RELATING TO REQUIREMENTS OF HAVING A WHOLESALE LICENSE ISSUED BY THE BOARD TO STORE DISPLAY FIREWORKS, SO AS TO ADD PERMITTING REQUIREMENTS FOR STORING ARTICLES OF PYROTECHNICs, TO PROVIDE HOLDERS OF PYROTECHNIC OPERATOR LICENSES ISSUED BY THE STATE FIRE MARSHAL MAY OBTAIN A DISPLAY MAGAZINE PERMIT FROM THE BOARD FOR THE STORAGE OF DISPLAY FIREWORKS AT A LOCATION OTHER THAN THE DISPLAY SITE WITHOUT OBTAINING A WHOLESALE LICENSE FROM THE BOARD, TO PROVIDE ONLY LICENSED WHOLESALERS MAY DISTRIBUTE FIREWORKS FOR DISPLAYS, AND TO REVISE STORAGE REQUIREMENTS FOR DISPLAY FIREWORKS, AMONG OTHER THINGS; BY AMENDING SECTION 40‑56‑250, RELATING TO ORDERS OF THE BOARD TO REMOVE OR CORRECT HAZARDOUS CONDITIONS, SO AS TO IMPOSE A THIRTY‑DAY LIMIT FOR COMPLIANCE, TO ADD CERTAIN PENALTIES, AND TO REMOVE REMAINING PENALTIES AND PROCESSES FOR VIOLATIONS TO CONFORM TO THE ADDITION OF OTHER PENALTIES AND PROCESSES; AND BY AMENDING SECTION 40‑56‑260, RELATING TO REPORTS OF FIRES OR EXPLOSIONS TO THE BOARD BY REGULATED PARTIES, SO AS TO REMOVE EXISTING PROVISIONS AND INSTEAD PROVIDE THAT LICENSEES AND PERMITTEES MUST REPORT IN WRITING ANY UNAUTHORIZED INCIDENT OF EXPLOSION OR FIRE INVOLVING FIREWORKS TO THE BOARD WITHIN TWENTY‑FOUR HOURS OF THE OCCURRENCE.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 56, Title 40 of the S.C. Code is amended by adding:

Section 40‑56‑90. (A) The department may refer any reports of violations of this chapter and Article 1, Chapter 1 or any reports of violations of regulations promulgated under this chapter directly to the board or may issue administrative citations and cease and desist orders in person or by certified mail and may assess administrative penalties against any entity or individual, including those not licensed under this chapter, for violations of this chapter, as specified by the board.

(B) Separate citations may be issued and separate administrative penalties may be assessed for each violation, however, no more than two thousand five hundred dollars in administrative penalties may be assessed against an entity or an individual, per day.

(C) Administrative penalties authorized under this section are separate from and in addition to all other remedies, either civil or criminal.

(D) Administrative penalties assessed pursuant to this section may not exceed the following limits:

(1) for a first violation of a particular provision of this chapter or Article 1, Chapter 1 or any board regulation, not more than a five‑hundred‑dollar penalty;

(2) for the second of two violations of the same or substantially similar provision in a five‑year period, not more than a one‑thousand‑dollar penalty; and

(3) for the third or subsequent violation of the same or substantially similar provision in a five‑year period, the citation may be referred to the board for action in accordance with Section 40‑56‑120 or issued a penalty as prescribed in item(2).

(E) An entity or individual assessed administrative penalties may appeal those penalties to the board within fifteen days of receipt of the citation. If an appeal is filed, the department shall schedule a hearing before the board, which shall make a determination in the matter. If no appeal is filed, the citation is deemed a final order and the administrative penalties must be paid within thirty days of receipt of the citation.

SECTION 2. Section 40‑56‑1 of the S.C. Code is amended to read:

Section 40‑56‑1. It is the policy of this State, and the purpose of this chapter, to promote the safety of the public and the environment by effective regulation of pyrotechnics. Public safety requires that persons who handle pyrotechnics have demonstrated their qualifications, that they adhere to reliable safety standards, and that the sites where pyrotechnics are manufactured, stored, and sold adhere to reliable safety standards and that pyrotechnics are manufactured, stored, purchased, supplied, and sold in accordance with reliable safety standards and applicable federal and state laws. It is neither the policy of this State nor the purpose of this chapter to place undue restrictions upon entry into the business of handling pyrotechnics.

