
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 regulations of the
3 federal Bureau of Alcohol, Tobacco, Firearms, and Explosives; to
4 delete all references to the defunct United States Bureau of
5 Explosives; to include and define articles pyrotechnic so as to
6 regulate the importation, storage, transfer, sale, and use of
7 those 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 fireworks containing one hundred
13 thirty milligrams or less of explosive materials that produces
14 an audible or visible effect and is designed to rise into the
15 air and explode or detonate in the air or to fly about above the
16 ground, and that is prohibited for use by any person who does
17 not have a permit for display issued by a county under section
18 132D-16. "Aerial devices" classified as fireworks under UN0336



1 and UN0337 by the United States Department of Transportation as
2 set forth in Title 49 Code of Federal Regulations include
3 firework items commonly known as bottle rockets, sky rockets,
4 missile-type rockets, helicopters, torpedoes, daygo bombs, roman
5 candles, flying pigs, and jumping jacks that 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 that meet the weight limits for consumer fireworks but are not
13 labeled as such, and that are classified as UN0431 or UN0432 by
14 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 fireworks"]~~ "Consumer fireworks" means any
20 [~~firework~~] fireworks designed primarily for retail sale to the
21 public during [~~prescribed~~] authorized dates [~~and which~~] and
22 times, that produces visible or audible effects [~~through~~] by



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



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

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



1 ~~include any explosives and pyrotechnics regulated under chapter~~
2 ~~396.]~~

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

8 ~~["Special] Display fireworks"~~ means any ~~[firework]~~
9 ~~fireworks~~ designed primarily for exhibition display by producing
10 visible or audible effects and classified as ~~[special] display~~
11 ~~fireworks [by the United States Bureau of Explosives] or~~
12 contained in the regulations of the United States Department of
13 Transportation and designated as ~~[UN 0335 1.3G and which are]~~
14 ~~UN0333 or UN0335, and includes salutes containing more than two~~
15 ~~grains (one hundred and thirty milligrams) of explosive~~
16 ~~materials, aerial shells containing more than forty grams of~~
17 ~~pyrotechnic compositions, and other display pieces which exceed~~
18 ~~the limits of explosive materials for classification as~~
19 ~~"consumer fireworks". This term also includes fused setpieces~~
20 ~~containing components, which together exceed fifty milligrams of~~
21 ~~salute power. The use of display fireworks shall be prohibited~~



1 for use by any person who does not have a display permit issued
2 by a county."

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

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

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

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

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

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



1 "**§132D-4 Permissible uses of [~~special~~] display fireworks,**
2 **articles pyrotechnic, and aerial [~~common fireworks~~] devices.**
3 [~~Special~~] Display fireworks, articles pyrotechnic, and aerial
4 [~~common fireworks~~] devices may be purchased, set off, ignited,
5 or otherwise caused to explode in the State only if for [~~public~~]
6 display and permitted in writing pursuant to sections 132D-10
7 and 132D-16."

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

10 "**[+]§132D-5[+]** **General prohibitions.** (a) It shall be
11 unlawful for any person without a permit to:

- 12 (1) Remove or extract the pyrotechnic contents from any
13 fireworks;
- 14 (2) Throw any ignited fireworks from a moving vehicle; or
15 (3) Set off, ignite, discharge, or otherwise cause to
16 explode any fireworks:
- 17 (A) At any time not within the periods for use
18 prescribed in section 132D-3, unless permitted
19 pursuant to section 132D-10;
- 20 (B) Within one thousand feet from any operating
21 hospital, convalescent home, home for the
22 elderly, or animal hospital;



1 (C) In any school building, or on any school grounds
2 and yards without first obtaining authorization
3 from appropriate school officials;

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

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

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

14 (c) It shall be unlawful to sell consumer fireworks after
15 12:01 a.m. on New Year's Day, 6:00 p.m. on Chinese New Year's
16 Day, and 8:00 p.m. on the Fourth of July."

