



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-SECOND LEGISLATURE, 2024**

ON THE FOLLOWING MEASURE:
H.B. NO. 2193, RELATING TO FIREWORKS.

BEFORE THE:
HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

DATE: Thursday, February 1, 2024 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 325 and Videoconference

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Brenton Inouye, Deputy Attorney General

Chair Tarnas and Members of the Committee:

The Department of the Attorney General provides the following comments on this bill.

The purposes of this bill are to: (1) allow the Department of Law Enforcement (DLE) and the county fire departments to enter and inspect the premises of a holder of a fireworks license or permit without a warrant; (2) require license and permit holders to maintain records of their fireworks inventory; (3) require license and permit holders to report to DLE and the county fire department if the holder's inventory is stolen; (4) create procedures and fines for storing and disposing of prohibited fireworks; and (5) further define penalties for importing, selling, possessing, or igniting prohibited fireworks.

In general, searches of persons and their property must be supported by probable cause that a crime has been committed and authorized by a search warrant. See U.S. Const. amend. IV and Haw. Const. art. I, § 7. However, the United States Court of Appeals for the Ninth Circuit has permitted "searches conducted as part of a general regulatory scheme, done in furtherance of administrative goals, rather than to secure evidence of a crime . . . without a particularized showing of probable cause." *United States v. Bulacan*, 156 F.3d 963, 967 (9th Cir. 1998).

With respect to the new section to be added to chapter 132D, Hawaii Revised Statutes (HRS), on page 1, line 10, to page 2, line 20, of the bill, we suggest the following amendments to conform with the requirements for warrantless, administrative

searches. First, we suggest deleting page 2, lines 4-20, of the bill because obstructing government operations is already a criminal offense. See section 710-1010, HRS. In its place, we suggest amending the bill so that any holder of a license or permit who refuses entry or access to the premises shall be found in violation of the conditions of the license or permit, and the license or permit shall be revoked subject to a hearing under chapter 91, HRS. Second, we suggest amending the bill so that the private residences of a licensee or permittee are excluded from warrantless searches. Third, we suggest amending sections 132D-8 and 132D-9, HRS, to add wording that applying for a license or permit constitutes consent to the administrative inspections, and that withdrawing consent for the inspections will result in the revocation of the license or permit.

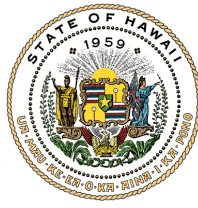
With respect to the new section, "Administrative inspections," to be added to chapter 132D, HRS, on page 3, line 1, to page 4, line 19, of the bill, we suggest stating that the regulatory authority under chapter 132D shall remain with the county fire departments and that DLE is aiding the county fire departments' exercise of their authority by conducting these searches. This added wording strengthens the justification for DLE's warrantless searches, because the county fire departments are primarily responsible for regulating fireworks under chapter 132D, HRS.

With respect to the new section, "Storage and disposal fine," to be added to chapter 132D, HRS, on page 7, line 18, to page 8, line 10, of the bill, we note that allowable criminal fines and costs may be insufficient to cover the government's actual costs. We therefore suggest changing the sentence that starts on page 8, line 4, and ends on page 8, line 7, of the bill to read, "An administrative or civil order to pay a storage and disposal fine may be collected in the same manner as a judgment in a civil action."

Finally, this bill also adds a new subsection to section 132D-14, HRS, on page 11, lines 11-15, which makes each unopened case and each separate firework that is not part of an unopened case a separate violation. We suggest amending the bill to further define what an "unopened case" means according to this chapter.

Thank you for the opportunity to provide these comments.