SECTION 3. Section 40‑56‑10 of the S.C. Code is amended to read:

Section 40‑56‑10. (A) The State Board of Pyrotechnic Safety is composed of seven members appointed by the Governor. One appointee must be employed by a local fire authority, onetwo must be a pyrotechnics retailer licensed or permitted pyrotechnics retailers, one must be a licensed pyrotechnics wholesaler, one must be a law enforcement representative, and threetwo must be members of the public who shall not possess any pecuniary interest in any entity engaged in a business directly involving the sale of pyrotechnics. Nominations for appointment to the board may be submitted to the Governor by the board or an individual, group, or association within the affiliated industry. A seat on the board that remains vacant for sixty days mustmay be filled through an appointment by the Chairman of the House Labor, Commerce and Industry Committee, and or the Chairman of the Senate Labor, Commerce and Industry Committee.

(B) The terms of office for members are for four years and until their successors are appointed and qualified. Vacancies must be filled in the manner of the original appointment for the unexpired portion of the term.

(C) The board shall meet at least annually and not more than once per month. All meetings must be scheduled at the call of the chairman. The board shall elect from its members a chairman, vice chairman, and other officers as it considers necessary to serve for terms of one year and until their successors are elected and qualified. All members shall receive mileage, per diem, and subsistence as provided by law for members of state boards, committees, and commissions for days on which they are transacting official business, to be paid by the board.

(D) The department's Office of State Fire Marshal shall provide administrative support as required by the board to perform its prescribed functions. The State Fire Marshal or his designee is an official consultant and is authorized to attend all meetings.

SECTION 4. Section 40‑56‑20 of the S.C. Code is amended to read:

Section 40‑56‑20. As used in this chapter:

(1) “APA” means the American Pyrotechnics Association.

(2) “Articles pyrotechnic” or “pyrotechnic articles” means pyrotechnic special effects materials and pyrotechnic devices for professional use that are similar to consumer fireworks in chemical composition and construction but are intended for professional use, such as theatrical performances, and are not intended for consumer use. “Articles pyrotechnic” includes pyrotechnic devices meeting the weight limits for consumer fireworks that are not labeled as such and are classified as UN0431 or UN0432 pursuant to 49 CFR 172.101, as amended.

(2)(3) “Board” means the State Board of Pyrotechnic Safety.

(3)(4) “Consumer fireworks” means any small firework devicefirework devices containing restricted amounts of pyrotechnic composition, designed primarily to produce visible or audible effects by combustion including, but not limited to, whistling devices, ground devices containing 50 mg or less of explosive materials, and aerial devices containing 130 mg or less of explosive materials, and which must comply with the construction, chemical composition, and labeling regulations of the U.S. Consumer Product Safety Commission, as set forth in Title 16, Code of Federal Regulations, partsCFR Parts 1500 and 1507, the U.S. Department of Transportation, as set forth in Title 49 CFR Part 172, and the American Pyrotechnics Association as set forth in and APA Standard 87‑1(A), including subsequent amendments, and editions. Some small devices designed to produce audible effects are consumer fireworks, including, but not limited to, whistling devices, ground devices containing 50 mg or less of explosive materials, and aerial devices containing 130 mg or less of explosive materials. Consumer fireworks are classified as fireworks UN0336, and UN0337 by the U.S. Department of Transportation at 49 C.F.R. 172.101. This term does not include fused setpieces containing components which together exceed 50 mg of salute powder. Consumer fireworks are further defined as those classified by the U.S. Department of Transportation hazard classification 1.4G. These fireworks were formerly known as “Class C Fireworks”.

(5) “Consumer Fireworks Retail Sales Facility (CFRS facility)” means a permanent building that is used primarily for the retail display and sale of consumer fireworks to the public.

(6) “Consumer Fireworks Retail Sales Stand (CFRS stand)” means a structure, other than a tent, canopy, or membrane structure, that is primarily used for the sale of consumer fireworks to the public.

