

JAN 25 2006

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 use common
2 terminology that is consistent with the Bureau of Alcohol,
3 Tobacco, Firearms, and Explosives, and to delete all references
4 to the defunct "United States Bureau of Explosives," to include
5 and define articles pyrotechnic so as to regulate the
6 importation, storage, transferring, sale, and use of those
7 devices, and to include articles pyrotechnic in the term
8 "display."

9 SECTION 2. Section 132D-2, Hawaii Revised Statutes, is
10 amended by adding two new definitions to be appropriately
11 inserted and to read as follows:

12 "Aerial device" means any firework containing 130 mg. or
13 less of explosive materials, which produces an audible or
14 visible effect and which is designed to rise into the air and
15 explode or detonate in the air or to fly about above the ground
16 and which is prohibited for use by any person who does not have
17 a permit for display issued by a county under section 132D-16.
18 "Aerial devices," classified as fireworks under UN0336 and



1 UN0337 by the United States Department of Transportation as set
 2 forth in title 49 Code of Federal Regulations, include firework
 3 items commonly known as bottle rockets, sky rockets, missile-
 4 type rockets, helicopters, torpedoes, daygo bombs, roman
 5 candles, flying pigs, and jumping jacks, which move about the
 6 ground farther than a circle with a radius of twelve feet as
 7 measured from the point where the item was placed and ignited,
 8 aerial shells, and mines.

9 "Articles pyrotechnic" means pyrotechnic devices for
 10 professional use similar to consumer fireworks in chemical
 11 composition and construction but not intended for consumer use
 12 which meet the weight limits for consumer fireworks but which
 13 are not labeled as such and which are classified as UN0431 or
 14 UN0432 by the United States Department of Transportation."

15 SECTION 3. Section 132D-2, Hawaii Revised Statutes, is
 16 amended by amending the definitions of "common fireworks,"
 17 "fireworks," "public display," and "special fireworks" to read
 18 as follows:

19 ""[Common] Consumer fireworks" means any firework designed
 20 primarily for retail sale to the public during [prescribed]
 21 authorized dates and times and which produces visible or audible
 22 effects [through] by combustion and which is [classified as



1 ~~common fireworks by the United States Bureau of Explosives or~~
2 ~~contained in the regulations of the United States Department of~~
3 ~~Transportation and designated as UN 0336 1.4G.] designed to~~
4 remain on or near the ground and which, while stationary or
5 spinning rapidly on or near the ground, emits smoke, a shower of
6 colored sparks, whistling effects, flitter sparks, or balls of
7 colored sparks, and combination items which contain one or more
8 of these effects. "Consumer fireworks" shall comply with the
9 construction, chemical composition, and labeling regulations of
10 the United States Consumer Product Safety Commission as set
11 forth in title 16 Code of Federal Regulations, and fireworks
12 classified as UN0336 and UN0337 by the United States Department
13 of Transportation as set forth in title 49 Code of Federal
14 Regulations. "Consumer fireworks" include firework items
15 commonly known as firecrackers which are single paper cylinders
16 not exceeding one and one-half inches in length excluding the
17 fuse and one quarter of an inch in diameter and contain a charge
18 of not more than fifty milligrams of pyrotechnic composition,
19 snakes, sparklers, fountains, and cylindrical or cone fountains
20 which emit effects up to a height not greater than twelve feet
21 above the ground, illuminating torches, bamboo cannons,
22 whistles, toy smoke devices, wheels, and ground spinners which



1 when ignited remain within a circle with a radius of twelve feet
2 as measured from the point where the item was placed and
3 ignited, novelty or trick items, combination items, and other
4 fireworks of like construction which are designed to produce the
5 same or similar effects.

