

JAN 18 2019

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# 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 without the public safety risk and disruptive impact of consumer  
11 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



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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 the use of display  
4 fireworks, articles pyrotechnic, and aerial devices by licensed  
5 professionals.

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

9           "Consumer fireworks" [means]:

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

19          "Consumer fireworks" shall comply with the  
20 construction, chemical composition, and labeling  
21 regulations of the United States Consumer Product



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

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



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

3           ~~["Cultural"]~~ "Cultural event" means an event relating to  
4 the arts, customs, traditions, mores, ~~[and]~~ history, or religion  
5 of ~~[all]~~ any of the various ethnic groups of Hawaii."

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

8           "§132D-3 ~~[Permissible uses]~~ Use of consumer fireworks~~[-];~~  
9 prohibition; exception for cultural events. ~~[Consumer fireworks~~  
10 ~~may be]~~ It shall be unlawful for any person to set off,  
11 ~~[ignited, discharged,]~~ ignite, discharge, or otherwise ~~[caused]~~  
12 cause to explode any consumer fireworks within the State ~~[only:~~  
13           ~~(1) From 9:00 p.m. on New Year's Eve to 1:00 a.m. on New~~  
14           ~~Year's Day; from 7:00 a.m. to 7:00 p.m. on Chinese New~~  
15           ~~Year's Day; and from 1:00 p.m. to 9:00 p.m. on the~~  
16           ~~Fourth of July; or~~  
17           ~~(2) From]~~, except during cultural events from 9:00 a.m. to  
18           9:00 p.m. as allowed by permit pursuant to section  
19           132D-10 ~~[if the proposed cultural use is to occur at~~  
20           ~~any time other than during the periods prescribed in~~  
21           ~~paragraph (1)];~~



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

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

6 "§132D-5 General prohibitions. (a) [~~It~~] In addition to  
7 the prohibition under section 132D-3, it shall be unlawful for  
8 any person [without a permit issued under section 132D-10 by a  
9 county fire department] to:

- 10 (1) Remove or extract the pyrotechnic contents from any  
11 fireworks;
- 12 (2) Throw any ignited fireworks:
- 13 (A) From, at, or into a vehicle;
- 14 (B) At a person or an animal; and
- 15 (C) From above the first floor of any building; or
- 16 (3) Set off, ignite, discharge, or otherwise cause to  
17 explode any fireworks:
- 18 (A) Above the first floor of any building;
- 19 (B) In any vehicle;
- 20 [~~(C) At any time not within the periods for use~~  
21 ~~prescribed in section 132D-3;~~



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

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

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

15          ~~(G)~~ (F) Within five hundred feet of any hotel.

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



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

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

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



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

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

8 "§132D-10 Permits[~~-~~] for the purchase and use of  
9 fireworks. A permit shall be required for the purchase and use  
10 of:

- 11 (1) Any consumer fireworks [~~commonly known as~~  
12 ~~firecrackers~~] for cultural events upon payment of a  
13 fee of \$25[~~-~~] per permit; and
- 14 (2) Any aerial devices, display fireworks, or articles  
15 pyrotechnic for the purposes of section 132D-16 upon  
16 payment of a fee of \$110[~~-~~]
- 17 [~~(3) Any consumer fireworks for the purposes of section~~  
18 ~~132D-5 or for cultural uses that occur at any time~~  
19 ~~other than during the periods prescribed in section~~  
20 ~~132D-3(1) upon a payment of a fee of \$25.] per  
21 permit."~~





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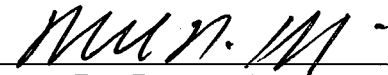
1           SECTION 7. This Act does not affect rights and duties that  
2 matured, penalties that were incurred, and proceedings that were  
3 begun before its effective date.

4           SECTION 8. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

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

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INTRODUCED BY: \_\_\_\_\_



By Request



# S.B. NO. 150

**Report Title:**

State Fire Council Package; Fireworks; Cultural Events;  
Prohibitions; Exceptions

**Description:**

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

