



2026 South Dakota Legislature

House Bill 1070

Introduced by: **Representative Jordan**

1 **An Act to expand the days that a retailer is permitted to sell fireworks to residents**
 2 **of this state.**

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 **Section 1. That § 34-37-2.2 be AMENDED:**

5 ~~**34-37-2.2.** In addition to any license required under § 34-37-2, for any sales to~~
 6 ~~out of state residents, a retailer licensee may obtain:~~

7 ~~(1) An early season license to operate from May first to June twenty-sixth, with a~~
 8 ~~required fee of one thousand dollars; or~~

9 ~~(2) A late season license to operate from July sixth to August thirty-first, and from~~
 10 ~~December twenty-eighth to January first, with a required fee of one thousand dollars.~~

11 ~~A retailer licensee with a license issued under this section that is located west of~~
 12 ~~the Missouri River shall provide any consumer with a copy of any law that prohibits the~~
 13 ~~use of fireworks and a map of the Black Hills Forest Fire Protection District with any sale~~
 14 ~~of fireworks, other than any sale occurring from June twenty-seventh to July fifth. A~~
 15 ~~violation of this section is a Class 1 misdemeanor.~~
 16 In addition to a license required under
§ 34-37-2, a retailer must obtain:

17 (1) An early season license, if the retailer offers fireworks for sale from May first
 18 through June twenty-sixth; and

19 (2) A late season license, if the retailer offers fireworks for sale from July sixth through
 20 August thirty-first.

21 An application for a license pursuant to this section must be made to the
 22 Department of Public Safety on forms prescribed by the department and must be
 23 accompanied by a fee of one thousand dollars for each license.

24 For every sale of fireworks that occurs outside of the dates of June twenty-seventh
 25 through July fifth, a retailer located west of the Missouri River must provide the customer

1 with a copy of any law that prohibits the use of fireworks, and a map of the Black Hills
2 Forest Fire Protection District.

3 A violation of this section is a Class 1 misdemeanor.

4 **Section 2. That § 34-37-10 be AMENDED:**

5 **34-37-10.** ~~A~~ Except as provided in § 34-37-2.2, a person is guilty of a Class 1
6 misdemeanor if the person offers ~~any~~ fireworks for sale to any other person, at retail,
7 other than during the period ~~between~~ beginning June twenty-seventh and ending July fifth
8 or during the period ~~between~~ beginning December twenty-eighth and ending January first.

9 ~~A person who is issued a license under § 34-37-2.2 may sell fireworks to out-of-~~
10 ~~state residents for the periods designated in § 34-37-2.2.~~

11 ~~A person who is issued a late season license under § 34-37-2.2 or a retailer license~~
12 ~~under § 34-37-2 may sell any fireworks to residents and nonresidents during the period~~
13 ~~from December twenty-eighth to January first.~~

14 ~~A retail licensee retailer may not make any sale of sell fireworks between the hours~~
15 ~~of twelve a.m. and seven a.m. midnight and 7:00 a.m.~~