

JAN 21 2022

A BILL FOR AN ACT

RELATING TO FIREWORKS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. In an effort to address the problem of illegal
2 fireworks, the legislature passed Act 170, Session Laws of
3 Hawaii 2010, that established the illegal fireworks task force
4 to develop strategies and make recommendations to address the
5 illegal importation and use of fireworks in the State. Among
6 other things, the task force recommended increasing random
7 inspections for illegal fireworks by expanding inspection
8 authority and focusing cargo inspections to make the inspections
9 more manageable.

10 Subsequently, pursuant to Act 184, Session Laws of Hawaii
11 2019, the legislative reference bureau updated the findings and
12 recommendations of the *Report of the Illegal Fireworks Task*
13 *Force to the Legislature for the Regular Session of 2011*. The
14 2019 legislative reference bureau report, *Blast From the Past:*
15 *An Update to the Report of the Illegal Fireworks Task Force to*
16 *the Legislature for the Regular Session of 2011*, indicated that
17 the "majority of respondents to the [Legislative Reference]



1 Bureau's Survey appeared to agree that the issues and challenges
2 presented by the Task Force in its 2011 report remain relevant
3 today."

4 The legislature understands this is a complex issue that
5 will require collaboration from many people and agencies. The
6 intent of this Act is not to attempt to change or diminish the
7 job duties of department of transportation employees who
8 currently have inspection responsibilities, nor is it attempting
9 to interfere with existing collective bargaining agreements.
10 The legislature finds it is important to safeguard the health
11 and safety of those in Hawai'i. Often times, the use of illegal
12 fireworks leads to serious, permanent bodily injury, death, and
13 causes stress and anxiety for those living with posttraumatic
14 stress disorder.

15 The purpose of this Act is to address the illegal
16 importation and use of fireworks in the State by:

- 17 (1) Establishing a shipping container inspection program
18 to randomly inspect shipping containers arriving in
19 the State for illegal fireworks and explosives,
20 including the use of explosive-sniffing dogs to
21 inspect the containers;



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- 1 (2) Appropriating funds to the department of public safety
- 2 for the effective detection, safe storage, and
- 3 disposal of illegal fireworks; and
- 4 (3) Increasing the maximum fine for certain violations of
- 5 the fireworks law.

6 SECTION 2. Chapter 266, Hawaii Revised Statutes, is
7 amended by adding a new section to be appropriately designated
8 and to read as follows:

9 "§266- Shipping container inspection program. (a) The
10 department of public safety, in collaboration with the
11 departments of defense and transportation, and any federal
12 agencies, including any of the United States armed services,
13 state agencies, and private organizations involved with shipping
14 cargo into the State, shall develop and implement a program to
15 randomly inspect shipping containers arriving in Honolulu for
16 illegal fireworks and explosives smuggled into the State. The
17 program shall begin no later than October 1, 2022.

18 (b) The shipping container inspection program shall:
19 (1) Include the use of explosive-sniffing dogs to inspect
20 incoming shipping containers to the greatest extent
21 reasonable at a designated secure site, and if



1 logistically necessary, located away from a commercial
2 harbor;

3 (2) Prioritize resources toward high risk containers over
4 low risk containers. For purposes of this paragraph,
5 "low risk container" includes shipping containers
6 containing goods to be delivered to the military,
7 state or county agencies, and businesses registered to
8 do business in the State that are in good standing;

9 (3) Inspect all shipping containers containing legal
10 fireworks using personnel who are able to distinguish
11 legal fireworks from illegal fireworks at a designated
12 secure site and, if logistically necessary, located
13 away from a commercial harbor; and

14 (4) Balance safety concerns with commercial interests to
15 avoid increases in consumer costs.

16 (c) The department of public safety shall coordinate and
17 conduct the random inspection of shipping containers pursuant to
18 this section. The Hawaii national guard may be utilized to
19 assist in the random inspection of shipping containers.

20 (d) Any container identified by the department of public
21 safety as requiring additional inspection for possible illegal



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1 fireworks shall be inspected by the appropriate bargaining unit
2 employees and shall not be contracted out and subcontracted.

3 (e) The department of public safety may request funding
4 from the federal government for homeland security and port
5 security measures and work with the military to secure other
6 funding sources for the purposes of the program.

7 (f) The department of public safety shall adopt rules in
8 accordance with chapter 91 for the purposes of this section."

9 SECTION 3. Section 132D-14, Hawaii Revised Statutes, is
10 amended by amending subsection (b) to read as follows:

11 "(b) Except as provided in subsection (a) or as otherwise
12 specifically provided for in this chapter, any person violating
13 any other provision of this chapter[7] shall be fined not more
14 than [~~\$2,000~~] \$5,000 for each violation. Notwithstanding any
15 provision to the contrary in this section, any person violating
16 section 132D-14.5 shall be fined at least \$500 and no more than
17 \$2,000."

18 SECTION 4. No later than twenty days prior to the
19 convening of the regular sessions of 2023 and 2024, the
20 department of public safety shall submit to the legislature
21 reports on the implementation of the shipping container



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1 inspection program established pursuant to this Act. The
2 reports shall include findings and recommendations, including
3 costs expended to date, the estimated cost of operating the
4 program, and any proposed legislation.

5 SECTION 5. There is appropriated out of the general
6 revenues of the State of Hawaii the sum of \$750,000 or so much
7 thereof as may be necessary for fiscal year 2022-2023 for costs
8 to establish and administer the shipping container inspection
9 program, including the purchase, care, and handling of at least
10 two explosive-sniffing dogs.

11 The sum appropriated shall be expended by the department of
12 public safety for the purposes of this Act.

13 SECTION 6. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 7. This Act shall take effect upon its approval;
16 provided that section 5 of this Act shall take effect on July 1,
17 2022.

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INTRODUCED BY: _____



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Report Title:

Illegal Fireworks; Public Safety Department; Department of Transportation; Shipping Container Inspection Program; Fees; Fines; Appropriation

Description:

Establishes the shipping container inspection program and appropriates funds for the shipping container inspection program. Increases the maximum fine for each violation of the fireworks law. Requires the Department of Public Safety to submit reports to the Legislature on implementation of the shipping container inspection program. Makes an appropriation.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

