
A BILL FOR AN ACT

RELATING TO SKY LANTERNS.

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

1 SECTION 1. Section 132D-2, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By adding a new definition to be appropriately inserted
4 and to read as follows:

5 "Sky lantern" means a device with a combustible fuel
6 source that incorporates an open flame to heat the air inside
7 the lantern with the intention of causing the lantern to lift
8 into the atmosphere."

9 2. By amending the definition of "display" to read as
10 follows:

11 "Display" means the use of aerial devices, display
12 fireworks, [œ] articles pyrotechnic, or sky lanterns for any
13 activity, including such activities as movie or television
14 production."

15 SECTION 2. Section 132D-4, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "§132D-4 Permissible uses of display fireworks, articles
18 pyrotechnic, [and] aerial devices[-], and sky lanterns. Display



1 fireworks, articles pyrotechnic, [~~and~~] aerial devices, and sky
2 lanterns may be purchased, set off, ignited, or otherwise caused
3 to explode in the State only if for display and permitted in
4 writing pursuant to sections 132D-10 and 132D-16."

5 SECTION 3. Section 132D-7, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "**§132D-7 License or permit required.** A person shall not:
8 (1) Import, store, offer to sell, or sell, at wholesale or
9 retail, aerial devices, display fireworks, articles
10 pyrotechnic, sky lanterns, or consumer fireworks
11 unless the person has a valid license issued by the
12 county; or
13 (2) Possess aerial devices, display fireworks, [~~or~~]
14 articles pyrotechnic, or sky lanterns without a valid
15 license to import, store, or sell aerial devices,
16 display fireworks, [~~or~~] articles pyrotechnic, or sky
17 lanterns, or a valid display permit as provided for in
18 this chapter."

19 SECTION 4. Section 132D-8, Hawaii Revised Statutes, is
20 amended by amending subsection (d) to read as follows:

21 "(d) Aerial devices, display fireworks, [~~or~~] articles
22 pyrotechnic, or sky lanterns shall only be sold or transferred



1 by a wholesaler to a person with a valid permit under sections
2 132D-10 and 132D-16. No person with a valid permit under
3 sections 132D-10 and 132D-16 shall sell or transfer aerial
4 devices, display fireworks, [~~or~~] articles pyrotechnic, or sky
5 lanterns to any other person."

6 SECTION 5. Section 132D-8.5, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "§132D-8.5 Importation of aerial devices, display
9 fireworks, [~~or~~] articles pyrotechnic, or sky lanterns for
10 display. Aerial devices, display fireworks, [~~or~~] articles
11 pyrotechnic, or sky lanterns shall only be imported and stored,
12 if necessary, in an amount sufficient for an anticipated three-
13 month inventory; provided that if a licensee under section 132D-
14 7 provides aerial devices, display fireworks, [~~or~~] articles
15 pyrotechnic, or sky lanterns for displays as allowed under
16 section 132D-16 more than once a month, the licensee may import
17 or store, if necessary, sufficient aerial devices, display
18 fireworks, [~~or~~] articles pyrotechnic, or sky lanterns for a six-
19 month inventory."

20 SECTION 6. Section 132D-8.6, Hawaii Revised Statutes, is
21 amended to read as follows:



1 "§132D-8.6 Requirements of licensee. (a) Any person who
2 has obtained a license under section 132D-7 and ships fireworks,
3 sky lanterns, or articles pyrotechnic into the State shall:

4 (1) Clearly designate the types of fireworks, sky
5 lanterns, or articles pyrotechnic in each shipment on
6 the bill of lading or shipping manifest with
7 specificity;

8 (2) Declare on the bill of lading or shipping manifest the
9 gross weight of aerial devices, consumer fireworks,
10 display fireworks, sky lanterns, and articles
11 pyrotechnic to be imported in each shipment and the
12 location of the storage facility, if applicable, in
13 which the fireworks, sky lanterns, or articles
14 pyrotechnic are to be stored;

15 (3) Prior to shipment and when booking each shipment of
16 fireworks, sky lanterns, or articles pyrotechnic
17 notify the appropriate county official as determined
18 by the county regarding whether the shipment will be
19 distributed from:

20 (A) Pier to pier;

21 (B) Pier to warehouse or storage facility; or

22 (C) Pier to redistribution; and



1 (4) At the time shipping is booked, the importer or
2 consignee shall notify the appropriate county official
3 as determined by the county in writing of the expected
4 shipment's landing date.