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



JORDAN LOWE
DIRECTOR

MICHAEL VINCENT
Deputy Director
Administration

JARED K. REDULLA
Deputy Director
Law Enforcement

SYLVIA LUKE
LT GOVERNOR
KE KE'ENA

STATE OF HAWAII | KA MOKU'ĀINA O HAWAII
DEPARTMENT OF LAW ENFORCEMENT

Ka 'Oihana Ho'okō Kānāwai

715 South King Street
Honolulu, Hawaii 96813

TESTIMONY ON HOUSE BILL 2193

RELATING TO FIREWORKS

Before the House Committee on Judiciary & Hawaiian Affairs

Thursday, February 1, 2024; 2:00 p.m.

State Capitol Conference Room 325, Via Videoconference

Testifiers: Michael Vincent or Jared Redulla

Chair Tarnas, Vice Chair Takayama, and members of the Committee:

The Department of Law Enforcement (DLE) **strongly supports**, House Bill 2193 with a recommended revision.

Act 67, Session Laws of Hawai'i, 2023, established the Illegal Fireworks Task Force to ". . . plan, coordinate, and engage in law enforcement operations to interdict illegal fireworks; develop a comprehensive strategic plan to stop the importation of illegal fireworks and explosives into Hawaii; promote compliance with the state fireworks control laws; and ensure the safety and security of the airports, harbors, and other facilities and institutions in the State against the discharge of illegal fireworks and explosives."

The Illegal Fireworks Task Force has been operational for a very short time, but following the organization of the partner agencies, appropriate training, and law enforcement operations, almost 150,000 pounds of illegal fireworks have been taken off the streets of Hawaii and operations and investigations continue. This bill establishes a series of provisions to address some of the weaknesses identified by the Illegal Fireworks Task Force which include requirements for licensing, recording, and reporting of fireworks related commodities; inspection and disposal authorities for state and

county agencies; and a mechanism to recover costs associated with the storage and disposal from those responsible for any illegal fireworks confiscated by authorities.

During the hearing on the companion to this bill (SB2093), the Attorney General raised several legal concerns regarding the bill. We propose the attached HD1 version which addresses the concerns raised by the Attorney General by replacing Sections 2 through 7 of this bill (highlighted in yellow on the attached) and renumbering Sections 6 through 9 of the original bill to Sections 8 through 11 of the HD1 version.

The proposed HD1 version retains the appropriation language of the current bill which is crucial for the Illegal Fireworks Task Force to continue to successfully operate. The appropriation is necessary for the hiring of necessary administrative support staff for the Task Force, operation of the Task Force, and reimbursement of funds to law enforcement agencies for Task Force-related law enforcement operations, including law enforcement personnel, overtime and other salary-related payments, charges for fuel, equipment, and storage and disposal of confiscated fireworks.

DLE requests \$1,200,000 is the amount of the needed appropriation.

Thank you for the opportunity to testify in support of this bill.

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A BILL FOR AN ACT

A BILL FOR AN ACT RELATING FIREWORKS.

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

1 SECTION 1. Act 67, Session Laws of Hawaii 2023, created
2 the illegal fireworks task force to, among other things, plan,
3 coordinate, and engage in law enforcement operations to
4 interdict illegal fireworks. The legislature finds that
5 additional provisions are needed for the ability of county and
6 state agencies to address the illegal use of fireworks in
7 Hawaii.

8 SECTION 2. Chapter 132D, Hawaii Revised Statutes, is
9 amended by adding six new sections to be appropriately
10 designated and to read as follows:

11 "§132D- Entry for examination; obstructing law
12 enforcement or fire department operations; penalty. (a) Any
13 law enforcement officer having police power and any county fire
14 department officer, which includes firefighters, may at
15 reasonable hours enter and inspect the premises of the holder of
16 a license or permit issued under this chapter and any books or
17 records therein, to verify compliance with this chapter and the
18 conditions of the license or the permit. For purposes of this

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1 section, "premises of the holder of a license or permit" does
2 not include the holder's private residences, defined as
3 dwellings considered to be a person's home, including a single
4 family house, apartment unit, condominium, townhouse, or
5 cooperative unit.