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

19 **"§132D-7 License or permit required.** A person shall not:

20 (1) Import, store, offer to sell, or sell, at wholesale or
21 retail, aerial [~~common fireworks, special fireworks,~~
22 ~~or non-aerial common~~] devices, display fireworks,



1 articles pyrotechnic, or consumer fireworks unless the
 2 person has a valid license issued by the county; or
 3 (2) Possess aerial [~~common fireworks or special~~] devices,
 4 display fireworks, or articles pyrotechnic without a
 5 valid license to import, store, or sell aerial [~~common~~
 6 ~~fireworks or special~~] devices, display fireworks, or
 7 articles pyrotechnic, or a valid display permit as
 8 provided for in this chapter[~~;~~ ~~or~~
 9 ~~(3) Purchase non-aerial common fireworks with a permit~~
 10 ~~under section 132D-10 more than five calendar days~~
 11 ~~before the applicable time period for use prescribed~~
 12 ~~in section 132D-3 in the county that issued the~~
 13 ~~permit]."~~

14 SECTION 8. Section 132D-8, Hawaii Revised Statutes, is
 15 amended by amending subsections (c) and (d) to read as follows:
 16 "(c) It shall be unlawful for any [~~person,~~] licensee,
 17 other than a wholesaler who is selling or transferring fireworks
 18 or articles pyrotechnic to a licensed retailer, to sell or offer
 19 to sell, exchange for consideration, give, transfer, or donate
 20 any fireworks or articles pyrotechnic at any time to any person
 21 who does not present a permit duly issued as required by section
 22 132D-10 or 132D-16. The permit shall be signed by the seller or



1 transferor at the time of sale or transfer of the fireworks [7]
2 or articles pyrotechnic, and the seller or transferor shall
3 indicate on the permit the amount and type of fireworks or
4 articles pyrotechnic sold or transferred. No person shall sell
5 or deliver fireworks to any permittee in any amount in excess of
6 the amount specified in the permit, less the amount shown on the
7 permit [~~previously~~] to have been previously purchased; provided
8 that no fireworks shall be sold to a permittee holding a permit
9 issued for purposes of section 132D-3, more than five calendar
10 days before the applicable time period under section 132D-3.

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

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

21 "[+]§132D-8.5[+] Importation of aerial [~~common fireworks,~~
22 ~~special~~] devices, display fireworks, or [~~both,~~] articles



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

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

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

- 17 (1) Clearly designate the types of fireworks or articles
18 pyrotechnic in each shipment on the bill of lading or
19 shipping manifest with specificity;
- 20 (2) Declare on the bill of lading or shipping manifest the
21 gross weight of aerial [~~common fireworks, non-aerial~~
22 ~~common~~] devices, consumer fireworks, [and special]



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

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

10 (A) Pier to pier;

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

12 (C) Pier to redistribution; and

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

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



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

3 (1) Have received approval fifteen days prior to the
4 shipment's arrival from the appropriate county fire
5 department; and

6 (2) Meet all state and county fire and safety codes.

7 (d) Any fireworks or articles pyrotechnic landed in the
8 State shall be subject to seizure and forfeiture if:

9 (1) The importer or consignee does not have in the
10 importer's or consignee's possession a valid license
11 to import fireworks or articles pyrotechnic under
12 section 132D-7;

13 (2) The consignee does not have a valid license to store
14 fireworks or articles pyrotechnic under section
15 132D-7; or

16 (3) The fireworks or articles pyrotechnic have not been
17 declared or have been misdeclared in violation of
18 ~~[+]~~subsection~~[+]~~ (a).

19 (e) No person holding a retailer license to sell [~~non-~~
20 ~~aerial common~~] consumer fireworks shall be allowed to sell [~~non-~~
21 ~~aerial common~~] consumer fireworks commonly known as firecrackers
22 in a packet size larger than [~~5,000~~] five thousand individual

1 units. Any person violating this subsection shall be guilty of
2 a misdemeanor.

3 (f) Any person violating [~~subsections~~] subsection (a),
4 (c), or (d) shall be subject to the following for shipments of
5 fireworks or articles pyrotechnic of:

6 (1) Twenty-five pounds or less gross weight shall be a
7 petty misdemeanor;

8 (2) Over twenty-five pounds to three hundred pounds gross
9 weight shall be a misdemeanor;

10 (3) Over three hundred pounds to ten thousand pounds gross
11 weight shall be a class C felony; and

12 (4) More than ten thousand pounds gross weight shall be a
13 class B felony."

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

16 "**§132D-9 Application for permit.** The permit required
17 under section 132D-10 or 132D-16 shall be issued by the county
18 and be nontransferable. The county shall issue all permits for
19 which complete applications have been submitted and which
20 contain only correct information. The permit shall specify the
21 date of issuance or effect and the date of expiration but in no
22 case for a period to exceed one year. The permit for the

1 purchase of [~~non-aerial common~~] consumer fireworks for the
 2 purposes of section 132D-3 shall not allow purchase for more
 3 than one event as set forth in section 132D-3. The application
 4 shall be made on a form setting forth the dates for which the
 5 permit shall be valid, the location where the permitted activity
 6 is to occur, and the name of the proprietor or, if a
 7 partnership, the name of the partnership and the names of all
 8 partners or, if a corporation, the name of the corporation and
 9 the names of its officers. The permit application may be denied
 10 if the proposed use of fireworks or articles pyrotechnic
 11 presents a substantial inconvenience to the public or presents
 12 an unreasonable fire or safety hazard. Any permit issued
 13 pursuant to this chapter shall be prominently displayed in
 14 public view at the site."

