

JAN 20 2012

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 the use of consumer
2 fireworks causes fires and burn injuries mostly to children.
3 Fireworks produce excessive smoke contributing to breathing
4 difficulties. Loud fireworks noises traumatize both war
5 veterans and pets. With the increase in fireworks-related
6 calls, public safety agencies are strained to maintain adequate
7 response levels for other critical emergencies. Our state and
8 communities deserve to live in peace and security, without the
9 public safety risk and disruptive impact of consumer fireworks.

10 The purpose of this Act is to limit the use of consumer
11 fireworks for cultural purposes only and at designated times,
12 while continuing to allow display fireworks, articles
13 pyrotechnic, and aerial devices that are conducted by licensed
14 professionals.

15 SECTION 2. Section 132D-2, Hawaii Revised Statutes, is
16 amended by amending the definitions of "consumer fireworks" and
17 "cultural" to read as follows:

18 "Consumer fireworks" [means]:



1 (1) Means any fireworks designed primarily for retail sale
2 to the public [~~during authorized dates and times,~~]
3 that produces visible or audible effects by
4 combustion, and that is designed to remain on or near
5 the ground and, while stationary or spinning rapidly
6 on or near the ground, emits smoke, a shower of
7 colored sparks, whistling effects, flitter sparks, or
8 balls of colored sparks, and includes combination
9 items that contain one or more of these effects.
10 "Consumer fireworks" shall comply with the
11 construction, chemical composition, and labeling
12 regulations of the United States Consumer Product
13 Safety Commission as set forth in Title 16 Code of
14 Federal Regulations and fireworks classified as UN0336
15 and UN0337 by the United States Department of
16 Transportation as set forth in Title 49 Code of
17 Federal Regulations [~~—"Consumer fireworks" include~~];
18 and
19 (2) Includes firework items commonly known as firecrackers
20 that are single paper cylinders not exceeding one and
21 one-half inches in length excluding the fuse and one-
22 quarter of an inch in diameter and contain a charge of



1 not more than fifty milligrams of pyrotechnic
2 composition, snakes, sparklers, fountains, and
3 cylindrical or cone fountains that emit effects up to
4 a height not greater than twelve feet above the
5 ground, illuminating torches, bamboo cannons,
6 whistles, toy smoke devices, wheels, and ground
7 spinners that when ignited remain within a circle with
8 a radius of twelve feet as measured from the point
9 where the item was placed and ignited, novelty or
10 trick items, combination items, and other fireworks of
11 like construction that are designed to produce the
12 same or similar effects.

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

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

18 "§132D-3 [Permissible uses] Use of consumer fireworks[-];
19 prohibition; exception for cultural events. [Consumer fireworks
20 may be] It shall be unlawful for any person to set off,
21 [~~ignited, discharged,~~] ignite, discharge, or otherwise [caused]



1 cause to explode any consumer fireworks within the State

2 [~~only~~], unless:

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~~] For cultural events; and

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

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

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

16 "**§132D-5 General prohibitions.** (a) [~~It~~] In addition to
17 the prohibition under section 132D-3, it shall be unlawful for
18 any person without a permit issued under section 132D-10 by a
19 county fire department to:

20 (1) Remove or extract the pyrotechnic contents from any
21 fireworks;

22 (2) Throw any ignited fireworks:



- 1 (A) From, at, or into a vehicle;
- 2 (B) At a person or an animal; and
- 3 (C) From above the first floor of any building; or
- 4 (3) Set off, ignite, discharge, or otherwise cause to
- 5 explode any fireworks:
- 6 (A) Above the first floor of any building;
- 7 (B) In any vehicle;
- 8 [~~(C)~~] ~~At any time not within the periods for use~~
- 9 ~~prescribed in section 132D-3;~~
- 10 [~~(D)~~] (C) Within one thousand feet of any operating
- 11 hospital, licensed convalescent home, licensed
- 12 home for the elderly, zoo, licensed animal
- 13 shelter, or licensed animal hospital;
- 14 [~~(E)~~] (D) In any school building, or on any school
- 15 grounds and yards without first obtaining
- 16 authorization from appropriate school officials;
- 17 [~~(F)~~] (E) On any highway, alley, street, sidewalk, or
- 18 other public way; in any park; on any public
- 19 beach; in any officially designated forest or
- 20 wildlife preserve; within fifty feet of a
- 21 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 by permit
5 pursuant to section 132D-10, it shall be unlawful to purchase or
6 possess consumer fireworks [~~more than five calendar days before~~
7 ~~the time periods for permissible use under section 132D-3.~~]
8 within the State.

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

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

17 "(c) It shall be unlawful for any licensee, other than a
18 wholesaler who is selling or transferring fireworks or articles
19 pyrotechnic to a licensed retailer, to sell or offer to sell,
20 exchange for consideration, give, transfer, or donate any
21 fireworks or articles pyrotechnic at any time to any person who
22 does not present a permit duly issued as required by section



1 132D-10 or 132D-16. The permit shall be signed by the seller or
2 transferor at the time of sale or transfer of the fireworks or
3 articles pyrotechnic, and the seller or transferor shall
4 indicate on the permit the amount and type of fireworks or
5 articles pyrotechnic sold or transferred. No person shall sell
6 or deliver fireworks to any permittee in any amount in excess of
7 the amount specified in the permit, less the amount shown on the
8 permit to have been previously purchased; provided that no
9 fireworks shall be sold to a permittee holding a permit issued
10 for purposes of section 132D-3, more than five calendar days
11 before the applicable [~~time period under section 132D-3.~~]
12 cultural event."

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

15 "§132D-10 Permits[-] for purchase or use of fireworks;

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

- 17 (1) Any consumer fireworks [~~commonly known as firecrackers~~
18 ~~upon payment of a fee of~~] for cultural events, the fee
19 for which shall be \$25[+] per permit; and
- 20 (2) Any aerial devices, display fireworks, or articles
21 pyrotechnic for the purposes of section 132D-16 [~~upon~~



1 ~~payment of a fee of]~~, the fee for which shall be
2 \$110 [~~and]~~ per permit.

3 ~~[(3) Any consumer fireworks for the purposes of section~~
4 ~~132D-5 or for cultural uses that occur at any time~~
5 ~~other than during the periods prescribed in section~~
6 ~~132D-3(1) upon a payment of a fee of \$25.] "~~

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

10 SECTION 8. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

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

13

INTRODUCED BY: Will Egan
BY REQUEST



S.B. NO. 2391

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.