6 (b) Upon a request by any law enforcement officer having
7 police power and any county fire department officer, which
8 includes firefighters, to enter and inspect the premises at
9 reasonable hours, the holder of the license or permit or the
10 holder's employee shall make available for immediate inspection
11 and examination the premises and all the relevant books and
12 records therein.

13 (c) Any holder of a license or permit issued under this
14 chapter who refuses entry or access to an officer to the
15 premises shall be found in violation of conditions of the
16 license or the permit and the license or permit shall be
17 suspended or revoked by the issuing department after hearing,
18 for violation of any certificate requirement or condition or any
19 provision of this chapter or rule adopted under this chapter.
20 Any order made by the issuing department for the suspension or
21 revocation of a license or permit shall be in writing and shall
22 set forth the reasons for the revocation. The action of the

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1 issuing department in suspending or revoking the proceedings may
2 be reviewed in the manner provided in chapter 91. The
3 department that issued the license or permit shall provide the
4 license or permit holder with a written notice and order
5 describing the basis for the revocation. Any person aggrieved
6 by the revocation determination may request a contested case
7 hearing pursuant to chapter 91. To request a contested case
8 hearing, the person shall submit a written request to the
9 department that issued the license or permit within thirty
10 calendar days of the date of the notice and order of the
11 revocation. Appeal to the circuit court under section 91-14, or
12 any other applicable statute, shall only be taken from the
13 issuing department's final order pursuant to a contested case.

14 (d) If any officer, or any person called by the officer to
15 the officer's aid, is threatened with the use of violence,
16 force, or physical interference or obstacle, or is hindered,
17 obstructed, or prevented by any licensee, permittee, the
18 licensee's or permittee's employees, or any other person from
19 entering into the licensee's or permittee's premises, or
20 whenever any officer is by any licensee or permittee, the
21 licensee's or permittee's employees, or any of the other persons
22 opposed, obstructed, or molested in the performance of the

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1 officer's duty in any respect, the licensee, permittee, the
2 licensee's or permittee's employee, or any of the other persons
3 shall be guilty of a misdemeanor, punishable by a fine of no
4 more than \$2,000, or by imprisonment for no more than one year,
5 or both.

6 (e) Whenever any officer, having demanded admittance into
7 any licensee's or permittee's premises and declared the
8 officer's name and office, is not admitted by the licensee, or
9 permittee, or the person in charge of the premises, it shall be
10 lawful for the officer to use force to enter the premises.

11 **§132D- Administrative inspections.** (a) The director of
12 law enforcement or the director's designee may conduct
13 administrative inspections of controlled premises upon
14 presenting appropriate credentials to the licensee or permittee
15 or persons subject to this chapter or their agents in accordance
16 with the following provisions:

17 (1) Inspections shall be at reasonable times and within
18 reasonable limits and in a reasonable manner of
19 controlled premises in which persons licensed or
20 permitted under this chapter are authorized to hold,
21 store, transport, sell, possess, or otherwise dispose
22 of any fireworks and articles pyrotechnic to verify

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1 compliance with this chapter and the conditions of the
2 license or the permit;

3 (2) The director of law enforcement or the director's
4 designee shall have access to, and may copy, any and
5 all records, books, logs, or documents pertaining to
6 the holding, storing, transporting, selling,
7 possessing, or disposition of fireworks or articles
8 pyrotechnic regulated under this chapter without a
9 warrant; and

10 (3) The director of law enforcement or the director's
11 designee may inventory any stock of any fireworks or
12 articles pyrotechnic regulated under this chapter and
13 secure samples or specimens of any fireworks or any
14 articles pyrotechnic not seized as evidence by paying
15 for the sample. The director of law enforcement or
16 the director's designee shall make or cause to be made
17 examinations of samples secured under this section to
18 verify compliance with this chapter or the conditions
19 of the license or the permit.

20 (4) The regulatory authority, under this chapter, shall
21 remain with the five county fire departments. The
22 director of law enforcement or the director's designee

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1 conducting these inspections are aiding the county
2 fire departments' enforcement of its regulatory
3 authority.

