

JAN 19 2012

A BILL FOR AN ACT

RELATING TO FIREWORKS.

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

1 SECTION 1. The purpose of this Act is to limit the use of
2 consumer fireworks for cultural purposes only. The Act seeks to
3 discontinue the use of consumer fireworks on the three
4 designated holidays, namely New Year's Eve, Fourth of July, and
5 Chinese New Year. This Act would continue to allow display
6 fireworks, articles pyrotechnic, and aerial devices that are
7 conducted by licensed professionals. The use of consumer
8 fireworks causes fires and burn injuries, mostly to children.
9 Fireworks produce excessive smoke contributing to breathing
10 difficulties. Loud fireworks noises traumatize both war
11 veterans and pets. With the increase in fireworks related
12 calls, public safety agencies are strained to maintain adequate
13 response levels for other critical emergencies. Residents of
14 our State and communities deserve to live in peace and security,
15 without the public safety risk and disruptive impact of consumer
16 fireworks.



1 SECTION 2. 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
19 and UN0337 by the United States Department of
20 Transportation as set forth in Title 49 Code of
21 Federal Regulations[~~. "Consumer fireworks" include~~];
22 and



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

17 "Cultural" means relating to the arts, customs, traditions,
18 mores, and history of all of the various ethnic groups of
19 Hawaii[-] and includes religious events."

20 SECTION 3. Section 132D-3, Hawaii Revised Statutes, is
21 amended to read as follows:



1 "§132D-3 [~~Permissible uses~~] Use of consumer fireworks~~[-]~~;
2 prohibition; exception for cultural events. [~~Consumer fireworks~~
3 ~~may be~~] It shall be unlawful for any person to set off,
4 [~~ignited, discharged,~~] ignite, discharge, or otherwise [~~caused~~]
5 cause to explode any consumer fireworks within the State [~~only:~~
6 (1) ~~From 9:00 p.m. on New Year's Eve to 1:00 a.m. on New~~
7 ~~Year's Day; from 7:00 a.m. to 7:00 p.m. on Chinese New~~
8 ~~Year's Day; and from 1:00 p.m. to 9:00 p.m. on the~~
9 ~~Fourth of July; or~~
10 (2) ~~From~~], except for cultural events from 9:00 a.m. to
11 9:00 p.m. as allowed by permit pursuant to section
12 132D-10 [~~if the proposed cultural use is to occur at~~
13 ~~any time other than during the periods prescribed in~~
14 ~~paragraph (1)~~];
15 provided that the purchase of not more than five thousand
16 individual consumer fireworks [~~commonly known as firecrackers~~]
17 shall be allowed under each permit."

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

20 "§132D-5 General prohibitions. (a) [~~It~~] In addition to
21 the prohibition under section 132D-3, it shall be unlawful for



1 any person without a permit issued under section 132D-10 by a
2 county fire department to:

3 (1) Remove or extract the pyrotechnic contents from any
4 fireworks;

5 (2) Throw any ignited fireworks:

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

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

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

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

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

12 (B) In any vehicle;

13 [~~(C)~~] ~~At any time not within the periods for use~~
14 ~~prescribed in section 132D-3;~~

15 ~~(D)~~] (C) Within one thousand feet of any operating
16 hospital, licensed convalescent home, licensed
17 home for the elderly, zoo, licensed animal
18 shelter, or licensed animal hospital;

19 ~~(E)~~] (D) In any school building, or on any school
20 grounds and yards without first obtaining
21 authorization from appropriate school officials;



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

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

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

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

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



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

19 SECTION 6. Section 132D-10, Hawaii Revised Statutes, is
20 amended to read as follows:

21 "§132D-10 Permits[-] for purchase and use of fireworks;
22 fees. A permit shall be required for the purchase and use of:




- 1 (1) Any consumer fireworks [~~commonly known as firecrackers~~
2 ~~upon payment of a fee of~~] for cultural events, the fee
3 for which shall be \$25[+] per permit; and
- 4 (2) Any aerial devices, display fireworks, or articles
5 pyrotechnic for the purposes of section 132D-16 [~~upon~~
6 ~~payment of a fee of~~], the fee for which shall be
7 \$110[+] ~~and~~
- 8 ~~(3) Any consumer fireworks for the purposes of section~~
9 ~~132D-5 or for cultural uses that occur at any time~~
10 ~~other than during the periods prescribed in section~~
11 ~~132D-3(1) upon a payment of a fee of \$25.]~~ per
12 permit."

13 SECTION 7. This Act does not affect rights and duties that
14 matured, penalties that were incurred, and proceedings that were
15 begun, before its effective date.

16 SECTION 8. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 9. This Act shall take effect upon its approval.

19

INTRODUCED BY: 
By Request



S.B. NO. 2151

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.

