

JAN 17 2020

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 an ordinance passed
2 by the City and County of Honolulu in 2010 outlawed nearly all
3 consumer fireworks. The legislature further finds that Act 248,
4 Session Laws of Hawaii 2019, made homeowners, renters, or
5 persons otherwise responsible for real property liable for any
6 aerial devices possessed or ignited on the real property. In
7 spite of these laws, consumer fireworks continue to be a
8 significant public nuisance and an ongoing threat to public
9 safety and private property.

10 The purpose of this Act is to amend the definitions of
11 several types of fireworks to ensure that more fireworks are
12 made illegal and covered under the law.

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

15 1. By amending the definitions of "aerial device",
16 "articles pyrotechnic", and "consumer fireworks" to read:



1 "~~Aerial device~~" means any fireworks [~~containing one~~
2 ~~hundred thirty milligrams or less of explosive materials~~] that
3 produces an audible or visible effect and is designed to rise
4 into the air and explode or detonate in the air or to fly about
5 above the ground, and that is prohibited for use by any person
6 who does not have a permit for display issued by a county under
7 section 132D-16. [~~"Aerial devices" classified as fireworks~~
8 ~~under UN0336 and UN0337 by the United States Department of~~
9 ~~Transportation as set forth in Title 49 Code of Federal~~
10 ~~Regulations include firework items commonly known as bottle~~
11 ~~rockets, sky rockets, missile type rockets, helicopters,~~
12 ~~torpedoes, daygo bombs, roman candles, flying pigs, and jumping~~
13 ~~jacks that move about the ground farther than a circle with a~~
14 ~~radius of twelve feet as measured from the point where the item~~
15 ~~was placed and ignited, aerial shells, and mines.]~~

16 "Articles pyrotechnic" means pyrotechnic devices for
17 professional use similar to consumer fireworks in chemical
18 composition and construction but not intended for consumer use
19 that meet the weight limits for consumer fireworks but are not
20 labeled as such [~~, and that are classified as UN0431 or UN0432~~
21 ~~by the United States Department of Transportation]~~.



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



1 illuminating torches, bamboo cannons, whistles, toy smoke
2 devices, wheels, and ground spinners that when ignited remain
3 within a circle with a radius of twelve feet as measured from
4 the point where the item was placed and ignited, novelty or
5 trick items, combination items, and other fireworks of like
6 construction that are designed to produce the same or similar
7 effects."

8 2. By amending the definitions of "display fireworks" and
9 "fireworks" to read:

10 "Display fireworks" means any fireworks designed primarily
11 for exhibition display by producing visible or audible effects
12 ~~[and classified as display fireworks or contained in the~~
13 ~~regulations of the United States Department of Transportation~~
14 ~~and designated as UN0333, UN0334, or UN0335, and includes~~
15 ~~salutes containing more than two grains (one hundred and thirty~~
16 ~~milligrams) of explosive materials, aerial shells containing~~
17 ~~more than forty grams of pyrotechnic compositions, and other~~
18 ~~display pieces which exceed the limits of explosive materials~~
19 ~~for classification as "consumer fireworks". This term also~~
20 ~~includes fused setpieces containing components, which together~~
21 ~~exceed fifty milligrams of salute power]. The use of display~~



1 fireworks shall be prohibited for use by any person who does not
2 have a display permit issued by a county.

3 "Fireworks" means any combustible or explosive composition,
4 or any substance or combination of substances, or article
5 prepared for the purpose of producing a visible or audible
6 effect by combustion, explosion, deflagration, or detonation and
7 that meets the definition of aerial device or consumer or
8 display fireworks as defined by this section [~~and contained in~~
9 ~~the regulations of the United States Department of~~
10 ~~Transportation as set forth in Title 49 Code of Federal~~
11 ~~Regulations]~~. The term "fireworks" shall not include any
12 explosives or pyrotechnics regulated under chapter 396 or
13 automotive safety flares, nor shall the term be construed to
14 include toy pistols, toy cannons, toy guns, party poppers, pop-
15 its, or other devices which contain twenty-five hundredths of a
16 grain or less of explosive substance."

17 SECTION 3. This Act does not affect rights and duties that
18 matured, penalties that were incurred, and proceedings that were
19 begun before its effective date.

20 SECTION 4. Statutory material to be repealed is bracketed
21 and stricken.

1 SECTION 5. This Act shall take effect upon its approval.

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S.B. NO. 2740

Report Title:

Fireworks; Arrests; Probable Cause

Description:

Amends provision regarding the liability of a property owner for penalties regarding aerial devices. Amends definitions relating to aerial fireworks.

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