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# A BILL FOR AN ACT

RELATING TO FIREWORKS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1 SECTION 1. The purpose of this Act is to:

2 (1) Ban the use of fireworks except for public displays or  
3 for religious or ceremonial occasions; and

4 (2) Impose stricter penalties for the unauthorized use of  
5 aerial fireworks.

6 SECTION 2. The Hawaii Revised Statutes is amended by  
7 adding a new chapter to be appropriately designated and to read  
8 as follows:

9 **"CHAPTER**

10 **FIREWORKS**

11 § -1 **Definitions.** As used in this chapter, unless the  
12 context requires otherwise:

13 "Aerial common fireworks" mean common fireworks that are  
14 designed to rise into the air and explode or detonate in the air  
15 or to fly about above the ground.

16 "Common fireworks" mean explosive devices:



1 (1) Designed primarily to produce visible or audible  
2 effects by combustion, deflagaration, or detonation;  
3 and

4 (2) Classified as division 1.4G explosives by regulation  
5 of the United States Department of Transportation.

6 "Council" means the state fire council.

7 "Fireworks":

8 (1) Includes common fireworks and special fireworks;

9 (2) Does not include:

10 (A) Automotive safety flares;

11 (B) Toy pistols, toy cannons, toy guns, party  
12 poppers, pop-its, or other devices containing  
13 twenty-five hundredths of a grain or less of  
14 explosives substance; or

15 (C) Any explosives and pyrotechnics regulated under  
16 chapter 396.

17 "Non-aerial common fireworks" mean common fireworks that  
18 are designed to remain on or near the ground and, while  
19 stationary or spinning rapidly on or near the ground, emit  
20 smoke, a shower of colored sparks, whistling effects, flutter  
21 sparks, or balls of colored sparks, and combination items that  
22 contain one or more of these effects.



1 "Special fireworks" mean explosive devices:

- 2 (1) Designed primarily to produce visible or audible
- 3 effects by combustion, deflagration, or detonation;
- 4 (2) Designed primarily for exhibition display; and
- 5 (3) Classified as division 1.3G explosives by regulation
- 6 of the United States Department of Transportation.

7 § -2 **General prohibition of fireworks; exceptions.** (a)

8 Fireworks shall not be set off, ignited, discharged, or  
9 otherwise caused to explode within the State unless specifically  
10 allowed by this chapter.

11 (b) Subsection (a) shall not apply to:

- 12 (1) The use of flares, noisemakers, or signals for
- 13 warning, pest control, or illumination purposes by
- 14 police and fire departments, utility companies,
- 15 transportation agencies, and other governmental or
- 16 private agencies or persons, including agricultural
- 17 operations, in connection with emergencies, their
- 18 duties, or business;
- 19 (2) The sale or use of blank cartridges for a show or
- 20 theater or for signal, commercial, or institutional
- 21 purposes in athletics or sports; or



1 (3) The possession, storage, sale, or use of explosives  
2 and combustibles in accordance with chapter 396.

3 § -3 **Permissible uses.** (a) Special fireworks and  
4 aerial common fireworks may be purchased, set off, ignited, or  
5 otherwise caused to explode in the State for display purposes  
6 only pursuant to a permit as set forth in section -5.

7 (b) Non-aerial common fireworks may be purchased, set off,  
8 ignited, or otherwise caused to explode in the State for  
9 religious or ceremonial purposes only pursuant to a permit as  
10 set forth in section -5.

11 § -4 **License required; fees.** (a) It shall be unlawful  
12 for any person to:

13 (1) Import any fireworks into the State;

14 (2) Store; or

15 (3) Offer to sell or sell, at wholesale or retail,  
16 any fireworks, unless the person has a valid license issued by  
17 the council.

18 (b) The fee for the license shall not exceed \$ for  
19 each year or fraction of a year in which the licensee plans to  
20 conduct business and shall be payable to the council.

21 § -5 **Permit required; fees.** (a) It shall be unlawful  
22 for any person to set off, ignite, or discharge fireworks at any



1 time unless the person has a valid permit issued by the county  
2 in which the permitted activity is to occur.

3 (b) The fee for the permit shall not exceed \$ for  
4 each year or fraction of a year in which the permittee plans to  
5 conduct business or participate in a religious or ceremonial  
6 activity and shall be payable to the county in which the  
7 permitted activity is to occur.

8 § -6 **Application for license.** (a) The license required  
9 under section -4 shall be issued by the council and shall be  
10 nontransferable. The license shall specify the date of issuance  
11 and the date of expiration, which shall be March 31 of each  
12 year. The application shall be made on a form setting forth:

- 13 (1) The date upon which the importations are to begin;
- 14 (2) The address of the location of the importer; and
- 15 (3) The name of the proprietor or, if a partnership, the  
16 name of the partnership and the names of all partners  
17 or, if a corporation, the name of the corporation and  
18 the names of its officers.

