

JAN 23 2009

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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 legislature finds that the personal use of  
2 fireworks in the State is a serious threat to our community's  
3 health, safety, and welfare.

4           While the legislature recognizes the popularity of  
5 fireworks in Hawaii and the cultural and historical significance  
6 to the people of the State, including New Year's, Chinese New  
7 Year's, and the Fourth of July celebrations, the legislature  
8 nevertheless finds that the costs of fireworks to society  
9 greatly outweigh any benefits derived from its continued  
10 legalization, at least in more densely populated areas.

11           The purpose of this Act is to ban all fireworks in counties  
12 with a population of more than five hundred thousand persons.

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

15           "§132D-5 General prohibitions. (a) It shall be unlawful  
16 for any person without a permit issued under section 132D-10 by  
17 a county fire department to:



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



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1 preserve; within fifty feet of a canefield; or  
2 within one thousand feet of any building used for  
3 public worship during the periods when services  
4 are held; and

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

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

9 (c) It shall be unlawful to sell consumer fireworks after  
10 12:01 a.m. on New Year's Day, 6:00 p.m. on Chinese New Year's  
11 Day, and 8:00 p.m. on the Fourth of July.

12 (d) Notwithstanding any other law to the contrary, it  
13 shall be unlawful to sell, purchase, use, or possess any  
14 fireworks, aerial devices, consumer fireworks, articles  
15 pyrotechnic, or display fireworks in a county with a population  
16 of more than five hundred thousand persons.

17 Any person violating this subsection shall be guilty of a  
18 class C felony."

19 SECTION 3. New statutory material is underscored.

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

21 INTRODUCED BY:

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**Report Title:**

Fireworks; Prohibition

**Description:**

Bans all fireworks in counties with a population of more than 500,000 persons.