(7) “Consumer Fireworks Retail Sales Store (CFRS store)” means a permanent building that contains a variety of merchandise and is not used primarily for the retail display and sale of consumer fireworks to the public.

(4)(8) “CPSC” means the U.S. Consumer Product Safety Commission.

(5)(9) “Department” means the Department of Labor, Licensing and Regulation.

(6)(10) “Display fireworks” means large fireworks devices that are explosive materials intended for use in firework displays and are designed primarily to produce visible or audible effects by combustion, deflagration, or detonation as set forth in Title 27 CFR Part 555, Title 49 CFR Part 172, APA Standard 87‑1(B) and (C), and any successor standard adopted by the American Pyrotechnics Association. This term includes, but is not limited to, salutes containing more than 2 grains (130 mg) of explosive materials, aerial shells containing more than 40 grams of pyrotechnic compositions, and other display pieces which exceed the limits of explosive materials for classification as “consumer fireworks”. Display fireworks are classified as fireworks UN0333, UN0334, or UN0335 by the U.S. Department of Transportation at 49 C.F. R. 172.101. This term also includes fused setpieces containing components which together exceed 50 mg of salute powder, and articles of pyrotechnics. Display fireworks are further defined as those classified by the U.S. Department of Transportation as hazard classification 1.3G. These fireworks were formerly known as “Class B Fireworks”.

(11) “Display firework magazine” means a building or structure, other than an explosives manufacturing building, approved for the storage of display fireworks.

(12) “Distribute” means to sell, issue, give, transfer, or otherwise dispose of explosive materials. This term includes, but is not limited to, the actual, constructive, or attempted transfer or delivery of any firework, from one person to another. The term does not include a mere change of possession from a person to his agent or employee in connection with the agency or employment.

(7)(13) “DOT” means the U.S. Department of Transportation.

(14) “Entity” means a sole proprietorship, partnership, limited liability partnership, limited liability company, association, joint venture, cooperative, corporation, or other legal entity authorized by law and approved by the board.

(8)(15) “Fireworks” means any composition or device designed to produce a visible or an audible effect by combustion, deflagration, or detonation, and which meets the definition of “articles pyrotechnic,” “consumer fireworks,” or “display fireworks” as defined by this section.

(16) “Illegal firework” means any fireworks composition or device assembled, manufactured, distributed, stored, supplied, delivered, offered for sale, or possessed in violation of this chapter, or that does not conform to the standards of the United States Consumer Product Safety Commission, or applicable federal laws.

(17) “Individual” means a natural person.

(18) “Jobber” means an individual or entity that only purchases consumer fireworks from a wholesale distributor licensed to do business in this State and only sells consumer fireworks to retailers licensed to do business in this State.

(19) “License” means any authorization to manufacture, sell, distribute, or store fireworks in this State as issued under this chapter.

(9)(20) “Licensee” means a person, firm,an individual or entity that has been issued a license or permit by the board under the provisions of this chapter to manufacture, sell, or store fireworks.

(21) “Manufacturer” means an individual or entity licensed to manufacture consumer or display fireworks in this State.

(22) “Manufacturing” means the mixing, pressing, and loading of explosive or pyrotechnic compositions for the purpose of producing fireworks or pyrotechnic articles.

(23) “Manufacturing facility” means a place where manufacturing of fireworks, novelties, pyrotechnic articles, or components for these devices is conducted.

(10)(24) “NFPA” means National Fire Protection Association.

(25) “Permit” means an authorization to sell or store fireworks in this State as issued under this chapter.

(26) “Person” means an individual, corporation, partnership, or association, or any other legal entity authorized by law.

(11)(27) “Pyrotechnics” means any composition or device designed to produce visible or audible effects for entertainment purposes by combustion, deflagration, or detonation.

(28) “Retailer” means an individual or entity that only purchases consumer fireworks from a wholesale distributor or jobber licensed to do business in this State and only sells consumer fireworks to the general public.

