
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 also produce excessive smoke that may contribute to
4 breathing difficulties for people with respiratory conditions.
5 Loud fireworks noises traumatize both war veterans and pets.
6 With the increase in fireworks-related calls, public safety
7 agencies are strained to maintain adequate response levels for
8 other critical emergencies. People living in communities in
9 this State deserve to live in peace and security, without the
10 public safety risk and disruptive impact of consumer fireworks.

11 The purpose of this Act is to:

- 12 (1) Prohibit the sale, offering, furnishing, possession,
13 and use of consumer fireworks, except when the sale,
14 offering, furnishing, possession, or use is for a
15 cultural event pursuant to a valid permit; and
- 16 (2) Repeal the exception that allows the use of consumer
17 fireworks on New Year's Eve, the Fourth of July, and
18 Chinese New Year's Day.



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, flitter sparks, or
12 balls of colored sparks, and includes combination
13 items that contain one or more of these effects [~~-~~
14 ~~"Consumer fireworks" shall]~~;

15 (2) Shall comply with the construction, chemical
16 composition, and labeling regulations of the United
17 States Consumer Product Safety Commission as set forth
18 in Title 16 Code of Federal Regulations and fireworks
19 classified as UN0336 and UN0337 by the United States
20 Department of Transportation as set forth in Title 49
21 Code of Federal Regulations [~~-~~ ~~"Consumer fireworks"~~
22 ~~include]~~; and

1 (3) 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 of consumer fireworks.~~
2 ~~Consumer fireworks may be]~~ Prohibition on use of consumer
3 fireworks; cultural events exception. It shall be unlawful for
4 any person to set off, [ignited, discharged,] ignite, discharge,
5 or otherwise [caused] cause to explode any consumer fireworks
6 within the State ~~[only].~~

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

11 ~~(2) From]~~, except for cultural events from 9:00 a.m. to
12 9:00 p.m. as allowed by permit pursuant to section
13 132D-10 ~~[if the proposed cultural use is to occur at~~
14 ~~any time other than during the periods prescribed in~~
15 ~~paragraph (1)];~~

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

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

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



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

3 (1) Remove or extract the pyrotechnic contents from any
4 fireworks[+] unless the person has a valid permit
5 pursuant to section 132-10(2);

6 (2) Throw any ignited fireworks:

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

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

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

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

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

13 (B) In any vehicle;

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

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

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



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

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

9 (b) It shall be unlawful to purchase or possess consumer
10 fireworks [~~more than five calendar days before the time periods~~
11 ~~for permissible use under section 132D-3.~~], except for use at a
12 cultural event pursuant to a permit issued in accordance with
13 section 132D-10(1).

14 (c) It shall be unlawful to sell, offer, expose for sale,
15 or furnish consumer fireworks [~~after 12:01 a.m. on New Year's~~
16 ~~Day, 6:00 p.m. on Chinese New Year's Day, and 8:00 p.m. on the~~
17 ~~Fourth of July.~~] to any person within the State, except for use
18 at a cultural event pursuant to a permit issued in accordance
19 with section 132D-10(1)."

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 [7] 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 [7 and] per permit.

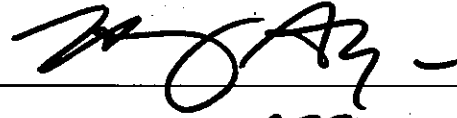

8 [~~(3) Any consumer fireworks for the purposes of section~~
9 ~~132D 5 or for cultural uses that occur at any time~~
10 ~~other than during the periods prescribed in section~~
11 ~~132D 3(1) upon a payment of a fee of \$25.] "~~

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

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

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

18

INTRODUCED BY: 

JAN 17 2014



H.B. NO. 1800

Report Title:

Consumer Fireworks; Limited Use for Cultural Events

Description:

Imposes a statewide limitation on consumer fireworks, except by permit for cultural events including religious events.

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