
A BILL FOR AN ACT

RELATING TO FIREWORKS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 132D-2, Hawaii Revised Statutes, is
2 amended by amending the definitions of "consumer fireworks" and
3 "cultural" to read as follows:
4 ""Consumer fireworks" means any fireworks designed
5 primarily for retail sale to the public [~~during authorized dates~~
6 ~~and times,~~] that produces visible or audible effects by
7 combustion, and that is designed to remain on or near the ground
8 and, while stationary or spinning rapidly on or near the ground,
9 emits smoke, a shower of colored sparks, whistling effects,
10 flutter sparks, or balls of colored sparks, and includes
11 combination items that contain one or more of these effects.
12 "Consumer fireworks" shall comply with the construction,
13 chemical composition, and labeling regulations of the United
14 States Consumer Product Safety Commission as set forth in Title
15 16 Code of Federal Regulations and fireworks classified as
16 UN0336 and UN0337 by the United States Department of
17 Transportation as set forth in Title 49 Code of Federal
18 Regulations. "Consumer fireworks" include firework items



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

14 "Cultural" means relating to the arts, customs, traditions,
15 mores, and history of all of the various groups of Hawaii[-] and
16 includes religious events."

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

19 "~~§132D-3 [Permissible uses]~~ Use of consumer fireworks[-];
20 prohibition; exception. [~~Consumer fireworks may be~~] It shall be
21 unlawful for any person to set off, [ignited, discharged,]



1 ignite, discharge, or otherwise [caused] cause to explode any
2 consumer fireworks within the State [~~only:~~

3 ~~(1) From 9:00 p.m. on New Year's Eve to 1:00 a.m. on New~~
4 ~~Year's Day; from 7:00 a.m. to 7:00 p.m. on Chinese New~~
5 ~~Year's Day; and from 1:00 p.m. to 9:00 p.m. on the~~
6 ~~Fourth of July; or~~

7 ~~(2) From] except for cultural events from 9:00 a.m. to~~
8 ~~9:00 p.m. as allowed by permit pursuant to section~~
9 ~~132D-10 [if the proposed cultural use is to occur at~~
10 ~~any time other than during the periods prescribed in~~
11 ~~paragraph (1)];~~

12 provided that the purchase of not more than five thousand
13 individual consumer fireworks commonly known as firecrackers
14 shall be allowed under each permit."

15 SECTION 3. Section 132D-5, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "**§132D-5 General prohibitions.** (a) [~~It~~] In addition to
18 the prohibition under section 132D-3, it shall be unlawful for
19 any person [without a permit issued under section 132D-10 by a
20 county 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)]~~ (C) 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)]~~ (D) In any school building, or on any school
- 16 grounds and yards without first obtaining
- 17 authorization from appropriate school officials;
- 18 ~~[(F)]~~ (E) On any highway, alley, street, sidewalk, or
- 19 other public way; in any park; on any public
- 20 beach; in any officially designated forest or
- 21 wildlife preserve; within fifty feet of a
- 22 canefield; or within one thousand feet of any



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

3 [~~(G)~~] (F) Within five hundred feet of any hotel.

4 (b) [~~(F)~~] Except for use at cultural events, it shall be
5 unlawful to purchase or possess consumer fireworks [~~more than~~
6 ~~five calendar days before the time periods for permissible use~~
7 ~~under section 132D-3.~~] within the State.

8 (c) [~~(F)~~] Except for use at cultural events, it shall be
9 unlawful to offer, expose for sale, sell, or furnish consumer
10 fireworks [~~after 12:01 a.m. on New Year's Day, 6:00 p.m. on~~
11 ~~Chinese New Year's Day, and 8:00 p.m. on the Fourth of July.~~] to
12 any person within the State. Any person violating this
13 subsection shall be guilty of a misdemeanor.

14 (d) Except for use at cultural events, possession of
15 consumer fireworks valued at \$50 or more shall be a presumption
16 that such fireworks were intended to be offered or exposed for
17 sale."

18 SECTION 4. Section 132D-7, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "**§132D-7 License or permit required.** A person shall not:

21 (1) Import, store, offer to sell, or sell, at wholesale or
22 retail, aerial devices, display fireworks, or articles



1 pyrotechnic, or consumer fireworks at cultural events
2 unless the person has a valid license issued by the
3 county; or

4 (2) Possess aerial devices, display fireworks, or articles
5 pyrotechnic without a valid license to import, store,
6 or sell aerial devices, display fireworks, or articles
7 pyrotechnic, or a valid display permit as provided for
8 in this chapter."

