

1 "Aerial common fireworks" means common fireworks that are
2 designed to rise into the air and explode or detonate in the air
3 or to fly about above the ground.

4 "Common fireworks" means explosive devices:

5 (1) Designed primarily to produce visible or audible
6 effects by combustion, deflagaration, or detonation;
7 and

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

10 "Council" means the state fire council.

11 "Fireworks" includes common fireworks and special
12 fireworks. The term "fireworks" shall not include:

13 (1) Automotive safety flares;

14 (2) Toy pistols, toy cannons, toy guns, party poppers,
15 pop-its, or other devices containing twenty-five
16 hundredths of a grain or less of explosives substance;
17 or

18 (3) Any explosives and pyrotechnics regulated under
19 chapter 396.

20 "Non-aerial common fireworks" means common fireworks that
21 are designed to remain on or near the ground, and while
22 stationary or spinning rapidly on or near the ground, emit



1 smoke, a shower of colored sparks, whistling effects, flutter
2 sparks, or balls of colored sparks, and combination items that
3 contain one or more of these effects.

4 "Special fireworks" means explosive devices:

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

10 § -2 General prohibition of fireworks; exceptions. (a)
11 Fireworks shall not be possessed, set off, ignited, discharged,
12 or otherwise caused to explode within the state unless
13 specifically allowed by this chapter.

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

- 15 (1) The use of flares, noisemakers, or signals for
16 warning, pest control, or illumination purposes by
17 police and fire departments, utility companies,
18 transportation agencies, and other governmental or
19 private agencies or persons, including agricultural
20 operations, in connection with emergencies, their
21 duties, or business;



1 (2) The sale or use of blank cartridges for a show or
2 theater, or for signal, commercial, or institutional
3 purposes in athletics or sports; or

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

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

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

14 § -4 License required; fees. (a) It shall be unlawful
15 for any person to:

16 (1) Import any fireworks into the state;

17 (2) Store; or

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



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

4 § -5 Permit required, fees. (a) It shall be unlawful
5 for any person to possess, set off, ignite, discharge, or
6 otherwise cause to explode fireworks at any time unless the
7 person has a valid permit issued by the county in which the
8 permitted activity is to occur.

9 (b) The fee for the permit shall not exceed \$ for
10 each year or fraction of a year in which the permittee plans to
11 conduct business or participate in a religious or ceremonial
12 activity and shall be payable to the county in which the
13 permitted activity is to occur.

14 § -6 Application for license. (a) The license
15 required under section -4 shall be nontransferable. The
16 license shall specify the date of issuance and the date of
17 expiration, which shall be March 31 of each year. The
18 application shall be made on a form setting forth:

- 19 (1) The date upon which the importations are to begin;
- 20 (2) The address of the location of the importer;
- 21 (3) The address of each location at which fireworks are
22 stored;



- 1 (4) The name of the proprietor or, if a partnership, the
2 name of the partnership and the names of all partners
3 or, if a corporation, the name of the corporation and
4 the names of its officers;
- 5 (5) The date upon which the storage, sale, or offers for
6 sale are to begin;
- 7 (6) The address of the location of the licensee; and
- 8 (7) The names of the person using the fireworks for
9 religious or ceremonial purposes; the proprietor, the
10 partnership, including the name of the partnership and
11 the names of all partners; or the corporation,
12 including the name of the corporation and the names of
13 its officers.
- 14 (b) Each storage, wholesaling, and retailing site shall be
15 required to obtain a separate license. The license shall
16 specify the date of issuance and the date of expiration, which
17 shall be March 31 of each year.
- 18 (c) Any license issued pursuant to this chapter may be
19 revoked by the council if the licensee violates any provision of
20 this chapter or if the licensee stores or handles the fireworks
21 in such a manner as to present an unreasonable safety hazard.



1 (d) It shall be unlawful for any person, other than a
2 wholesaler who is selling or transferring fireworks to a
3 licensed retailer, to sell or offer to sell any fireworks to any
4 person who does not present a permit duly issued as required by
5 section -5. The permit shall be signed by the seller or
6 transferor at the time of sale or transfer of the fireworks, and
7 the seller or transferor shall indicate on the permit the amount
8 and type of fireworks sold or transferred. No person shall sell
9 or deliver fireworks to any permittee in any amount in excess of
10 the amount specified in the permit.

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

13 § -7 Application for permit. (a) Any permit required
14 under section -5 shall be nontransferable. The permit
15 application shall be filled in with complete and correct
16 information and may be denied if the proposed use of fireworks
17 presents a substantial inconvenience to the public or presents
18 an unreasonable fire or safety hazard.

19 The permit shall specify the date of issuance and the date
20 of expiration but in no case for a period to exceed one year.
21 The application shall be made on a form setting forth:

22 (1) The dates for which the permit shall be valid;



1 (2) The location at which the permitted activity is to
2 occur; and

3 (3) The name of the proprietor or, if a partnership, the
4 name of the partnership and the names of all partners
5 or, if a corporation, the name of the corporation and
6 the names of its officers.

7 (b) Any permit issued pursuant to this chapter shall be
8 prominently displayed in public view at the site.

9 § -8 Sale to minor; liability of parents or guardians.

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

14 (b) The parents, guardian, and other persons having the
15 custody or control of any minor, who knowingly permit the minor
16 to possess, purchase, set off, ignite, or otherwise cause to
17 explode any fireworks, shall be deemed to be in violation of
18 this chapter and shall be subject to the penalties thereunder,
19 provided that:

20 (1) The parents or guardian may allow the minor to use
21 fireworks while under the immediate supervision and



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

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

6 § -9 Penalty. (a) Any person who:

7 (1) Imports fireworks into the state without first having
8 obtained a license as required by section -4; or

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

12 shall be guilty of a class C felony.

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

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

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



1 SECTION 3. Chapter 132D, Hawaii Revised Statutes, is
2 repealed.

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

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Report Title:

Regulation of Fireworks in Hawaii

Description:

Prohibits the use of all fireworks in Hawaii, except for public displays or for religious or ceremonial occasions.

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