6 "Fireworks" means any combustible or explosive composition,
7 or any substance or combination of substances, or article
8 prepared for the purpose of producing a visible or audible
9 effect by combustion, explosion, deflagration or detonation and
10 ~~[classified as common]~~ which meets the definition of aerial
11 devices or consumer or [special] display fireworks [by the
12 ~~United States Bureau of Explosives or]~~ as defined by this
13 section and contained in the regulations of the United States
14 Department of Transportation [and designated as UN 0335 1.3G or
15 ~~UN 0336 1.4G.]~~ as set forth in title 49 Code of Federal
16 Regulations. The term "fireworks" shall not include any
17 explosives or pyrotechnics regulated under chapter 396 or
18 automotive safety flares, nor shall the term be construed to
19 include toy pistols, toy cannons, toy guns, party poppers, pop-
20 its or other devices which contain twenty-five hundredths of a
21 grain or less of [explosives] explosive substance. [The term



1 ~~"fireworks" also shall not include any explosives and~~
2 ~~pyrotechnics regulated under chapter 396.]~~

3 "[~~Public display~~] Display" means [~~a public exhibition and~~]
4 the use of [~~fireworks~~] aerial devices, display fireworks, or
5 articles pyrotechnic for [~~commercial activities~~] any activity
6 (including such activities as movie or television production).

7 "[~~Special~~] Display fireworks" means any firework designed
8 primarily for exhibition display by producing visible or audible
9 effects and classified as [~~special~~] display fireworks [~~by the~~
10 ~~United States Bureau of Explosives~~] or contained in the
11 regulations of the United States Department of Transportation
12 and designated as [~~UN 0335 1.3G and which are~~] UN0333 or UN0335,
13 and includes salutes containing more than two grains (130 mg) of
14 explosive materials, aerial shells containing more than forty
15 grams of pyrotechnic compositions, and other display pieces
16 which exceed the limits of explosive materials for
17 classification as "consumer fireworks." This term also includes
18 fused setpieces containing components, which together exceed
19 fifty milligrams of salute power. The use of display fireworks
20 is prohibited for use by any person who does not have a display
21 permit issued by a county."



1 SECTION 4. Section 132D-3, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§132D-3 Permissible uses of [~~non-aerial-common~~] consumer**
4 **fireworks.** [~~Non-aerial-common~~] Consumer fireworks may be set
5 off, ignited, discharged, or otherwise caused to explode within
6 the State only:

7 (1) From 9:00 p.m. on New Year's Eve to 1:00 a.m. on New
8 Year's Day; from 7:00 a.m. to 7:00 p.m. on Chinese New
9 Year's Day; and from 1:00 p.m. to 9:00 p.m. on the
10 Fourth of July; or

11 (2) From 9:00 a.m. to 9:00 p.m. as allowed by permit
12 pursuant to section 132D-10 if the proposed cultural
13 use is to occur at any time other than during the
14 periods prescribed in paragraph (1);

15 provided that the purchase of not more than 5,000 individual
16 [~~non-aerial-common~~] consumer fireworks commonly known as
17 firecrackers shall be allowed under each permit."

18 SECTION 5. Section 132D-4, Hawaii Revised Statutes, is
19 amended to read as follows:

20 **"§132D-4 Permissible uses of [~~special~~] display fireworks,**
21 **articles pyrotechnic and aerial [~~common-fireworks~~] devices.**

22 [~~Special~~] Display fireworks, articles pyrotechnic, and aerial

1 [~~common fireworks~~] devices may be purchased, set off, ignited,
2 or otherwise caused to explode in the State only if for [~~public~~]
3 display and permitted in writing pursuant to sections 132D-10
4 and 132D-16."

5 SECTION 6. Section 132D-5, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "[~~§~~§132D-5[~~§~~] **General prohibitions.** (a) It shall be
8 unlawful for any person without a permit to:

- 9 (1) Remove or extract the pyrotechnic contents from any
10 fireworks;
- 11 (2) Throw any ignited fireworks from a moving vehicle; or
- 12 (3) Set off, ignite, discharge, or otherwise cause to
13 explode any fireworks:
- 14 (A) At any time not within the periods for use
15 prescribed in section 132D-3, unless permitted
16 pursuant to section 132D-10;
- 17 (B) Within one thousand feet from any operating
18 hospital, convalescent home, home for the
19 elderly, or animal hospital;
- 20 (C) In any school building, or on any school grounds
21 and yards without first obtaining authorization
22 from appropriate school officials;



1 (D) On any highway, alley, street, sidewalk, or other
 2 public way; in any park; within fifty feet from a
 3 canefield; or within one thousand feet from any
 4 building used for public worship during the
 5 periods when services are held; except as may be
 6 permitted pursuant to section 132D-10; and

7 (E) Within five hundred feet from any hotel.

8 (b) It shall be unlawful to purchase consumer fireworks
 9 more than five calendar days before the respective time periods
 10 for permissible use under section 132D-3.

