

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

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REQUEST FOR RULEMAKING (RFR)

1. Department:

Licensing and Regulatory Affairs

2. Bureau:

Bureau of Fire Services

3. Promulgation type:

MCL 24.244 (1)

4. Title of proposed rule set:

Fireworks Safety General Rules

5. Rule numbers or rule set range of numbers:

R 29.2901 to 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 PA 256 of 2011 (the Michigan Fireworks Safety Act) which was recently amended by PA 634, 635, and 636 of 2018. 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 prior year's 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 rules do not conflict with or duplicate similar rules or regulations adopted by the state or federal government.

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?

MCL 24.244 (1)

A. Explain why the rules are being promulgated under 24.244.

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