

**Michigan Office of Administrative Hearings and Rules**  
**Administrative Rules Division (ARD)**

MOAHR-Rules@michigan.gov

**REQUEST FOR RULEMAKING (RFR)**

**1. Department:**

Licensing and Regulatory Affairs

**2. Bureau:**

Bureau of Fire Services

**3. Promulgation type:**

Full Process

**4. Title of proposed rule set:**

Firework Safety General Rules

**5. Rule numbers or rule set range of numbers:**

R 29.2901 - R 29.2929

**6. Estimated time frame:**

6 months

**Name of person filling out RFR:**

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**7. Describe the general purpose of these rules, including any problems the changes are intended to address.**

The rules are required by 2011 PA 256 (the Michigan Fireworks Safety Act) which was directly amended by PA 634, PA 635, and affected by PA 636 of 2018, which amended MCL 29.7a and 29.7d of 1941 PA 207. The rules are being revised due to conflicts and changes introduced by legislative changes that are not currently addressed and to provide clarification for issues found during the prior years' inspections.

**8. Please cite the specific promulgation authority for the rules (i.e. department director, commission, board, etc.).**

By authority conferred on the Department of Licensing & Regulatory Affairs.

**A. Please list all applicable statutory references (MCLs, Executive Orders, etc.).**

Sections 20(1) and 20(2) of the Michigan Fireworks Safety Act, 2011 PA 256, MCL 28.470(1) and 28.470(2).

**B. Are the rules mandated by any applicable constitutional or statutory provision? If so, please explain.**

Yes, MCL 28.470 directs the department to promulgate rules to administer the Michigan Fireworks Safety Act.

**9. Please describe the extent to which the rules conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.**

The proposed rules do not conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.

**10. Is the subject matter of the rules currently contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda?**

No. The subject matter of these rules is not currently contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda.

**11. Are the rules listed on the department's annual regulatory plan as rules to be processed for the current year?**

Yes.

**12. Will the proposed rules be promulgated under Section 44 of the Administrative Procedures Act, 1969 PA 306, MCL 24.244, or under the full rulemaking process?**

Full Process

**13. Please describe the extent to which the rules exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.**

The Michigan Fireworks Safety Act, 2011 PA 256, was amended in 2018 and these rules are being amended to conform to those statutory changes.

**14. Do the rules incorporate the recommendations received from the public regarding any complaints or comments regarding the rules? If yes, please explain.**

No

**15. If amending an existing rule set, please provide the date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed the regulatory activity covered by the rules since the last evaluation.**

The rules have not been re-evaluated and updated since its inception in 2012. The regulatory activity covered by the rules has not been changed.

**16. Are there any changes or developments since implementation that demonstrate there is no continued need for the rules, or any portion of the rules?**

No

**17. Is there an applicable decision record (as defined in MCL 24.203(6) and required by MCL 24.239(2))? If so, please attach the decision record.**

No

**Based on the information provided in this RFR, MOAHR concludes that there are sufficient policy and legal bases for approving the RFR. The RFR satisfies the requirements of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.201 to 24.328, and Executive Order No. 2019-6.**