11 (c) It shall be unlawful to sell consumer fireworks after
 12 12:00 a.m. on New Year's Day, 6:00 p.m. on Chinese New Year's
 13 Day, and 8:00 p.m. on the Fourth of July."

14 SECTION 7. Section 132D-7, Hawaii Revised Statutes, is
 15 amended to read as follows:

16 "**§132D-7 License or permit required.** A person shall not:

17 (1) Import, store, offer to sell, or sell, at wholesale or
 18 retail, aerial [~~common fireworks, special fireworks,~~
 19 devices or [~~non-aerial common~~] consumer fireworks,
 20 unless the person has a valid license issued by the
 21 county; or

1 (2) Possess aerial [~~common fireworks or special~~] devices,
 2 display fireworks, or articles pyrotechnic without a
 3 valid license to import, store, or sell aerial [~~common~~
 4 ~~fireworks or special~~] devices, display fireworks, or
 5 articles pyrotechnic, or a valid permit as provided
 6 for in this chapter[; ~~or~~

7 ~~(3) Purchase non-aerial common fireworks with a permit~~
 8 ~~under section 132D-10 more than five calendar days~~
 9 ~~before the applicable time period for use prescribed~~
 10 ~~in section 132D-3 in the county that issued the~~
 11 ~~permit]."~~

12 SECTION 8. Section 132D-8, Hawaii Revised Statutes, is
 13 amended by amending subsections (c) and (d) to read as follows:

14 "(c) It shall be unlawful for any [~~person,~~] licensee,
 15 other than a wholesaler who is selling or transferring
 16 fireworks, or articles pyrotechnic, to a licensed retailer, to
 17 sell or offer to sell, exchange for consideration, give,
 18 transfer, or donate any fireworks or articles pyrotechnic at any
 19 time to any person who does not present a permit duly issued as
 20 required by section 132D-10 or 132D-16. The permit shall be
 21 signed by the seller or transferor at the time of sale or
 22 transfer of the fireworks[~~,~~] or articles pyrotechnic, and the

1 seller or transferor shall indicate on the permit the amount and
2 type of fireworks or articles pyrotechnic sold or transferred.

3 No person shall sell or deliver fireworks to any permittee in
4 any amount in excess of the amount specified in the permit, less
5 the amount shown on the permit previously to have been
6 purchased; provided that no fireworks shall be sold to a
7 permittee holding a permit issued for purposes of section
8 132D-3, more than five calendar days before the applicable time
9 period under section 132D-3.

10 (d) Aerial [~~common fireworks, special~~] devices, display
11 fireworks, or [~~both,~~] articles pyrotechnic shall only be sold or
12 transferred by a wholesaler to a person with a valid permit
13 under sections 132D-10 and 132D-16. No person with a valid
14 permit under sections 132D-10 and 132D-16 shall sell or transfer
15 aerial [~~common fireworks, or special~~] devices, display
16 fireworks, [~~or both,~~] or articles pyrotechnic to any other
17 person."

18 SECTION 9. Section 132D-8.5, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "**[~~§~~132D-8.5~~]~~ Importation of aerial [~~common fireworks,~~**
21 **special] devices, display fireworks, or [~~both,~~] articles**
22 **pyrotechnic for [~~public~~] display. Aerial [~~common fireworks,~~**



1 ~~special~~ devices, display fireworks, or ~~both,~~ articles
 2 pyrotechnic shall only be imported and stored, if necessary, in
 3 an amount sufficient for an anticipated three-month inventory;
 4 provided that if a licensee under section 132D-7 provides aerial
 5 ~~common fireworks, special~~ devices, display fireworks, or
 6 ~~both,~~ articles pyrotechnic for ~~public~~ displays as allowed
 7 under section 132D-16 more than once a month, the licensee may
 8 import or store, if necessary, sufficient aerial ~~common~~
 9 ~~fireworks, special~~ devices, display fireworks, or ~~both,~~
 10 articles pyrotechnic for a six-month inventory."