4 (b) For purposes of this section, "controlled premises"
5 means:

6 (1) Places where persons licensed or permitted under this
7 chapter are required to keep records; and

8 (2) Places, including factories, warehouses,
9 establishments, businesses, storefronts, vehicles, and
10 conveyances in which persons licensed under this
11 chapter are permitted to hold, store, transport, sell,
12 possess, or otherwise dispose of any fireworks and
13 articles pyrotechnic.

14 §132D- Records of licensees and permittees. (a)

15 Persons licensed or permitted to hold, store, transport, sell,
16 possess, or otherwise dispose of any fireworks and articles
17 pyrotechnic shall keep records and maintain inventories in
18 conformance with the recordkeeping and inventory requirements of
19 this chapter.

20 (b) Every person who holds a license or permit under this
21 chapter shall keep a record of all fireworks and articles
22 pyrotechnic received, imported, held, distributed, sold

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1 possessed, or disposed of that shows the amounts received,
2 imported, held, distributed, sold, possessed, or disposed of for
3 a period of five years.

4 (c) Records required under this section shall be
5 maintained separately in a file, log book, or electronic
6 database that is readily accessible by the holder of the license
7 or permit;

8 (d) All records pertaining to the receipt, importation,
9 storage, distribution, sale, possession, and disposal of
10 fireworks and articles pyrotechnic must be produced and made
11 available upon request by the director of law enforcement, or
12 the county fire chiefs, or their designees.

13 §132D- Mandatory reporting. (a) Notwithstanding any
14 other law concerning confidentiality to the contrary, the holder
15 of a license or permit issued under this chapter who, in the
16 holder's professional or official capacity, has reason to
17 believe that fireworks or articles pyrotechnic in the holder's
18 inventory have been stolen, embezzled, or otherwise obtained by
19 fraud or diversion, shall immediately report the matter verbally
20 to the director of law enforcement and the county fire chief of
21 the county in which the holder of the license or permit resides
22 or conducts business.

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1 (b) The holder of a license or permit under this chapter
2 shall submit a written report to the director of law enforcement
3 and the county fire chief of the county in which the holder of
4 the license or permit resides or conducts business as soon as
5 practicable following the verbal report. The written report
6 shall contain:

7 (1) The name and address of the suspected perpetrator, if
8 known;

9 (2) The nature and extent of the theft, embezzlement,
10 fraud, or diversion; and

11 (3) Any other information that the reporter believes might
12 be helpful or relevant to the investigation of the
13 theft, embezzlement, fraud, or diversion.

14 (c) Any person subject to subsection (a), upon demand of
15 the director of law enforcement or the county fire chief of the
16 county in which the holder of the license or permit resides or
17 conducts business, shall provide all information related to the
18 alleged incident of theft, embezzlement, fraud, or diversion,
19 including records, reports, and any image, film, video, or other
20 electronic medium, that was not included in the written report
21 submitted pursuant to subsection (b).

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1 (d) This chapter shall not be construed to provide a basis
2 for a cause of action against the director of law enforcement or
3 the county fire chief or their departments.

4 (e) Any person subject to this section who knowingly
5 prevents another person from reporting as required by this
6 section, or who knowingly fails to provide information as
7 required by this section, shall be guilty of a misdemeanor.

8 **§132D- Disposal of confiscated fireworks.** A county fire
9 department or law enforcement agency that confiscates prohibited
10 fireworks or articles pyrotechnic pursuant to this chapter may
11 safely destroy or dispose of the confiscated fireworks; provided
12 that the law enforcement agency shall retain a sample of each
13 type of confiscated fireworks or articles pyrotechnic for
14 evidentiary purposes.

