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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. 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~~]:  
5           (1) Means any fireworks designed primarily for retail sale  
6           to the public [~~during authorized dates and times,~~]  
7           that produces visible or audible effects by  
8           combustion, and that is designed to remain on or near  
9           the ground and, while stationary or spinning rapidly  
10           on or near the ground, emits smoke, a shower of  
11           colored sparks, whistling effects, flutter sparks, or  
12           balls of colored sparks, and includes combination  
13           items that contain one or more of these effects.  
14           "Consumer fireworks" shall comply with the  
15           construction, chemical composition, and labeling  
16           regulations of the United States Consumer Product  
17           Safety Commission as set forth in Title 16 Code of  
18           Federal Regulations and fireworks classified as UN0336



1 and UN0337 by the United States Department of  
2 Transportation as set forth in Title 49 Code of  
3 Federal Regulations [~~—"Consumer fireworks" include~~];  
4 and

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



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

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

6 "~~§132D-3 [Permissible uses]~~ Use of consumer fireworks[-];  
7 prohibition; exception for cultural events. [~~Consumer fireworks~~  
8 ~~may be]~~ It shall be unlawful for any person to set off,  
9 [~~ignited, discharged,]~~ ignite, discharge, or otherwise [~~caused]~~  
10 cause to explode any consumer fireworks within the State [~~only:~~

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

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

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



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

3 "§132D-5 General prohibitions. (a) [~~It~~] In addition to  
4 the prohibition under section 132D-3, it shall be unlawful for  
5 any person [~~without a permit issued under section 132D-10 by a~~  
6 ~~county fire department~~] to:

7 (1) Remove or extract the pyrotechnic contents from any  
8 fireworks;

9 (2) Throw any ignited fireworks:

10 (A) From, at, or into a vehicle;

11 (B) At a person or an animal; and

12 (C) From above the first floor of any building; or

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

15 (A) Above the first floor of any building;

16 (B) In any vehicle;

17 [~~C~~] ~~At any time not within the periods for use~~  
18 ~~prescribed in section 132D-3;~~

19 ~~D~~] (C) Within one thousand feet of any operating  
20 hospital, licensed convalescent home, licensed  
21 home for the elderly, zoo, licensed animal  
22 shelter, or licensed animal hospital;



1           ~~[(E)]~~ (D) In any school building, or on any school  
2           grounds and yards without first obtaining  
3           authorization from appropriate school officials;

4           ~~[(F)]~~ (E) On any highway, alley, street, sidewalk, or  
5           other public way; in any park; on any public  
6           beach; in any officially designated forest or  
7           wildlife preserve; within fifty feet of a  
8           canefield; or within one thousand feet of any  
9           building used for public worship during the  
10          periods when services are held; and

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

12          (b) ~~[(H)]~~ Except for use at cultural events by permit  
13 pursuant to section 132D-10, it shall be unlawful to purchase or  
14 possess consumer fireworks ~~[more than five calendar days before~~  
15 ~~the time periods for permissible use under section 132D-3.]~~  
16 within the State.

17          (c) ~~[(I)]~~ Except for use at cultural events by permit  
18 pursuant to section 132D-10, it shall be unlawful to offer,  
19 expose for sale, sell, or furnish consumer fireworks ~~[after~~  
20 ~~12:01 a.m. on New Year's Day, 6:00 p.m. on Chinese New Year's~~  
21 ~~Day, and 8:00 p.m. on the Fourth of July.]~~ to any person within  
22 the State."



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

3 "(c) It shall be unlawful for any licensee, other than a  
4 wholesaler who is selling or transferring fireworks or articles  
5 pyrotechnic to a licensed retailer, to sell or offer to sell,  
6 exchange for consideration, give, transfer, or donate any  
7 fireworks or articles pyrotechnic at any time to any person who  
8 does not present a permit duly issued as required by section  
9 132D-10 or 132D-16. The permit shall be signed by the seller or  
10 transferor at the time of sale or transfer of the fireworks or  
11 articles pyrotechnic, and the seller or transferor shall  
12 indicate on the permit the amount and type of fireworks or  
13 articles pyrotechnic sold or transferred. No person shall sell  
14 or deliver fireworks to any permittee in any amount in excess of  
15 the amount specified in the permit, less the amount shown on the  
16 permit to have been previously purchased; provided that no  
17 fireworks shall be sold to a permittee holding a permit issued  
18 for purposes of section 132D-3, more than five calendar days  
19 before the applicable [~~time period under section 132D-3.~~]  
20 cultural event."

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

1           "§132D-10 Permits[-] for purchase or use of fireworks;

2 fees. A permit shall be required for the purchase and use of:

3           (1) Any consumer fireworks [~~commonly known as firecrackers~~  
4           ~~upon payment of a fee of~~] for cultural events, the fee  
5           for which shall be \$25[+] per permit; and

6           (2) Any aerial devices, display fireworks, or articles  
7           pyrotechnic for the purposes of section 132D-16 [~~upon~~  
8           ~~payment of a fee of~~], the fee for which shall be  
9           \$110[+ and] per permit.

10          ~~[-(3) Any consumer fireworks for the purposes of section~~  
11          ~~132D-5 or for cultural uses that occur at any time~~  
12          ~~other than during the periods prescribed in section~~  
13          ~~132D-3(1) upon a payment of a fee of \$25.]"~~

14          SECTION 6. This Act does not affect rights and duties that  
15          matured, penalties that were incurred, and proceedings that were  
16          begun, before its effective date.

17          SECTION 7. Statutory material to be repealed is bracketed  
18          and stricken. New statutory material is underscored.

19          SECTION 8. This Act shall take effect upon its approval.

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INTRODUCED BY:

*[Handwritten signatures: Bayan, J. Cull, and another signature]*



# H.B. NO. 969

**Report Title:**

Consumer Fireworks; Ban; Exception for Cultural Events

**Description:**

Imposes a statewide ban on consumer fireworks, except by permit for religious and cultural events.

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