(12)(29) “Small bottle rocket” ismeans a consumer firework with a motor less than one‑half inch in diameter and three inches in length, a stabilizing stick less than fifteen inches in length, and a total pyrotechnic composition not exceeding 20 grams in weight.

(30) “Temporary retail permit” is a retail permit issued for a CFRS stand or CFRS store that is valid for up to ninety days.

(31) “Wholesale distributor” or “wholesaler” means an individual or entity that may buy foreign or domestic fireworks, store fireworks, and supply or sell fireworks to any person or entity holding the proper South Carolina license or permit.

SECTION 5. Section 40‑56‑35 of the S.C. Code is amended to read:

Section 40‑56‑35. (A) Except as otherwise provided for in this section, a person, firm, or entity that manufactures, sells, or stores fireworks shall obtain a license issued by the board pursuant to this chapter., deals in, distributes, or stores any pyrotechnics or fireworks in this State shall obtain a license or permit issued by the board pursuant to this chapter. The board shall issue the following licenses and permits to applicants who qualify under and comply with the requirements of this chapter:

(1) manufacturer license;

(2) wholesaler license;

(3) jobber license;

(4) retailer license;

(5) temporary retailer permit; and

(6) display magazine permit.

(B) General license requirements are as follows:

(1) A license or permit may not be issued to anyone under the age of eighteen.

(2) An application for licensurea license or permit must be submitted on forms prescribed by the board accompanied by applicable fees.

(3) A license or permit is required for each physical address or site at which fireworks are manufactured, sold, distributed, or stored in this State.

(4) A copy of the appropriate license issued by the South Carolina Department of Revenue for retail sales of fireworks must accompany each application for a retail fireworks sales license or permit.

(5) Initial license or permit applications and applications for license or permit renewal may be approved only after an authorized agent of the board inspects the buildings and facilities where fireworks are to be manufactured, sold, distributed, or stored fordetermines compliance with the current codes and standards.

(6) All licenses and permits, only may be issued for one calendar year with the exception of temporary retailer permits, are valid for two calendar years and must be renewed in accordance with regulations promulgated by the board. All temporary retail permits expire when the underlying insurance expires or after ninety days, whichever occurs first. Temporary retailer permits for CFRS stands automatically expire if the CFRS stand is moved from its permitted location.

(7) Licenses and permits must be prominently displayed at the licensee’s place of business approved for the manufacture, sale, or storage of fireworks.

(8) Licenses and permits issued by the board are nontransferable.

(9) A license or permit may not be issued or renewed to an individual or entity with unpaid administrative or civil penalties imposed pursuant to this chapter or Chapter 1.

(B)(C) A license or permit is not required for the:

(1) manufacture, sale, storage, transportation, handling, or a combination of these, including, but not limited to, railroad torpedoes, automotive, aeronautical, andor marine flares, or consumer devices intended for the use as emergency and smoke signals;

(2) transportation, storage, handling, or use of fireworks, or a combination of these, by the Armed Forces of the United States;

(3) transportation, handling, or use of fireworks, or a combination of these, by the State Fire Marshal, his employees, or a commissioned law enforcement officer acting within his official capacity; or

(4) fireworks deregulated by the U.S. Department of Transportation.

SECTION 6. Section 40‑56‑70 of the S.C. Code is amended to read:

Section 40‑56‑70. (A) In addition to the powers and duties provided in Section 40‑1‑70, it is the duty and responsibility of the board to promulgate, pursuant to the Administrative Procedures Act, regulations relating to pyrotechnics in this State, including the manufacture, distribution, sale, storage, and fire safety of these products. These regulations must be adjusted using the procedures in Chapter 34, Title 1.

(B) The board may conduct hearings on alleged violations by licensees of this chapter or regulations promulgated pursuant to this chapter and may discipline these licensees.The board may discipline individuals or entities licensed or permitted under this chapter found in violation of this chapter, or regulations promulgated by the board. After notice and hearing pursuant to the Administrative Procedures Act, the board may revoke, suspend, refuse to renew, reprimand, censure, or impose an administrative fine. In the interest of public safety, the board also may order an individual or entity take remedial action, if found in violation of this chapter or other relevant state or federal law or regulations.

