



RE: HB 155 Fireworks Restrictions – NMBC Opposes

Dear Chair and Members of the Committee,

We respectfully oppose HB 155 as written. While we share the Legislature's concern for public safety and wildfire prevention, **HB 155, as written, imposes serious and unnecessary harm on lawful, licensed fireworks businesses.**

Fireworks retailers in New Mexico are overwhelmingly **small, seasonal, and often family-owned businesses** that already operate under strict licensing, permitting, inspection, and safety requirements. HB 155 goes far beyond addressing illegal or reckless use and instead places the **economic burden of wildfire prevention squarely on compliant businesses**, often with little notice and no recourse.

Fireworks sales are highly seasonal, requiring significant upfront investment in inventory, staffing, transportation, and temporary structures. A last-minute sales ban can **eliminate an entire year's revenue**, yet the bill offers **no compensation, tax relief, or reimbursement** for stranded inventory.

HB 155 grants the State Fire Marshal unilateral authority to issue orders that may apply statewide or regionally and **preempt local decisions**, regardless of local conditions. Because the bill provides **no clear standards or meaningful oversight**, any decision to limit sales should be made at the county level by those familiar with conditions.

Licensed fireworks sellers are singled out even though most wildfires are caused by **lightning, power lines, equipment, and arson**, not regulated retail fireworks. It should also be noted that it is the reckless use of fireworks that is problematic, not their sales.

If the Legislature seeks to improve wildfire safety without destroying small businesses, we respectfully recommend **prioritizing restrictions on use, not sale**, during high-risk periods and focus any decision to halt sales at the local level.

We respectfully urge the committee to **amend HB 155** before advancing it or, in the alternative, stop it entirely from hurting local businesses.

Thank you for your consideration.

Respectfully,

Carla J. Sonntag
President and CEO