11 SECTION 10. Section 132D-8.6, Hawaii Revised Statutes, is
 12 amended to read as follows:

13 "[+]§132D-8.6 **Requirements of licensee.**[+] (a) Any
 14 person who has obtained a license under section 132D-7 and ships
 15 fireworks or articles pyrotechnic into the State shall:

16 (1) Clearly designate the types of fireworks or articles
 17 pyrotechnic in each shipment on the bill of lading or
 18 shipping manifest with specificity;

19 (2) Declare on the bill of lading or shipping manifest the
 20 gross weight of aerial ~~common fireworks, non-aerial~~
 21 ~~common~~ devices, consumer fireworks, ~~and special~~
 22 display fireworks, and articles pyrotechnic to be

1 imported in each shipment and the location of the
2 storage facility, if applicable, in which the
3 fireworks are to be stored;

4 (3) Prior to shipment and when booking each shipment of
5 fireworks[~~r~~] or articles pyrotechnic notify the
6 appropriate county official as determined by the
7 county regarding whether the shipment will be
8 distributed from:

9 (A) Pier to pier;

10 (B) Pier to warehouse or storage facility; or

11 (C) Pier to redistribution; and

12 (4) At the time shipping is booked, the importer or
13 consignee shall notify the appropriate county official
14 as determined by the county in writing of the expected
15 shipment's landing date.

16 (b) The fire department of a county, in which a shipment
17 of fireworks or articles pyrotechnic has landed and becomes
18 subject to the jurisdiction of the fire department, shall be
19 allowed to inspect, if it chooses, any shipment declared on the
20 shipping manifest as fireworks[~~r~~] or articles pyrotechnic.

21 (c) The facility in which fireworks or articles
22 pyrotechnic are to be stored [~~must~~] shall:



- 1 (1) Have received approval fifteen days prior to the
2 shipment's arrival from the appropriate county fire
3 department; and
- 4 (2) Meet all state and county fire and safety codes.
- 5 (d) Any fireworks or articles pyrotechnic landed in the
6 State shall be subject to seizure and forfeiture if:
- 7 (1) The importer or consignee does not have in the
8 importer's or consignee's possession a valid license
9 to import fireworks or articles pyrotechnic under
10 section 132D-7;
- 11 (2) The consignee does not have a valid license to store
12 fireworks or articles pyrotechnic under section
13 132D-7; or
- 14 (3) The fireworks or articles pyrotechnic have not been
15 declared or have been misdeclared in violation of
16 [†]subsection[†] (a).
- 17 (e) No person holding a retailer license to sell [~~non-~~
18 ~~aerial-common~~] consumer fireworks shall be allowed to sell [~~non-~~
19 ~~aerial-common~~] consumer fireworks commonly known as firecrackers
20 in a packet size larger than 5,000 individual units. Any person
21 violating this subsection shall be guilty of a misdemeanor.



1 (f) Any person violating subsections (a), (c), or (d)
2 shall be subject to the following for shipments of fireworks or
3 articles pyrotechnic of:

- 4 (1) Twenty-five pounds or less gross weight shall be a
5 petty misdemeanor;
- 6 (2) Over twenty-five pounds to three hundred pounds gross
7 weight shall be a misdemeanor;
- 8 (3) Over three hundred pounds to ten thousand pounds gross
9 weight shall be a class C felony; and
- 10 (4) More than ten thousand pounds gross weight shall be a
11 class B felony."

12 SECTION 11. Section 132D-9, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "**§132D-9 Application for permit.** The permit required
15 under section 132D-10 or 132D-16 shall be issued by the county
16 and be nontransferable. The county shall issue all permits for
17 which complete applications have been submitted and which
18 contain only correct information. The permit shall specify the
19 date of issuance or effect and the date of expiration but in no
20 case for a period to exceed one year. The permit for the
21 purchase of [~~non-aerial-common~~] consumer fireworks for the
22 purposes of section 132D-3 shall not allow purchase for more

1 than one event as set forth in section 132D-3. The application
2 shall be made on a form setting forth the dates for which the
3 permit shall be valid, the location where the permitted activity
4 is to occur, and the name of the proprietor or, if a
5 partnership, the name of the partnership and the names of all
6 partners or, if a corporation, the name of the corporation and
7 the names of its officers. The permit application may be denied
8 if the proposed use of fireworks or articles pyrotechnic
9 presents a substantial inconvenience to the public or presents
10 an unreasonable fire or safety hazard. Any permit issued
11 pursuant to this chapter shall be prominently displayed in
12 public view at the site."

