

JAN 22 2010

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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 although the use of  
2 firecrackers has a long cultural history in Hawaii, novelty  
3 fireworks other than firecrackers have no cultural significance.  
4 Increasing numbers of residents have complained about the  
5 burgeoning illegal use of aerial fireworks and concussive  
6 explosions, the amount of smoke caused by the increasing use of  
7 fireworks, and the fire hazards posed by fireworks.

8           Many of the aerial fireworks being used illegally appear  
9 similar to display fireworks or articles pyrotechnic that are  
10 supposed to be used by professionals. Many of the concussive  
11 explosions may be caused by the unintended use of novelty  
12 fireworks, such as electric sparklers, and other materials in  
13 manufacturing illegal concussive bombs.

14           The loud booms of concussive bombs, as well as other  
15 fireworks, bother people, scare animals, and have been blamed  
16 for the deaths of dogs and seabirds. The smoke from fireworks  
17 cause breathing problems for people with asthma and other



1 respiratory problems. Fireworks smoke consists primarily of  
2 particulate matter that can aggravate respiratory problems.  
3 While air quality in Honolulu averages four to fifteen  
4 micrograms of particulate matter per cubic meter of air, the  
5 Honolulu air quality monitor recorded 632 micrograms per cubic  
6 meter of air at 2:00 a.m. on January 1, 2010. That is forty-two  
7 to one hundred fifty-eight times the usual average.

8 Fireworks have also caused numerous wildfires and house  
9 fires throughout the years. There were thirty-seven fires,  
10 including one vehicle fire, on Oahu alone reported for  
11 January 1, 2010, and attributed to the misuse of fireworks.

12 People currently may pay \$25 for a permit to purchase a  
13 packet of five thousand firecrackers. In 2009, more than eight  
14 thousand permits were issued by the city and county of Honolulu.  
15 However, the sale of novelty fireworks, such as fountains and  
16 paperless firecrackers, are unregulated. Novelty fireworks emit  
17 enormous amounts of smoke and, in some cases, pose a greater  
18 fire hazard than firecrackers.

19 Given the increasing problems caused by novelty and illegal  
20 fireworks, the legislature finds it necessary to prohibit the  
21 importation, sale, use and possession of novelty fireworks and  
22 to authorize the counties to require that permit applicants show



1 proof of contracts for fireworks displays to the counties or  
2 their designees before being allowed to import aerial devices,  
3 display fireworks, or articles pyrotechnic.

4 The purpose of this Act is to:

- 5 (1) Clarify the definition of "consumer fireworks" and add  
6 a new definition of "consumer novelty fireworks";  
7 (2) Prohibit the importing, storing, offering to sell,  
8 selling, purchasing, or possessing of consumer novelty  
9 fireworks; and  
10 (3) Require proof of valid contract for fireworks displays  
11 in order to obtain a permit for display.

12 SECTION 2. Chapter 132D, Hawaii Revised Statutes, is  
13 amended by adding a new section to be appropriately designated  
14 and to read as follows:

15 "§132D- Prohibition on consumer novelty fireworks. No  
16 person shall import, store, sell, offer to sell, purchase, or  
17 possess consumer novelty fireworks."

18 SECTION 3. Section 132D-2, Hawaii Revised Statutes, is  
19 amended by adding a new definition to be appropriately inserted  
20 and to read as follows:

21 "Consumer novelty fireworks" means any fireworks designed  
22 primarily for use by the public and that produce visible or



1 audible effects by combustion, such as smoke, a shower of  
2 colored sparks, whistling effects, flutter sparks, or balls of  
3 colored sparks, and includes combination items that contain one  
4 or more of these effects. Consumer novelty fireworks include,  
5 but are not limited to, snakes, sparklers, fountains,  
6 cylindrical or cone fountains, illuminating torches, bamboo  
7 cannons, whistles, toy smoke devices, wheels, ground spinners,  
8 novelty or trick items, combination items, and other fireworks  
9 of like construction that are designed to produce the same or  
10 similar effects. The term "consumer novelty fireworks" shall  
11 not include consumer fireworks."

