

STAND. COM. REP. NO. 246-22

Honolulu, Hawaii

FEB 15 , 2022

RE: H.B. No. 2273
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred H.B. No. 2273 entitled:

"A BILL FOR AN ACT RELATING TO FIREWORKS,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Specify that certain violations of the Fireworks Control Law be considered a violation of noise control rules, which may subject the violator to a citation under the State's noise pollution law; and
- (2) Appropriate funds to the Department of Health to assist in the enforcement of these violations.

Your Committee received testimony in support of this measure from the Pearl City Neighborhood Board No. 21, Hawaiian Humane Society, Poi Dogs & Popoki, Kihei Community Association, and five individuals. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Department of Budget and Finance.

Your Committee finds that despite permitting requirements and strict time limitations, the illegal use of fireworks continues

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seemingly unabated throughout the State. Your Committee further finds that the illegal use of fireworks creates excessive noise, which can damage hearing, trigger mental health episodes in individuals with post-traumatic stress disorder, and disrupt children and the elderly. Your Committee also finds that subjecting certain violations of the Fireworks Control Law to the citations and civil penalties under the State's noise pollution laws, which subject violators to much higher penalties, may help with compliance statewide.

Your Committee notes that the enforcement mechanism proposed by this measure is meant to address the most repeated and egregious offenders of the Fireworks Control Law; it is intended to focus on those offenders who the Department of Health would best be able to monitor. To promote compliance with the Fireworks Control Law, your Committee finds that alternative enforcement mechanisms or penalties need to be explored. This measure represents just one approach that could be considered. Your Committee's expectation is that all counties would be included in the enforcement efforts contemplated by this measure.

Your Committee has amended this measure by:

- (1) Changing the effective date to January 1, 2050, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2273, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2273, H.D. 1, and be referred to your Committee on Finance.



Respectfully submitted on
behalf of the members of the
Committee on Consumer
Protection & Commerce,



AARON LING JOHANSON, Chair



State of Hawaii
House of Representatives
The Thirty-first Legislature

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Record of Votes of the Committee on Consumer Protection & Commerce

Bill/Resolution No.: HB 2273	Committee Referral: CPC, FIN	Date: 2/4/22		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
CPC Members	Ayes	Ayes (WR)	Nays	Excused
1. JOHANSON, Aaron Ling (C)	✓			
2. KITAGAWA, Lisa (VC)	✓			
3. AQUINO, Henry J.C.	✓			
4. HAR, Sharon E.	✓			
5. HASHEM, Mark J.	✓			
6. KONG, Sam Satoru	✓			
7. MIZUNO, John M.	✓			
8. MORIKAWA, Dee				✓
9. ONISHI, Richard H.K.	✓	1		
10. TARNAS, David A.	✓			
11. MATSUMOTO, Lauren	✓			
TOTAL (11)	10	0	0	1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: small;">committee acronym(s)</div>				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				