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

3           "**§132D-3 Permissible uses of consumer fireworks[-]; sales.**

4           (a) Except as provided in subsections (b) and (c), and  
5 notwithstanding any other law to the contrary, it shall be  
6 unlawful for a person to use, fire, discharge, explode, ignite,  
7 or set off consumer fireworks at any time.

8           (b) [~~Consumer~~] For counties with a resident population  
9 less than or equal to six hundred thousand, consumer fireworks  
10 may be set off, ignited, discharged, or otherwise caused to  
11 explode within the State only:

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

16           (2) From 9:00 a.m. to 9:00 p.m. [~~as allowed by permit~~  
17           pursuant to section 132D-10 if the proposed cultural

1           ~~use is to occur at any time other than during the~~  
2           ~~periods prescribed in paragraph (1);~~ for religious or  
3           cultural purposes as allowed by permit issued by a  
4           county or its authorized designee pursuant to section  
5           132D-10.

6           ~~[provided that the purchase of not more than five thousand~~  
7           ~~individual consumer fireworks commonly known as firecrackers~~  
8           ~~shall be allowed under each permit.]~~

9           (c) For counties with a resident population over six  
10          hundred thousand, consumer fireworks may only be set off  
11          pursuant to subsection (b) (2).

12          (d) A county that allows the use of fireworks shall adopt  
13          an ordinance to regulate the sale of consumer fireworks for  
14          religious or cultural purposes."

15          SECTION 2. Section 132D-5, Hawaii Revised Statutes, is  
16          amended to read as follows:

17          "**§132D-5 General prohibitions.** ~~[-(a)—It]~~ Notwithstanding  
18          any other law to the contrary, it shall be unlawful for any  
19          person without a permit issued under section 132D-10 by a county  
20          fire department to:

21                 (1) Remove or extract the pyrotechnic contents from any  
22                 fireworks;

- 1           (2) Throw any ignited fireworks:
- 2                (A) From, at, or into a vehicle;
- 3                (B) At a person or an animal; and
- 4                (C) From above the first floor of any building; or
- 5           (3) Set off, ignite, discharge, or otherwise cause to
- 6                explode any fireworks:
- 7                (A) Above the first floor of any building;
- 8                (B) In any vehicle;
- 9                (C) At any time not within the periods for use
- 10               prescribed in section 132D-3;
- 11               (D) Within one thousand feet of any operating
- 12               hospital, licensed convalescent home, licensed
- 13               home for the elderly, zoo, licensed animal
- 14               shelter, or licensed animal hospital;
- 15               (E) In any school building, or on any school grounds
- 16               and yards without first obtaining authorization
- 17               from appropriate school officials;
- 18               (F) On any highway, alley, street, sidewalk, or other
- 19               public way; in any park; on any public beach; in
- 20               any officially designated forest or wildlife
- 21               preserve; within fifty feet of a canefield; or
- 22               within one thousand feet of any building used for

1 public worship during the periods when services  
2 are held; and

3 (G) Within five hundred feet of any hotel.

4 (b) [~~It~~] For counties with a resident population less than  
5 or equal to six hundred thousand, it shall be unlawful to  
6 purchase consumer fireworks more than five calendar days before  
7 the time periods for permissible use under section 132D-3.

8 (c) [~~It~~] For counties with a resident population less than  
9 or equal to six hundred thousand, it shall be unlawful to sell  
10 consumer fireworks after 12:01 a.m. on New Year's Day, 6:00 p.m.  
11 on Chinese New Year's Day, and 8:00 p.m. on the Fourth of July.

12 (d) For counties with a resident population over six  
13 hundred thousand, it shall be unlawful to purchase consumer  
14 fireworks more than five calendar days prior to the date the  
15 consumer fireworks are to be used pursuant to section  
16 132D-3(b)(2)."

17 SECTION 3. Section 132D-10, Hawaii Revised Statutes, is  
18 amended to read as follows:

19 "**§132D-10 Permits.** A permit shall be required for the  
20 purchase and use of:

21 (1) Any consumer fireworks commonly known as firecrackers  
22 upon payment of a fee of \$25;

1           (2) Any aerial devices, display fireworks, or articles  
2           pyrotechnic for the purposes of section 132D-16 upon  
3           payment of a fee of \$110; and

4           (3) Any consumer fireworks for the purposes of section  
5           132D-5 or for cultural uses that occur at any time  
6           other than during the periods prescribed in section  
7           ~~[132D-3(1)]~~ 132D-3(b) (1) upon a payment of a fee of  
8           \$25."

9           SECTION 4. Statutory material to be repealed is bracketed  
10 and stricken. New statutory material is underscored.

11          SECTION 5. This Act shall take effect upon its approval.

**Report Title:**

Fireworks; Ban; Cultural and Religious Exceptions

**Description:**

Bans consumer fireworks in counties with a population over 600,000, except for religious and cultural purposes; requires counties to regulate the sale of consumer fireworks for religious or cultural purposes. (SD1)