12 SECTION 4. Section 132D-2, Hawaii Revised Statutes, is  
13 amended by amending the definition of "consumer fireworks" to  
14 read as follows:

15 "~~Consumer fireworks" means [any fireworks designed~~  
16 ~~primarily for retail sale to the public during authorized dates~~  
17 ~~and times, that produces visible or audible effects by~~  
18 ~~combustion, and that is designed to remain on or near the ground~~  
19 ~~and, while stationary or spinning rapidly on or near the ground,~~  
20 ~~emits smoke, a shower of colored sparks, whistling effects,~~  
21 ~~flutter sparks, or balls of colored sparks, and includes~~  
22 ~~combination items that contain one or more of these effects.~~



1 ~~"Consumer fireworks" shall comply with the construction,~~  
2 ~~chemical composition, and labeling regulations of the United~~  
3 ~~States Consumer Product Safety Commission as set forth in Title~~  
4 ~~16 Code of Federal Regulations and fireworks classified as~~  
5 ~~UN0336 and UN0337 by the United States Department of~~  
6 ~~Transportation as set forth in Title 49 Code of Federal~~  
7 ~~Regulations. "Consumer fireworks" include firework items]~~  
8 fireworks commonly known as firecrackers that are single paper  
9 cylinders or paperless cylinders not exceeding one and one-half  
10 inches in length excluding the fuse and one-quarter of an inch  
11 in diameter and contain a charge of not more than fifty  
12 milligrams of pyrotechnic composition[, ~~snakes, sparklers,~~  
13 ~~fountains, and cylindrical or cone fountains that emit effects~~  
14 ~~up to a height not greater than twelve feet above the ground,~~  
15 ~~illuminating torches, bamboo cannons, whistles, toy smoke~~  
16 ~~devices, wheels, and ground spinners that when ignited remain~~  
17 ~~within a circle with a radius of twelve feet as measured from~~  
18 ~~the point where the item was placed and ignited, novelty or~~  
19 ~~trick items, combination items, and other fireworks of like~~  
20 ~~construction that are designed to produce the same or similar~~  
21 ~~effects]. Consumer fireworks shall comply with the~~  
22 construction, chemical composition, and labeling requirements of



1 the United States Consumer Product Safety Commission as set  
2 forth in Title 16 Code of Federal Regulations."

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

5 1. By amending its title to read as follows:

6 "Permit for display[-], importation, or storage."

7 2. By amending subsection (a) to read as follows:

8 "(a) Any person desiring to import, store, set off,  
9 ignite, or discharge aerial devices, display fireworks, or  
10 articles pyrotechnic for a display shall apply to, and obtain a  
11 permit as required by section 132D-10, from the county not less  
12 than twenty days before the date of the display."

13 3. By amending subsection (d) to read as follows:

14 "(d) The county, pursuant to duly adopted rules, shall  
15 issue the permit after being satisfied that the requirements of  
16 subsection (c) have been met, the display will be handled by a  
17 pyrotechnic operator duly licensed by the State, the display  
18 will not be hazardous to property, and the display will not  
19 endanger human life. The permit shall authorize the holder to  
20 display aerial devices, display fireworks, or articles  
21 pyrotechnic only at the place and during the time set forth  
22 therein, and to acquire and, possess the specified aerial



1 devices, display fireworks, or articles pyrotechnic in  
2 quantities sufficient for the display between the date of the  
3 issuance of the permit and the time during which the display of  
4 those aerial devices, display fireworks, or articles pyrotechnic  
5 is authorized.

6 For purposes of this section, the applicant for a permit  
7 shall be required to:

8 (1) Present proof of a current contract between the  
9 applicant and a third party for a particular event at  
10 which the display will be presented in order to obtain  
11 a permit; and

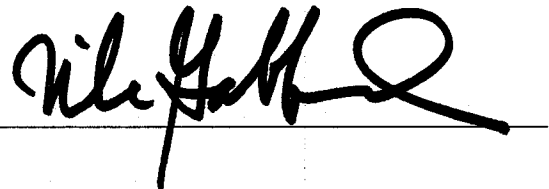
12 (2) Notify the county fire department immediately of any  
13 cancellation of the contract."

14 SECTION 6. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

16 SECTION 7. This Act shall take effect upon its approval.

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INTRODUCED BY:



**Report Title:**

Fireworks

**Description:**

Clarifies definition of consumer fireworks; adds definition of consumer novelty fireworks; prohibits novelty fireworks; clarifies requirements for permits.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