13 SECTION 12. Section 132D-10, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "**§132D-10 Permits.** A permit shall be required for the
16 purchase and use of:

17 (1) Any [~~non-aerial-common~~] consumer fireworks commonly
18 known as firecrackers upon payment of a fee of \$25;
19 and

20 (2) Any aerial [~~common fireworks and any special~~] devices,
21 display fireworks, or articles pyrotechnic for the



1 purposes of section 132D-16[~~-~~] upon payment of a fee
2 of \$110."

3 SECTION 13. Section 132D-11, Hawaii Revised Statutes, is
4 amended by amending subsection (a) to read as follows:

5 "(a) The fee for the license required under section 132D-7
6 shall be \$3,000 for importers, \$2,000 for each wholesaler's
7 site, \$1,000 for each storage site, and \$500 for each retailer's
8 site[, ~~and \$110 for permits for public display under section~~
9 ~~132D-16]~~ for each year or fraction of a year in which the
10 licensee plans to conduct business and shall be payable to the
11 county. The license fees shall be used solely by each county
12 fire department to pay for the salary of an auditor of fireworks
13 and articles pyrotechnic records[~~-~~] and all expenses incurred to
14 fulfill the duties required, including the inspection of
15 inventory and storage facilities, maintenance of required
16 records, and the training of the auditor. The auditor shall
17 monitor strict inventory and recordkeeping requirements to
18 ensure that sales of fireworks or articles pyrotechnic are made
19 only to license or permit holders under this chapter. The
20 county shall provide an exemption from the fees under this
21 section to nonprofit community groups for importation and



1 storage of fireworks or articles pyrotechnic for displays once a
2 year."

3 SECTION 14. Section 132D-12, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "[+]§132D-12[+] **Sale to minors.** It shall be unlawful for
6 any person to offer for sale, sell, or give any fireworks or
7 articles pyrotechnic to minors, and for any minor to possess,
8 purchase, or set off, ignite, or otherwise cause to explode any
9 fireworks[-] or articles pyrotechnic, except as provided in
10 section 132D-13."

11 SECTION 15. Section 132D-13, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "[+]§132D-13[+] **Liability of parents or guardians.** The
14 parents, guardian, and other persons having the custody or
15 control of any minor, who knowingly permit the minor to possess,
16 purchase, or set off, ignite, or otherwise cause to explode any
17 fireworks[-] or articles pyrotechnic, shall be deemed to be in
18 violation of this chapter and shall be subject to the penalties
19 thereunder, except that the parents or guardian may allow the
20 minor to use consumer fireworks while under the immediate
21 supervision and control of the parent or guardian, or under the
22 supervision and control of another adult."



1 SECTION 16. Section 132D-14, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) Any person:

4 (1) Importing aerial [~~common fireworks or special~~]
5 devices, display fireworks, or articles pyrotechnic
6 without having a valid license under section 132D-7
7 shall be guilty of a class C felony;

8 (2) Purchasing, possessing, setting off, igniting, or
9 discharging aerial [~~common fireworks or special~~]
10 devices, display fireworks, or articles pyrotechnic
11 without a valid permit under sections 132D-10 and
12 132D-16, or storing, selling, or possessing aerial
13 [~~common fireworks or special~~] devices, display
14 fireworks, or articles pyrotechnic without a valid
15 license under section 132D-7:

16 (A) If the total weight of the aerial common
17 fireworks or special fireworks is twenty-five
18 pounds or more, shall be guilty of a class C
19 felony; or

20 (B) If the total weight of the aerial [~~common~~
21 ~~fireworks or special~~] devices, display fireworks,

1 or articles pyrotechnic is less than twenty-five
2 pounds, shall be guilty of a misdemeanor.

3 (3) Who transfers or sells aerial [~~common fireworks or~~
4 ~~special~~] devices, display fireworks, or articles
5 pyrotechnic to a person who does not have a valid
6 permit under sections 132D-10 and 132D-16, shall be
7 guilty of a class C felony; and

8 (4) Who removes or extracts the pyrotechnic contents from
9 any fireworks or articles pyrotechnic and uses the
10 contents to construct fireworks, or articles
11 pyrotechnic, or a fireworks or articles pyrotechnic
12 related device shall be guilty of a misdemeanor."

