

JAN 20 2017

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 that makes breathing
4 difficult. Loud fireworks noises traumatize many residents,
5 including war veterans, as well as pets. With the increase in
6 fireworks-related calls, public safety agencies are strained to
7 maintain adequate response levels for other critical
8 emergencies. The legislature further finds that people in the
9 State and its communities deserve to live in peace and security,
10 and without the public safety risk and disruptive impact of
11 consumer fireworks.

12 The purpose of this Act is to limit the use of consumer
13 fireworks by:

- 14 (1) Authorizing the sale and use of consumer fireworks
15 only for cultural purposes; and
16 (2) Discontinuing the authorization of the non-cultural
17 use of consumer fireworks on the three designated



1 holidays, namely New Year's Eve, the Fourth of July,
2 and Chinese New Year's Day.

3 This Act is not intended to prohibit licensed
4 professionals' use of display fireworks, articles pyrotechnic,
5 and aerial devices.

6 SECTION 2. Section 132D-2, Hawaii Revised Statutes, is
7 amended as follows:

8 1. By amending the definition of "consumer fireworks" to
9 read as follows:

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

11 (1) Means any fireworks designed primarily for retail sale
12 to the public [~~during authorized dates and times,~~]
13 that produces visible or audible effects by
14 combustion, and that is designed to remain on or near
15 the ground and, while stationary or spinning rapidly
16 on or near the ground, emits smoke, a shower of
17 colored sparks, whistling effects, flutter sparks, or
18 balls of colored sparks, and includes combination
19 items that contain one or more of these effects.

20 "Consumer fireworks" shall comply with the
21 construction, chemical composition, and labeling



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1 regulations of the United States Consumer Product
2 Safety Commission as set forth in Title 16 Code of
3 Federal Regulations and fireworks classified as UN0336
4 and UN0337 by the United States Department of
5 Transportation as set forth in Title 49 Code of
6 Federal Regulations [~~."Consumer fireworks" include~~];
7 and

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



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1 like construction that are designed to produce the
2 same or similar effects."

3 2. By amending the definition of "cultural" to read as
4 follows:

5 "\"Cultural\" means relating to the arts, customs,
6 traditions, mores, and history of all of the various ethnic
7 groups of Hawaii~~[-]~~ and includes religious events."

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

10 "§132D-3 ~~[Permissible uses]~~ Use of consumer fireworks~~[-]~~;
11 prohibition; exception for cultural events. ~~[Consumer fireworks~~

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

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

19 ~~(2) From]~~, except for cultural events from 9:00 a.m. to
20 9:00 p.m. as allowed by permit pursuant to section
21 132D-10~~[-if the proposed cultural use is to occur at~~



1 ~~any time other than during the periods prescribed in~~
2 ~~paragraph (1)]~~;

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

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

8 "**§132D-5 General prohibitions.** (a) ~~[It]~~ In addition to
9 the prohibition under section 132D-3, it shall be unlawful for
10 any person [without a permit issued under section 132D-10 by a
11 county fire department] to:

12 (1) Remove or extract the pyrotechnic contents from any
13 fireworks;

14 (2) Throw any ignited fireworks:

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

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

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

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

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

21 (B) In any vehicle;



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

3 [~~(D)~~] (C) Within one thousand feet of any operating
4 hospital, licensed convalescent home, licensed
5 home for the elderly, zoo, licensed animal
6 shelter, or licensed animal hospital;

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

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

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

18 (b) [~~(H)~~] Except for use at cultural events by permit
19 pursuant to section 132D-10, it shall be unlawful to purchase or
20 possess consumer fireworks [~~more than five calendar days before~~



1 ~~the time periods for permissible use under section 132D-3.]~~
2 within the State.

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

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

11 "(d) It shall be unlawful for any licensee, other than a
12 wholesaler who is selling or transferring fireworks or articles
13 pyrotechnic to a licensed retailer, to sell or offer to sell,
14 exchange for consideration, give, transfer, or donate any
15 fireworks or articles pyrotechnic at any time to any person who
16 does not present a permit duly issued as required by section
17 132D-10 or 132D-16. The permit shall be signed by the seller or
18 transferor at the time of sale or transfer of the fireworks or
19 articles pyrotechnic, and the seller or transferor shall
20 indicate on the permit the amount and type of fireworks or
21 articles pyrotechnic sold or transferred. No person shall sell



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1 or deliver fireworks to any permittee in any amount in excess of
2 the amount specified in the permit, less the amount shown on the
3 permit to have been previously purchased; provided that no
4 fireworks shall be sold to a permittee holding a permit issued
5 for purposes of section 132D-3, more than five calendar days
6 before the applicable [~~time period under section 132D-3.~~]
7 cultural event."

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

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

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

15 (2) Any aerial devices, display fireworks, or articles
16 pyrotechnic for the purposes of section 132D-16 [~~upon~~
17 ~~payment of a fee of~~], the fee for which shall be
18 \$110 [~~+~~] and

19 ~~(3) Any consumer fireworks for the purposes of section~~
20 ~~132D-5 or for cultural uses that occur at any time~~
21 ~~other than during the periods prescribed in section~~



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1 ~~132D-3(1) upon a payment of a fee of \$25.] per~~
2 permit."

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

6 SECTION 8. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

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

9

INTRODUCED BY: _____

M. N. M.
By Request



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Report Title:

State Fire Council Package; Consumer Fireworks; Limited Use;
Cultural Events

Description:

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

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