5 (b) The fire department of a county, in which a shipment
6 of fireworks, sky lanterns, or articles pyrotechnic has landed
7 and becomes subject to the jurisdiction of the fire department,
8 shall be allowed to inspect, if it chooses, any shipment
9 declared on the shipping manifest as fireworks, sky lanterns, or
10 articles pyrotechnic.

11 (c) The facility in which fireworks, sky lanterns, or
12 articles pyrotechnic are to be stored shall:

13 (1) Have received approval fifteen days prior to the
14 shipment's arrival from the appropriate county fire
15 department; and

16 (2) Meet all state and county fire and safety codes.

17 (d) Any fireworks, sky lanterns, or articles pyrotechnic
18 landed in the State shall be subject to seizure and forfeiture
19 if:

20 (1) The importer or consignee does not have in the
21 importer's or consignee's possession a valid license



- 1 to import fireworks, sky lanterns, or articles
2 pyrotechnic under section 132D-7;
- 3 (2) The consignee does not have a valid license to store
4 fireworks, sky lanterns, or articles pyrotechnic under
5 section 132D-7; or
- 6 (3) The fireworks, sky lanterns, or articles pyrotechnic
7 have not been declared or have been misdeclared in
8 violation of subsection (a).
- 9 (e) No person holding a retailer license to sell consumer
10 fireworks shall be allowed to sell consumer fireworks commonly
11 known as firecrackers in a packet size larger than five thousand
12 individual units. Any person violating this subsection shall be
13 guilty of a misdemeanor.
- 14 (f) Any person violating subsection (a), (c), or (d) shall
15 be subject to the following for shipments of fireworks, sky
16 lanterns, or articles pyrotechnic [e]:
- 17 (1) [~~Twenty-five pounds or less gross weight shall be a~~
18 ~~petty misdemeanor;~~] A petty misdemeanor for any
19 shipment of up to twenty-five pounds gross weight;
- 20 (2) [~~Over twenty-five pounds to three hundred pounds gross~~
21 ~~weight shall be a misdemeanor;~~] A misdemeanor for any



1 shipment of over twenty-five pounds to three hundred
2 pounds gross weight;

3 (3) ~~[Over three hundred pounds to ten thousand pounds~~
4 ~~gross weight shall be a class C felony; and]~~ A class C
5 felony for any shipment of over three hundred pounds
6 to ten thousand pounds gross weight; and

7 (4) ~~[More than ten thousand pounds gross weight shall be a~~
8 ~~class B felony.]~~ A class B felony for any shipment of
9 more than ten thousand pounds gross weight."

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

12 "**§132D-10 Permits.** A permit shall be required for the
13 purchase and use of:

14 (1) Any consumer fireworks commonly known as firecrackers
15 ~~[upon payment of a fee of \$25;],~~ the fee for which
16 shall be \$25 per permit;

17 (2) Any aerial devices, display fireworks, ~~[or]~~ articles
18 pyrotechnic, or sky lanterns for the purposes of
19 section 132D-16 ~~[upon payment of a fee of \$110; and],~~
20 the fee for which shall be \$110 per permit; and

21 (3) Any consumer fireworks for the purposes of section
22 132D-5 or for cultural uses that occur at any time



1 other than during the periods prescribed in section
2 132D-3(1) [~~upon a payment of a fee of \$25.~~], the fee
3 for which shall be \$25 per permit."

4 SECTION 8. Section 132D-14, Hawaii Revised Statutes, is
5 amended by amending subsection (a) to read as follows:

6 "(a) Any person:

7 (1) Importing aerial devices, display fireworks, [~~or~~]
8 articles pyrotechnic, or sky lanterns without having a
9 valid license under section 132D-7 shall be guilty of
10 a class C felony;

11 (2) Purchasing, possessing, setting off, igniting, or
12 discharging aerial devices, display fireworks, [~~or~~]
13 articles pyrotechnic, or sky lanterns without a valid
14 permit under sections 132D-10 and 132D-16, or storing,
15 selling, or possessing aerial devices, display
16 fireworks, [~~or~~] articles pyrotechnic, or sky lanterns
17 without a valid license under section 132D-7:

18 (A) If the total weight of the aerial devices,
19 display fireworks, [~~or~~] articles pyrotechnic, or
20 sky lanterns is twenty-five pounds or more, shall
21 be guilty of a class C felony; or



1 (B) If the total weight of the aerial devices,
2 display fireworks, [~~or~~] articles pyrotechnic, or
3 sky lanterns is less than twenty-five pounds,
4 shall be guilty of a misdemeanor;

5 (3) Who transfers or sells aerial devices, display
6 fireworks, [~~or~~] articles pyrotechnic, or sky lanterns
7 to a person who does not have a valid permit under
8 sections 132D-10 and 132D-16, shall be guilty of a
9 class C felony; and

10 (4) Who removes or extracts the pyrotechnic contents from
11 any fireworks or articles pyrotechnic and uses the
12 contents to construct fireworks, articles pyrotechnic,
13 or a fireworks or articles pyrotechnic related device
14 shall be guilty of a misdemeanor."