13 SECTION 17. Section 132D-16, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "**§132D-16 Permit for [public] display.** (a) Any person
16 desiring to set off, ignite, or discharge aerial [~~common~~
17 ~~fireworks, special~~] devices, display fireworks, or [both,
18 articles pyrotechnic for a [public] display shall apply to, and
19 obtain a permit as required by section 132D-10, from the county
20 not less than twenty days before the date of the display.

21 (b) The application shall state, among other things:

22 (1) The name, age, and address of the applicant;

1 (2) The name, age, and address of the person who will
2 operate the display, and verification that the person
3 is a licensed pyrotechnic operator;

4 (3) The time, date, and place of the display;

5 (4) The type and quantity of aerial [~~common fireworks,~~
6 ~~special~~] devices, display fireworks, or [~~both,~~
7 articles pyrotechnic to be displayed; and

8 (5) The purpose or occasion for which the display is to be
9 presented.

10 (c) No permit shall be issued under this section unless
11 the applicant presents, at the applicant's option, either:

12 (1) A written certificate of an insurance carrier, which
13 has been issued to or for the benefit of the
14 applicant, or a policy providing for the payment of
15 damages in the amount of not less than \$5,000 for
16 injury to, or death of, any one person, and subject to
17 the foregoing limitation for one person; in the amount
18 of not less than \$10,000 for injury to, or death of,
19 two or more persons; and in the amount of not less
20 than \$5,000 for damage to property, caused by reason
21 of the authorized display and arising from any
22 tortious acts or negligence of the permittee, the

1 permittee's agents, employees, or subcontractors. The
2 certificate shall state that the policy is in full
3 force and effect and will continue to be in full force
4 and effect for not less than ten days after the date
5 of the [public] display; or

6 (2) The bond of a surety company duly authorized to
7 transact business within the State, or a bond with not
8 less than two individual sureties who together have
9 assets in the State equal in value to not less than
10 twice the amount of the bond, or a deposit of cash, in
11 the amount of not less than \$10,000 conditioned upon
12 the payment of all damages that may be caused to any
13 person or property by reason of the authorized display
14 and arising from any tortious acts or negligence of
15 the permittee, the permittee's agents, employees, or
16 subcontractors. The security shall continue to be in
17 full force and effect for not less than ten days after
18 the date of the [public] display.

19 The county may require coverage in amounts greater than the
20 minimum amounts set forth in paragraph (1) or (2) if deemed
21 necessary or desirable in consideration of such factors as the
22 location and scale of the display, the type of aerial [common



1 ~~fireworks, special]~~ devices, special fireworks, or [~~both,~~]
2 articles pyrotechnic to be used, and the number of spectators
3 expected.

4 (d) The county, pursuant to duly adopted rules, shall
5 issue the permit after being satisfied that the requirements of
6 subsection (c) have been met, the display will be handled by a
7 pyrotechnic operator duly licensed by the State, the display
8 will not be hazardous to property, and the display will not
9 endanger human life. The permit shall authorize the holder to
10 display aerial [~~common fireworks, special]~~ devices, display
11 fireworks, or [~~both,~~] articles pyrotechnic, only at the place
12 and during the time set forth therein, and to acquire and
13 possess the specified aerial [~~common fireworks, special]~~
14 devices, display fireworks, or [~~both,~~] articles pyrotechnic
15 between the date of the issuance of the permit and the time
16 during which the display of those aerial [~~common fireworks,~~
17 ~~special]~~ devices, display fireworks, or [~~both,~~] articles
18 pyrotechnic is authorized."

19 SECTION 18. Section 132D-17, Hawaii Revised Statutes, is
20 amended to read as follows:

21 **"§132D-17 Inconsistent county ordinances, rules.**

22 Notwithstanding any other law to the contrary, no county shall

1 enact ordinances or adopt any rules regulating fireworks^[7] or
 2 articles pyrotechnic, except as required in this chapter, that
 3 is inconsistent with or more restrictive than, the provisions of
 4 this chapter. Any ordinances and rules regulating fireworks or
 5 articles pyrotechnic that were enacted or adopted by a county
 6 before March 31, 1995, except those provisions which are not
 7 inconsistent with, or more restrictive than those of this
 8 chapter, are declared void."

9 SECTION 19. Section 132D-21, Hawaii Revised Statutes, is
 10 amended to read as follows:

11 "[+]§132D-21[+] **Health care facilities; report of**
 12 **fireworks and articles pyrotechnic incidents.** Health care
 13 facilities in this State shall report all incidents of serious
 14 injuries and fatalities caused by legal and illegal fireworks or
 15 articles pyrotechnic to the department of health and the police
 16 department of the county in which the person was attended or
 17 treated. All reports shall be in writing or in the manner
 18 specified by the department of health.

