
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 public safety
2 agencies are struggling to maintain adequate response levels for
3 critical emergencies due to a recent increase in fireworks-
4 related calls for service.

5 The use of consumer fireworks causes fires and burn
6 injuries, which occur most often to children. Consumer
7 fireworks also produce excessive smoke that contributes to
8 breathing difficulties and create loud noises that traumatize
9 people, including war veterans, and animals.

10 The purpose of this Act is to impose a statewide ban on the
11 use of consumer fireworks, except by permit for cultural and
12 religious events, and to discontinue the use of consumer
13 fireworks on New Year's Eve, the Fourth of July, and the Chinese
14 New Year.

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:



1 "Consumer fireworks" [~~means~~]:

2 (1) Means any fireworks that are designed primarily for
3 retail sale to the public [~~during authorized dates and~~
4 ~~times~~], that [~~produces~~] produce visible or audible
5 effects by combustion, and that [~~is~~] are designed to
6 remain on or near the ground and, while stationary or
7 spinning rapidly on or near the ground, [~~emits~~] emit
8 smoke, a shower of colored sparks, whistling effects,
9 flutter sparks, or balls of colored sparks, and
10 includes combination items that contain one or more of
11 these effects. "Consumer fireworks" shall comply with
12 the construction, chemical composition, and labeling
13 regulations of the United States Consumer Product
14 Safety Commission as set forth in Title 16 Code of
15 Federal Regulations and fireworks classified as UN0336
16 and UN0337 by the United States Department of
17 Transportation as set forth in Title 49 Code of
18 Federal Regulations [~~—"Consumer fireworks" include~~];
19 and

20 (2) Includes firework items commonly known as firecrackers
21 that are single paper cylinders not exceeding one and



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

15 "Cultural" means relating to the arts, customs, traditions,
16 mores, religions, and history of all of the various ethnic
17 groups of Hawaii."

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

20 "§132D-3 [~~Permissible uses~~] Use of consumer fireworks [~~-~~]
21 prohibited; exception for cultural events. [~~Consumer fireworks~~]



1 ~~may be~~ It shall be unlawful for any person to set off,
 2 ~~[ignited, discharged,]~~ ignite, discharge, or otherwise ~~[caused]~~
 3 cause to explode any consumer fireworks within the State ~~[only-~~

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

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

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

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

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



- 1 (1) Remove or extract the pyrotechnic contents from any
2 fireworks;
- 3 (2) Throw any ignited fireworks:
- 4 (A) From, at, or into a vehicle;
- 5 (B) At a person or an animal; and
- 6 (C) From above the first floor of any building; or
- 7 (3) Set off, ignite, discharge, or otherwise cause to
8 explode any fireworks:
- 9 (A) Above the first floor of any building;
- 10 (B) In any vehicle;
- 11 ~~[(C) At any time not within the periods for use~~
12 ~~prescribed in section 132D-3;~~
- 13 ~~-(D)]~~ (C) Within one thousand feet of any operating
14 hospital, licensed convalescent home, licensed
15 home for the elderly, zoo, licensed animal
16 shelter, or licensed animal hospital;
- 17 ~~-(E)]~~ (D) In any school building, or on any school grounds
18 and yards without first obtaining authorization
19 from appropriate school officials;
- 20 ~~-(F)]~~ (E) On any highway, alley, street, sidewalk, or other
21 public way; in any park; on any public beach; in



1 any officially designated forest or wildlife
2 preserve; within fifty feet of a canefield; or
3 within one thousand feet of any building used for
4 public worship during the periods when services
5 are held; and

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

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

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

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

20 "(d) It shall be unlawful for any licensee, other than a
21 wholesaler who is selling or transferring fireworks or articles



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

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

19 "§132D-10 Permits[~~-~~] for purchase and use of fireworks;
20 fees. A permit shall be required for the purchase and use of:



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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[+] 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: Guy Johnson B/R

JAN 14 2016



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Report Title:

Consumer Fireworks; Limited Use for Cultural Events and Display Only

Description:

Imposes a statewide ban on consumer fireworks, except by permit for use at 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.