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

17 "**§132D-10 Permits.** A permit shall be required for the
 18 purchase and use of:

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

1 (2) Any aerial [~~common fireworks and any special~~] devices,
2 display fireworks, or articles pyrotechnic for the
3 purposes of section 132D-16 [-] upon payment of a fee
4 of \$110."

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

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



1 section to nonprofit community groups for importation and
2 storage of fireworks or articles pyrotechnic for displays once a
3 year."

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

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

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

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

1 supervision and control of the parent or guardian, or under the
2 supervision and control of another adult."

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

5 "(a) Any person:

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

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

18 (A) If the total weight of the aerial [~~common~~
19 ~~fireworks or special~~] devices, display fireworks,
20 or articles pyrotechnic is twenty-five pounds or
21 more, shall be guilty of a class C felony; or

1 (B) If the total weight of the aerial [~~common~~
2 ~~fireworks or special~~] devices, display fireworks,
3 or articles pyrotechnic is less than twenty-five
4 pounds, shall be guilty of a misdemeanor[-];

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

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

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

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



- 1 (b) The application shall state, among other things:
- 2 (1) The name, age, and address of the applicant;
- 3 (2) The name, age, and address of the person who will
- 4 operate the display, and verification that the person
- 5 is a licensed pyrotechnic operator;
- 6 (3) The time, date, and place of the display;
- 7 (4) The type and quantity of aerial [~~common fireworks,~~
- 8 ~~special~~] devices, display fireworks, or [~~both,~~
- 9 articles pyrotechnic to be displayed; and
- 10 (5) The purpose or occasion for which the display is to be
- 11 presented.
- 12 (c) No permit shall be issued under this section unless
- 13 the applicant presents, at the applicant's option, either:
- 14 (1) A written certificate of an insurance carrier, which
- 15 has been issued to or for the benefit of the
- 16 applicant, or a policy providing for the payment of
- 17 damages in the amount of not less than \$5,000 for
- 18 injury to, or death of, any one person, and subject to
- 19 the foregoing limitation for one person; in the amount
- 20 of not less than \$10,000 for injury to, or death of,
- 21 two or more persons; and in the amount of not less
- 22 than \$5,000 for damage to property, caused by reason



1 of the authorized display and arising from any
2 tortious acts or negligence of the permittee, the
3 permittee's agents, employees, or subcontractors. The
4 certificate shall state that the policy is in full
5 force and effect and will continue to be in full force
6 and effect for not less than ten days after the date
7 of the [~~publie~~] display; or

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

21 The county may require coverage in amounts greater than the
22 minimum amounts set forth in paragraph (1) or (2) if deemed



1 necessary or desirable in consideration of such factors as the
2 location and scale of the display, the type of aerial [~~common~~
3 ~~fireworks, special~~] devices, special fireworks, or [~~both,~~
4 articles pyrotechnic to be used, and the number of spectators
5 expected.

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

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



1 "**§132D-17 Inconsistent county ordinances, rules.**

2 Notwithstanding any other law to the contrary, no county shall
3 enact ordinances or adopt any rules regulating fireworks[7] or
4 articles pyrotechnic, except as required in this chapter, that
5 is inconsistent with or more restrictive than, the provisions of
6 this chapter. Any ordinances and rules regulating fireworks or
7 articles pyrotechnic that were enacted or adopted by a county
8 before March 31, 1995, except those provisions which are not
9 inconsistent with, or more restrictive than those of this
10 chapter, are declared void."

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

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

21 As used in this section, "health care facilities" includes
22 any outpatient clinic, emergency room, or ~~docter's~~ physician's



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

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

18 ~~["Aerial common fireworks" means any firework, classified~~
19 ~~as common fireworks by the United States Bureau of Explosives or~~
20 ~~contained in the regulations of the United States Department of~~
21 ~~Transportation and designated as UN 0336 1.4G, which produces an~~
22 ~~audible or visible effect and which is designed to rise into the~~



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

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



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

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

16 SECTION 22. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

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

Report Title:

Fireworks

Description:

Clarifies fireworks terminology to be consistent with federal law; repeals and amends definitions. (CD1)