(C) In the interest of public safety, the board also may:

(1) issue administrative citations and cease and desist orders in person or by certified mail and may assess administrative penalties against any entity or person, including those not licensed under this chapter, for violations of this chapter as specified by the board; and

(2) order an individual or entity take remedial action, if found in violation of this chapter or other applicable state or federal law or regulations.

(C)(D) The board also shall recommend to the General Assembly legislation it considers necessary for the safety and control of the sale of pyrotechnics.

(E) The board may establish guidelines and promulgate regulations consistent with current codes and professional standards for the inspection of buildings and facilities where fireworks are to be manufactured, stored, distributed, or sold.

SECTION 7. Section 40‑56‑80 of the S.C. Code is amended to read:

Section 40‑56‑80. (A) The Department of Labor, Licensing and Regulation shall investigate complaints and violations of this chapter as provided for in Chapter 1. The results of an investigation must be presented to the board and any subsequent hearing must be conducted pursuant to Section 40‑1‑90.

(B) During reasonable business hours, the department or its authorized agent may enter the premises or vehicle of a person engaged in the manufacture, distribution, sale, or storage of pyrotechnics to inspect, investigate, or examine the property or installation it considers necessary. When an emergency exists, as declared by the department, the inspectorauthorized agent may enter the premises of a person and, in the interest of public safety, take necessary action for public safety including, but not limited to, the evacuation of the area where the emergency exists.

(C) A fire chief and his inspector, a sheriff and his deputy, a chief of police and his officer, and an agent of SLEDAn authorized agent of the board may inspect a building, facility, or vehicle where fireworks may be manufactured, purchased, distributed, stored, or sold and any records of manufacturing, storage, sales, and purchases that must be maintained.

(D) An official named in this section who has the authority to inspect may confiscate illegal fireworks being manufactured, offered for sale, stored, or possessed.In the interest of public safety, a law enforcement officer, or an official named in this section who has the authority to inspect, may seize illegal fireworks being manufactured, offered for sale, stored, distributed, or possessed in this State in violation of this chapter, upon a determination of probable cause.

(1) Fireworks seized in the enforcement of this chapter shall be kept in the custody of the seizing agent or the county in which the fireworks were seized.

(2) The owner of the seized fireworks may file an action contesting the seizure in a circuit court in the county in which the fireworks were seized.

(3) No later than the thirtieth day after the hearing on the seizure, the court may authorize the return of part or all of the confiscated fireworks. The court shall order any fireworks not returned to be destroyed. If an action contesting the seizure is not filed by the thirtieth day after the seizure, the seizing agent or the Sheriff shall destroy the fireworks.

(E) The board may compel the attendance of witnesses to testify in relation to a matter within its jurisdiction.

SECTION 8. Section 40‑56‑115 of the S.C. Code is amended to read:

Section 40‑56‑115. The board has jurisdiction over the actions of licensees and former licensees as provided for in Chapter 1 and any entity or individual found in violation of this chapter pursuant to Section 40‑56‑70.

SECTION 9. Section 40‑56‑120 of the S.C. Code is amended to read:

Section 40‑56‑120. (A) In addition to the grounds for discipline provided for in Article 1, Chapter 1, the board may impose disciplinary action authorized by this chapter upon a licensee or other individual or entity if the board finds any of these grounds for discipline exists:

(1) subsequent discovery of facts which, if known at the time of issuance or renewal of a license or permit, would have been grounds to deny the issuance or renewal of a license or permit;

(2) violation of a provision of:

(a) Chapter 1, Article 1;

(b) this chapter; or

(c) a regulation promulgated under this chapter;

(3) fraud, deceit, or misrepresentation of a material fact in obtaining a license or permit;

(4) aiding or abetting an unlicensed individual or entity to evade the provisions of this chapter, combining or conspiring with an unlicensed individual or entity, allowing one’s license or permit to be used by an unlicensed individual or entity, or acting as agent, partner, or associate of an unlicensed individual or entity;

(5) failure to take appropriate corrective action to comply with this chapter or a regulation promulgated under this chapter without valid justification within a reasonable period of time after receiving a written directive from the department;

(6) a condition found as a result of an inspection, examination, or investigation provided for in this chapter that is hazardous to public safety;

(7) failure to notify the department of changes in information required in an original or renewal application;

(8) failure to comply with an order of the board;

(9) failure to maintain the required policy of public liability insurance; or

(10) failure to make a report as required by Section 40‑56‑260 within twenty‑four hours of any fire or explosion of which the individual or entity has knowledge.