15 **§132D- Storage and disposal fine.** In any
16 administrative, civil, or criminal action, following notice and
17 an opportunity for hearing, the agency or court hearing the
18 action shall hold liable any party in violation of this chapter
19 and from whom fireworks or articles pyrotechnic were
20 confiscated, seized, or otherwise taken into custody by the
21 state or county agency or agencies for the total amount of the
22 costs incurred by the agency or agencies for the storage and

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1 disposal of the confiscated or seized fireworks or articles
2 pyrotechnic. An administrative or civil order to pay a storage
3 and disposal fine may be collected in the same manner as a
4 judgment in a civil action. An agency or agencies may collect
5 the full amount of the storage and disposal fine together with
6 any costs, interest, and attorney's fees incurred in any action
7 to enforce the order to pay a storage and disposal fine."

8 SECTION 3. Section 132D-8, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "**§132D-8 Application for license.** (a) All licenses
11 required under section 132D-7 shall be issued by the county and
12 shall be nontransferable. Licenses to import shall specify the
13 date of issuance or effect and the date of expiration, which
14 shall be March 31 of each year. The application shall be made
15 on a form setting forth the date upon which the importations are
16 to begin, the address of the location of the importer, and the
17 name of the proprietor or, if a partnership, the name of the
18 partnership and the names of all partners or, if a corporation,
19 the name of the corporation and the names of its officers. The
20 application for a license to import display fireworks, articles
21 pyrotechnic, or aerial devices shall include written
22 documentation of the proposed display event and related contact

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1 information in a form prescribed by the applicable county. If
2 the state fire council or county discovers at a later date that
3 a licensee has been convicted of a felony under this chapter,
4 the licensee's license shall be revoked and no new license shall
5 be issued to the licensee for two years.

6 (b) Each storage, wholesaling, and retailing site shall be
7 required to obtain a separate license. The license shall
8 specify the date of issuance or effect and the date of
9 expiration, which shall be March 31 of each year. The
10 application shall be made on a form setting forth the date upon
11 which the storage, sale, or offers for sale are to begin, the
12 address of the location of the licensee, and the name of the
13 proprietor, or, if a partnership, the name of the partnership
14 and the names of all partners or, if a corporation, the name of
15 the corporation and the name of its officers. Any license
16 issued pursuant to this chapter may be revoked by the county if
17 the licensee violates any provision of this chapter or if the
18 licensee stores or handles the fireworks in such a manner as to
19 present an unreasonable safety hazard.

20 (c) Permanent and temporary fireworks storage buildings or
21 structures and buildings or facilities where redistribution
22 activities are performed shall comply with the currently adopted

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1 county building or fire codes or the latest edition of
2 nationally recognized standards.

3 (d) It shall be unlawful for any licensee, other than a
4 wholesaler who is selling or transferring fireworks or articles
5 pyrotechnic to a licensed retailer, to sell or offer to sell,
6 exchange for consideration, give, transfer, or donate any
7 fireworks or articles pyrotechnic at any time to any person who
8 does not present a permit duly issued as required by section
9 132D-10 or 132D-16. The permit shall be signed by the seller or
10 transferor at the time of sale or transfer of the fireworks or
11 articles pyrotechnic, and the seller or transferor shall
12 indicate on the permit the amount and type of fireworks or
13 articles pyrotechnic sold or transferred. No person shall sell
14 or deliver fireworks to any permittee in any amount in excess of
15 the amount specified in the permit, less the amount shown on the
16 permit to have been previously purchased; provided that no
17 fireworks shall be sold to a permittee holding a permit issued
18 for purposes of section 132D-3, more than five calendar days
19 before the applicable time period under section 132D-3.

20 (e) Aerial devices, display fireworks, or articles
21 pyrotechnic shall only be sold or transferred by a wholesaler to
22 a person with a valid permit under sections 132D-10 and 132D-16.

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1 No person with a valid permit under sections 132D-10 and 132D-16
2 shall sell or transfer aerial devices, display fireworks, or
3 articles pyrotechnic to any other person.

4 (f) Any license issued pursuant to this chapter shall be
5 prominently displayed in public view at each licensed location.

