

JAN 21 2009

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 subsection (b), it shall be unlawful
5 for a person to use, fire, discharge, explode, ignite, or set
6 off consumer fireworks at any time.

7 (b) Consumer fireworks may be set off, ignited,
8 discharged, or otherwise caused to explode within the State
9 only[+]

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

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



1 ~~provided that the purchase of not more than five thousand~~
2 ~~individual consumer fireworks commonly known as firecrackers~~
3 ~~shall be allowed under each permit.]~~ from 9:00 a.m. to 9:00 p.m.
4 for religious or cultural purposes as allowed by permit issued
5 by a county or its authorized designee pursuant to section
6 132D-10.

7 (c) A county that allows the use of fireworks shall adopt
8 an ordinance to regulate the sale of consumer fireworks for
9 religious or cultural purposes."

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

12 **"§132D-5 General prohibitions.** ~~[(a)]~~ It shall be
13 unlawful for any person without a permit to:

14 (1) Remove or extract the pyrotechnic contents from any
15 fireworks;

16 (2) Throw any ignited fireworks from a moving vehicle; or

17 (3) Set off, ignite, discharge, or otherwise cause to
18 explode any fireworks:

19 (A) At any time not within the periods for use
20 prescribed in section 132D-3, unless permitted
21 pursuant to section 132D-10;



1 (B) Within one thousand feet from any operating
2 hospital, convalescent home, home for the
3 elderly, or animal hospital;

4 (C) In any school building, or on any school grounds
5 and yards without first obtaining authorization
6 from appropriate school officials;

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

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

14 ~~[(b) It shall be unlawful to purchase consumer fireworks~~
15 ~~more than five calendar days before the time periods for~~
16 ~~permissible use under section 132D-3.~~

17 ~~(c) It shall be unlawful to sell consumer fireworks after~~
18 ~~12:01 a.m. on New Year's Day, 6:00 p.m. on Chinese New Year's~~
19 ~~Day, and 8:00 p.m. on the Fourth of July.] "~~

20



S.B. NO. 2

1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

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

4

INTRODUCED BY:

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by request



Report Title:

Fireworks; Ban; Cultural and Religious Exceptions

Description:

Bans consumer fireworks except for religious and cultural purposes; requires counties to regulate the hours of sales of fireworks for religious or cultural purposes.