15 SECTION 9. Section 132D-16, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "**§132D-16 Permit for display.** (a) Any person desiring to
18 set off, ignite, or discharge aerial devices, display fireworks,
19 [~~or~~] articles pyrotechnic, or sky lanterns for a display shall
20 apply to, and obtain a permit as required by section 132D-10,
21 from the county not less than twenty days before the date of the
22 display.



- 1 (b) The application shall state, among other things:
- 2 (1) The name, age, and address of the applicant;
- 3 (2) The name, age, and address of the person who will
- 4 operate the display, and verification that the person
- 5 is a licensed pyrotechnic operator;
- 6 (3) The time, date, and place of the display;
- 7 (4) The type and quantity of aerial devices, display
- 8 fireworks, ~~[e]~~ articles pyrotechnic, or sky lanterns
- 9 to be displayed; and
- 10 (5) The purpose or occasion for which the display is to be
- 11 presented.
- 12 (c) No permit shall be issued under this section unless
- 13 the applicant presents, at the applicant's option, either:
- 14 (1) A written certificate of an insurance carrier, which
- 15 has been issued to or for the benefit of the
- 16 applicant, or a policy providing for the payment of
- 17 damages in the amount of not less than \$5,000 for
- 18 injury to, or death of, any one person, and subject to
- 19 the foregoing limitation for one person; in the amount
- 20 of not less than \$10,000 for injury to, or death of,
- 21 two or more persons; and in the amount of not less
- 22 than \$5,000 for damage to property, caused by reason



1 of the authorized display and arising from any
2 tortious acts or negligence of the permittee, the
3 permittee's agents, employees, or subcontractors. The
4 certificate shall state that the policy is in full
5 force and effect and will continue to be in full force
6 and effect for not less than ten days after the date
7 of the display; or

- 8 (2) The bond of a surety company duly authorized to
9 transact business within the State, or a bond with not
10 less than two individual sureties who together have
11 assets in the State equal in value to not less than
12 twice the amount of the bond, or a deposit of cash, in
13 the amount of not less than \$10,000 conditioned upon
14 the payment of all damages that may be caused to any
15 person or property by reason of the authorized display
16 and arising from any tortious acts or negligence of
17 the permittee, the permittee's agents, employees, or
18 subcontractors. The security shall continue to be in
19 full force and effect for not less than ten days after
20 the date of the display.

21 The county may require coverage in amounts greater than the
22 minimum amounts set forth in paragraph (1) or (2) if deemed



1 necessary or desirable in consideration of such factors as the
2 location and scale of the display, the type of aerial devices,
3 display fireworks, [~~or~~] articles pyrotechnic, or sky lanterns to
4 be used, and the number of spectators expected.

5 (d) The county, pursuant to duly adopted rules, shall
6 issue the permit after being satisfied that the requirements of
7 subsection (c) have been met, the display will be handled by a
8 pyrotechnic operator duly licensed by the State, the display
9 will not be hazardous to property, and the display will not
10 endanger human life. The permit shall authorize the holder to
11 display aerial devices, display fireworks, [~~or~~] articles
12 pyrotechnic, or sky lanterns only at the place and during the
13 time set forth therein, and to acquire and possess the specified
14 aerial devices, display fireworks, [~~or~~] articles pyrotechnic, or
15 sky lanterns between the date of the issuance of the permit and
16 the time during which the display of those aerial devices,
17 display fireworks, [~~or~~] articles pyrotechnic, or sky lanterns is
18 authorized."

19 SECTION 10. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.



1 SECTION 11. This Act shall take effect upon its approval.

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INTRODUCED BY:

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Report Title:

Fireworks; Sky Lanterns; Ban

Description:

Includes sky lanterns in the general prohibition against display fireworks, articles pyrotechnic, and aerial devices, except by permit for professional displays.

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