19 As used in this section, "health care facilities" includes
 20 any outpatient clinic, emergency room, or doctor's office,
 21 private or public, whether organized for profit or not, used,
 22 operated, or designed to provide medical diagnosis, treatment,



1 nursing, rehabilitative, or preventive care to any person or
2 persons. The term includes but is not limited to health care
3 facilities that are commonly referred to as hospitals, extended
4 care and rehabilitation centers, nursing homes, skilled nursing
5 facilities, intermediate care facilities, hospices for the
6 terminally ill that require licensure or certification by the
7 department of health, kidney disease treatment centers including
8 freestanding hemodialysis units, outpatient clinics, organized
9 ambulatory health care facilities, emergency care facilities and
10 centers, home health agencies, health maintenance organizations,
11 and others providing similarly organized services regardless of
12 nomenclature."

13 SECTION 20. Section 132D-2, Hawaii Revised Statutes, is
14 amended by repealing the definitions of "aerial common
15 fireworks" and "non-aerial common fireworks":

16 [~~"Aerial common fireworks" means any firework, classified~~
17 ~~as common fireworks by the United States Bureau of Explosives or~~
18 ~~contained in the regulations of the United States Department of~~
19 ~~Transportation and designated as UN 0336 1.4G, which produces an~~
20 ~~audible or visible effect and which is designed to rise into the~~
21 ~~air and explode or detonate in the air or to fly about above the~~
22 ~~ground and which is prohibited for use by any person who does~~



1 ~~not have a permit for public display issued by a county under~~
2 ~~section 132D-16. "Aerial common fireworks" include firework~~
3 ~~items commonly known as bottle rockets, sky rockets, missile-~~
4 ~~type rockets, helicopters, torpedoes, daygo bombs, roman~~
5 ~~candles, flying pigs, and jumping jacks, which move about the~~
6 ~~ground farther than inside a circle with a radius of twelve feet~~
7 ~~as measured from the point where the item was placed and~~
8 ~~ignited, aerial shells, and mines.~~

9 ~~"Non-aerial common fireworks" means any firework,~~
10 ~~classified as common fireworks by the United States Bureau of~~
11 ~~Explosives or contained in the regulations of the United States~~
12 ~~Department of Transportation and designated as UN 0336 1.4G,~~
13 ~~which produces an audible or visible effect and which is~~
14 ~~designed to remain on or near the ground and which, while~~
15 ~~stationary or spinning rapidly on or near the ground, emits~~
16 ~~smoke, a shower of colored sparks, whistling effects, flutter~~
17 ~~sparks or balls of colored sparks and combination items which~~
18 ~~contain one or more of these effects. "Non-aerial common~~
19 ~~fireworks" include firework items commonly known as firecrackers~~
20 ~~which are single paper cylinders not exceeding one and one-half~~
21 ~~inches in length excluding the fuse and one quarter of an inch~~
22 ~~in diameter containing a charge of not more than fifty~~



1 ~~milligrams of pyrotechnic composition, snakes, sparklers,~~
 2 ~~fountains, and cylindrical or cone fountains which emit effects~~
 3 ~~up to a height not greater than twelve feet above the ground,~~
 4 ~~illuminating torches, bamboo canons, whistles, toy smoke~~
 5 ~~devices, wheels, and ground spinners which when ignited remain~~
 6 ~~within a circle with a radius of twelve feet as measured from~~
 7 ~~the point where the item was placed and ignited, novelty or~~
 8 ~~trick items, combination items, and other fireworks of like~~
 9 ~~construction which are designed to produce the same or similar~~
 10 ~~effects."]~~

11 SECTION 21. This Act does not affect rights and duties
 12 that matured, penalties that were incurred, and proceedings that
 13 were begun, before its effective date.

14 SECTION 22. Statutory material to be repealed is bracketed
 15 and stricken. New statutory material is underscored.

16 SECTION 23. This Act shall take effect on August 1, 2006.
 17

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SB. NO. 2661

Report Title:

Fireworks

Description:

Clarifies fireworks terminology to be consistent with federal law; repeals and amends definitions.