(B) Upon a determination by the board that grounds for discipline exist, the board is authorized to:

(1) issue a public reprimand;

(2) impose a civil penalty not to exceed two thousand five hundred dollars;

(3) place a licensee on probation or restrict or suspend a license or permit for a definite or indefinite time period and prescribe conditions to be met during this period including, but not limited to, satisfactory completion of additional education, or a supervisory period; or

(4) revoke the license or permit.

(B) The board may take disciplinary action against a person for:

(1) the grounds stated in Chapter 1; or

(2) a condition found as a result of an inspection, examination, or investigation provided for in Section 40‑56‑80 that is hazardous to public safety.

(C) Disciplinary action may be taken against an individual or entity who the board determines to be responsible for violations of this chapter regardless of changes in corporate identity or federal employer identification subsequent to the violation.

(D) Sanctions, discipline, or administrative penalties authorized by this chapter or Section 40‑1‑120 may include a private reprimand. A final order of the board finding that an entity or person is in violation of this chapter or Section 40‑1‑10, et seq., becomes public knowledge, except for a final order dismissing the complaint, issuing a letter of caution, or imposing a private reprimand.

SECTION 10. Section 40‑56‑130 of the S.C. Code is amended to read:

Section 40‑56‑130. The board may deny licensure refuse to issue a license or permit to an applicant based on the same grounds for which the board may take disciplinary action against a licensee.

SECTION 11. Section 40‑56‑140 of the S.C. Code is amended to read:

Section 40‑56‑140. A license or permit may be denied based on a person’s prior criminal record only as provided for in Chapter 1.

SECTION 12. Section 40‑56‑150 of the S.C. Code is amended to read:

Section 40‑56‑150. A licensee under investigation for a violation of this chapter or a regulation promulgated pursuant to this chapter may voluntarily surrender the license or permit pursuant to Chapter 1.

SECTION 13. Section 40‑56‑200(A) of the S.C. Code is amended to read:

(A) A person required by this chapter to obtain a license or permit to do business in this State, who has not obtained a license or permit or who operates while his license or permit is suspended or revoked or who violates a provision of this chapter or a regulation promulgated pursuant to this chapter, is guilty of a misdemeanor and, upon conviction, must be fined not less than one thousand dollars and not more than two thousand dollars or imprisoned for not less than ninety days and not more than one year.

SECTION 14. Section 40‑56‑220 of the S.C. Code is amended to read:

Section 40‑56‑220. (A) All facilities for the manufacturing, sales, or storage of fireworks must comply with regulations established by the board.The provisions of this section do not waive any other requirements to obtain licensure, permits, or certification as required by law to manufacture, distribute, sell, or store fireworks. A facility engaged in the manufacture, distribution, sale, or storage of fireworks must hold the requisite licensure or permits required by law. An authorized agent of the board may inspect any facility where fireworks may be manufactured, stored, distributed or sold and records of manufacture, storage, sales, and purchases that must be maintained for the purpose of determining compliance with applicable law.

(B) All consumer fireworks must comply with standards set by the U.S. Department of Transportation and the CPSC for consumer fireworks. TheAn authorized agent of the board may request fireworks be tested by a CPSC certified testing group to seeensure that these standards are met.

(C) Retail sale, distribution, and use of small bottle rockets are not legal within South Carolinain this State.

(D) Fireworks may not be sold to anyone under the age of sixteen.

