

JAN 22 2021

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. Noise from loud fireworks traumatizes many
5 residents, including war veterans, as well as pets. With the
6 increase in fireworks-related calls, public safety agencies are
7 strained to 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 noncultural use
17 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 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, flutter 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



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) Include 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" means relating to the arts, customs, traditions,
4 mores, and history of all of the various ethnic groups of
5 Hawaii[-] and includes religious events."

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 for 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;~~



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 grounds
6 and yards without first obtaining authorization
7 from appropriate school officials;

8 ~~(F)~~ (E) On any highway, alley, street, sidewalk, or other
9 public way; in any park; on any public beach; in
10 any officially designated forest or wildlife
11 preserve; within fifty feet of a canefield; or
12 within one thousand feet of any building used for
13 public worship during the periods when services
14 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) ~~It~~ 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 firecrackers~~
12 ~~upon payment of a fee of~~] for cultural events, the fee
13 for which shall be \$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~~], the fee for which shall be
17 \$110[~~-~~] and

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



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



S.B. NO. 454

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.*