19 (b) Each storage, wholesaling, and retailing site shall be  
20 required to obtain a separate license. The license shall  
21 specify the date of issuance and the date of expiration, which



1 shall be March 31 of each year. The application shall be made  
2 on a form setting forth:

3 (1) The date upon which the storage, sale, or offers for  
4 sale are to begin;

5 (2) The address of the location of the licensee; and

6 (3) The names of the person using the fireworks for  
7 religious or ceremonial purposes; the proprietor, the  
8 partnership, including the name of the partnership and  
9 the names of all partners; or the corporation,  
10 including the name of the corporation and the name of  
11 all its officers.

12 (c) Any license issued pursuant to this chapter may be  
13 revoked by the council if the licensee violates any provision of  
14 this chapter or if the licensee stores or handles the fireworks  
15 in such a manner as to present an unreasonable safety hazard.

16 (d) It shall be unlawful for any person, other than a  
17 wholesaler who is selling or transferring fireworks to a  
18 licensed retailer, to sell or offer to sell any fireworks to any  
19 person who does not present a permit duly issued as required by  
20 section -5. The permit shall be signed by the seller or  
21 transferor at the time of sale or transfer of the fireworks, and  
22 the seller or transferor shall indicate on the permit the amount

1 and type of fireworks sold or transferred. No person shall sell  
2 or deliver fireworks to any permittee in any amount in excess of  
3 the amount specified in the permit, less the amount shown on the  
4 permit previously to have been purchased.

5 (e) Any license issued pursuant to this chapter shall be  
6 prominently displayed in public view at each licensed location.

7 § -7 **Application for permit.** (a) Any permit required  
8 under section -5 shall be issued by the county and be  
9 nontransferable. The county shall issue permits for which  
10 complete applications have been submitted and that contain only  
11 correct information. The permit shall specify the date of  
12 issuance and the date of expiration but in no case for a period  
13 to exceed one year. The application shall be made on a form  
14 setting forth:

- 15 (1) The dates for which the permit shall be valid;
- 16 (2) The location where the permitted activity is to occur;
- 17 and
- 18 (3) The name of the proprietor or, if a partnership, the  
19 name of the partnership and the names of all partners  
20 or, if a corporation, the name of the corporation and  
21 the names of all its officers.



1 (b) The permit application may be denied if the proposed  
2 use of fireworks presents a substantial inconvenience to the  
3 public or presents an unreasonable fire or safety hazard.

4 (c) Any permit issued pursuant to this chapter shall be  
5 prominently displayed in public view at the site.

6 § -8 Sale to minor; liability of parents or guardians.

7 (a) It shall be unlawful for any person to offer for sale,  
8 sell, or give any fireworks to minors. It shall be unlawful for  
9 any minor to possess, purchase, or set off, ignite, or otherwise  
10 cause to explode any fireworks.

11 (b) The parents, guardian, and other persons having the  
12 custody or control of any minor, who knowingly permit the minor  
13 to possess, purchase, set off, ignite, or otherwise cause to  
14 explode any fireworks, shall be deemed to be in violation of  
15 this chapter and shall be subject to the penalties under section

16 -9; provided that:

17 (1) The parents or guardian may allow the minor to use  
18 fireworks while under the immediate supervision and  
19 control of the parent or guardian or under the  
20 supervision and control of another adult; and





1 (2) The parent, guardian, or other person having control  
2 of the minor holds a permit allowing the use of  
3 fireworks.

4 § -9 **Penalty.** (a) The following shall constitute a  
5 class C felony:

6 (1) Importing fireworks into the State without first  
7 having obtained a license as required by section  
8 -4; and

9 (2) Using special fireworks or aerial common fireworks  
10 without first having obtained a permit as required by  
11 section -5.

12 (b) Except as provided in subsection (a), any person  
13 violating any other provision of this chapter shall be guilty of  
14 a petty misdemeanor.

15 § -10 **Rules.** The department shall adopt rules pursuant  
16 to chapter 91 to carry out the purposes of this chapter.

17 § -11 **Enforcement.** This chapter shall be enforced by  
18 the council and agencies designated by the agencies. The  
19 counties shall enforce and administer the provisions of this  
20 chapter."

21 SECTION 3. Chapter 132D, Hawaii Revised Statutes, is  
22 repealed.



1 SECTION 4. This Act shall take effect upon its approval.

2 INTRODUCED BY: Am 4.2-(BR)

JAN 24 2006



**Report Title:**  
Fireworks Regulation

**H.B. NO. 2679**

**Description:**

Bans the use of fireworks except for religious or ceremonial purposes. Increases penalties for use of aerial fireworks.