SECTION 15. Section 40‑56‑230 of the S.C. Code is amended to read:

Section 40‑56‑230. (A) An application for a retail fireworks sales license must be accompanied by evidence that the applicant holds a policy that:

(1) provides public liability insurance coverage for retail fireworks sales activities at the location for the permitted sale period;

(2) is issued by an insurance company authorized to do business in this State; and

(3) lists the South Carolina Board of Pyrotechnic Safety as a certificate holder, except for those policies issued for fewer than ninety days’ use for temporary retail permits; and

(3)(4) provides coverage in the following minimum amounts:

(a) one million dollars for injuries or damage to any one person in one accident or occurrence;

(b) one million dollars for injuries to two or more persons in any accident or occurrence; and

(c) one million dollars combined single‑limit coverage for any one accident or occurrence.

(B) A policy, except those policies issued for fewer than ninety days’ use for seasonal permits, by its original term or an endorsement, must obligate the insurer to not cancel, suspend, or nonrenew the policy without thirty days’ written notice of the proposed cancellation, suspension, or nonrenewal being given to the board. The insured immediately shall give notice to the board if liability insurance is canceled, suspended, or nonrenewed.

(C) A policy of liability insurance required by this section must be continuously maintained for the duration of the licensure period and may only be canceled by providing written notification to the department by the insurance carrier and licensee thirty days prior to cancellation. The cancellation does not affect any liability on the policy that accrued before cancellation. A licensee shall provide proof that it has obtained a new policy of liability insurance within ten days of the cancellation date or their license and/or permit is suspended until written proof of liability insurance is provided.

SECTION 16. Section 40‑56‑240 of the S.C. Code is amended to read:

Section 40‑56‑240. (A) Except as provided for in subsection (B), a person may not store display fireworks or articles pyrotechnics in this State unless the person has obtained a display magazine permit or wholesale license from the board.

(B) An individual or entity holding a pyrotechnic operator license issued by the State Fire Marshal may obtain a display magazine permit from the board for the storage of display fireworks at a location other than the display site without obtaining a wholesale license from the board.

(B)(C) Only licensed wholesalers shall sell, distribute, or provide fireworks for displays.

(C) (D) All buildings and structures used to store display fireworks must meetdisplay fireworks must be stored in a display firework magazine meeting the requirements set forth in regulations established by the board.

(D) (E) These license holders also must comply with U.S. Bureau of Alcohol, Tobacco, and Firearms regulations.All wholesale and magazine license and permit holders also must comply with the United States Bureau of Alcohol, Tobacco, and Firearms explosives laws, 18 U.S.C. Chapter 40, and the regulations promulgated pursuant to Title 27 CFR. 555, et seq., and the laws of this State.

SECTION 17. Section 40‑56‑250 of the S.C. Code is amended to read:

Section 40‑56‑250. (A) If the board or its designee finds a condition as a result of an inspection, that is hazardous to the public safety or a violation of this chapter or regulations promulgated pursuant to this chapter, the board shall issue an order in writing to remove or correct the condition. If a person fails to comply with the terms of the order within thirty days, the board may issue administrative citations and may assess administrative penalties against any licensee as provided in Section 40‑56‑90.

(B) Administrative penalties authorized under this section are separate from and in addition to all other remedies, either civil or criminal.

(C) Administrative penalties assessed pursuant to this section may not exceed two thousand five hundred dollars for each violation.

(D) An entity or individual assessed administrative penalties by citation under this section may appeal the citation to the Board of Pyrotechnic Safety within fifteen days of receipt of the citation. The appeal must be filed in writing. If an appeal is filed, the board shall schedule a hearing, which shall make a determination in the matter. If no appeal is filed, the citation is deemed a final order, and the administrative penalties must be paid within thirty days of receipt of the citation.

SECTION 18. Section 40‑56‑260 of the S.C. Code is amended to read:

Section 40‑56‑260. An owner, manager, or operator of any location regulated by this chapter shall report to the board within twenty‑four hours of any fire or explosion of which the person has knowledge, with as complete detail as possible, together with evidence as he has obtained after investigation of the fire or explosion. No reports filed pursuant to this section may be disclosed unless disclosure is in compliance with the requirements of Chapter 4, Title 30 of the 1976 Code.Licensees and permittees must report in writing any unauthorized incident of explosion or fire involving fireworks to the board within twenty‑four hours after the occurrence.

SECTION 19. This act takes effect upon approval by the Governor.

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