9 SECTION 5. Section 132D-8, Hawaii Revised Statutes, is
10 amended by amending subsection (c) to read as follows:

11 "(c) It shall be unlawful for any licensee, other than a
12 wholesaler who is selling or transferring fireworks or articles
13 pyrotechnic to a licensed retailer, to sell or offer to sell,
14 exchange for consideration, give, transfer, or donate any
15 fireworks or articles pyrotechnic at any time to any person who
16 does not present a permit duly issued as required by section
17 132D-10 or 132D-16. The permit shall be signed by the seller or
18 transferor at the time of sale or transfer of the fireworks or
19 articles pyrotechnic, and the seller or transferor shall
20 indicate on the permit the amount and type of fireworks or
21 articles pyrotechnic sold or transferred. No person shall sell
22 or deliver fireworks to any permittee in any amount in excess of



1 the amount specified in the permit, less the amount shown on the
2 permit to have been previously purchased[; ~~provided that no~~
3 ~~fireworks shall be sold to a permittee holding a permit issued~~
4 ~~for purposes of section 132D-3, more than five calendar days~~
5 ~~before the applicable time period under section 132D-3]."~~

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

8 "§132D-9 **Application for permit.** The permit required
9 under section 132D-10 or 132D-16 shall be issued by the county
10 or its authorized designees and be nontransferable. The county
11 or its authorized designees shall issue all permits for which
12 complete applications have been submitted and which contain only
13 correct information. The permit shall specify the date of
14 issuance or effect and the date of expiration but in no case for
15 a period to exceed one year. [~~The permit for the purchase of~~
16 ~~consumer fireworks for the purposes of section 132D-3 shall not~~
17 ~~allow purchase for more than one event as set forth in section~~
18 ~~132D-3]. The application shall be made on a form setting forth
19 the dates for which the permit shall be valid, the location
20 where the permitted activity is to occur, and the name of the
21 proprietor or, if a partnership, the name of the partnership and
22 the names of all partners or, if a corporation, the name of the~~



1 corporation and the names of its officers. The permit
2 application may be denied if the proposed use of fireworks or
3 articles pyrotechnic presents a substantial inconvenience to the
4 public or presents an unreasonable fire or safety hazard. Any
5 permit issued pursuant to this chapter shall be prominently
6 displayed in public view at the site."

7 SECTION 7. Section 132D-10, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "**§132D-10 Permits.** A permit shall be required for the
10 purchase and use of:

- 11 (1) Any consumer fireworks commonly known as firecrackers
12 for cultural events upon payment of a fee of \$25;
- 13 (2) Any aerial devices, display fireworks, or articles
14 pyrotechnic for the purposes of section 132D-16 upon
15 payment of a fee of \$110; and
- 16 (3) Any consumer fireworks for the purposes of [~~section~~
17 ~~132D-5 or for~~] cultural events [~~uses that occur at any~~
18 ~~time other than during the periods prescribed in~~
19 ~~section 132D-3(1)~~] upon a payment of a fee of \$25."

20 SECTION 8. Section 132D-12, Hawaii Revised Statutes, is
21 amended to read as follows:



1 "~~§132D-12 Sale to minors; sale by minors; prohibited.~~ It
2 shall be unlawful for any person to offer for sale, sell, or
3 give any fireworks or articles pyrotechnic to minors, and for
4 any minor to possess, purchase, sell, or set off, ignite, or
5 otherwise cause to explode any fireworks or articles
6 pyrotechnic[~~, except as provided in section 132D-13~~]."

7 SECTION 9. Section 132D-13, Hawaii Revised Statutes, is
8 repealed.

9 [~~"§132D-13 Liability of parents or guardians. The
10 parents, guardian, and other persons having the custody or
11 control of any minor, who knowingly permit the minor to possess,
12 purchase, or set off, ignite, or otherwise cause to explode any
13 fireworks or articles pyrotechnic, shall be deemed to be in
14 violation of this chapter and shall be subject to the penalties
15 thereunder, except that the parents or guardian may allow the
16 minor to use consumer fireworks while under the immediate
17 supervision and control of the parent or guardian, or under the
18 supervision and control of another adult."~~]

19 SECTION 10. This Act does not affect rights and duties
20 that matured, penalties that were incurred, and proceedings that
21 were begun, before its effective date.



1 SECTION 11. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 12. This Act shall take effect upon its approval.
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Report Title:
Fireworks; Ban

Description:
Imposes a statewide ban on consumer fireworks, except for religious and cultural events.

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