6 (g) Any licensee under this chapter consents to allow the
7 director of law enforcement or the director's designee to
8 inspect the premises of the licensee. If a licensee withdraws
9 consent to inspect the premises of the licensee, the license
10 shall be revoked."

11 SECTION 4. Section 132D-8.6, Hawaii Revised Statutes, is
12 amended by amending subsection (b) to read as follows:

13 "(b) The department of law enforcement or the fire
14 department of a county, in which a shipment of fireworks or
15 articles pyrotechnic has landed and becomes subject to the
16 jurisdiction of the fire department, shall be allowed to
17 inspect, if it chooses, any shipment declared on the shipping
18 manifest as fireworks or articles pyrotechnic[-] or any facility
19 in which such fireworks or articles pyrotechnic are stored."

20 SECTION 5. Section 132D-9, Hawaii Revised Statutes, is
21 amended to read as follows:

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1 **"§132D-9 Application for permit.** The permit required
2 under section 132D-10 or 132D-16 shall be issued by the county
3 or its authorized designees and be nontransferable. The county
4 or its authorized designees shall issue all permits for which
5 complete applications have been submitted and which contain only
6 correct information. The permit shall specify the date of
7 issuance or effect and the date of expiration but in no case for
8 a period to exceed one year. The permit for the purchase of
9 consumer fireworks for the purposes of section 132D-3 shall not
10 allow purchase for more than one event as set forth in section
11 132D-3. The application shall be made on a form setting forth
12 the dates for which the permit shall be valid, the location
13 where the permitted activity is to occur, and the name of the
14 proprietor or, if a partnership, the name of the partnership and
15 the names of all partners or, if a corporation, the name of the
16 corporation and the names of its officers. The permit
17 application may be denied if the proposed use of fireworks or
18 articles pyrotechnic presents a substantial inconvenience to the
19 public or presents an unreasonable fire or safety hazard. Any
20 permit issued pursuant to this chapter shall be prominently
21 displayed in public view at the site. Any permittee under this
22 chapter consents to allow the director of law enforcement or the

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1 director's designee to inspect the premises of the permittee,
2 except for private residences. If a permittee withdraws consent
3 to inspect the premises of the permittee, the permit shall be
4 revoked."

5 SECTION 6. Section 132D-14, Hawaii Revised Statutes, is
6 amended to read as follows:

7 **"§132D-14 Penalty.** (a) Any person:

- 8 (1) Importing aerial devices, display fireworks, or
9 articles pyrotechnic without having a valid license
10 under section 132D-7 shall be guilty of a class C
11 felony;
- 12 (2) Purchasing, possessing, setting off, igniting, or
13 discharging aerial devices, display fireworks, or
14 articles pyrotechnic without a valid permit under
15 sections 132D-10 and 132D-16, or storing, selling, or
16 possessing aerial devices, display fireworks, or
17 articles pyrotechnic without a valid license under
18 section 132D-7, or allowing an individual to possess,
19 set off, ignite, discharge, or otherwise cause to
20 explode any aerial device in violation of section
21 132D-14.5:

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1 (A) If the total weight of the aerial devices,
2 display fireworks, or articles pyrotechnic is
3 twenty-five pounds or more, shall be guilty of a
4 class C felony; or

5 (B) If the total weight of the aerial devices,
6 display fireworks, or articles pyrotechnic is
7 less than twenty-five pounds, shall be guilty of
8 a misdemeanor;

9 (3) Who transfers or sells aerial devices, display
10 fireworks, or articles pyrotechnic to a person who
11 does not have a valid permit under sections 132D-10
12 and 132D-16, shall be guilty of a class C felony; and

13 (4) Who removes or extracts the pyrotechnic contents from
14 any fireworks or articles pyrotechnic and uses the
15 contents to construct fireworks, articles pyrotechnic,
16 or a fireworks or articles pyrotechnic related device
17 shall be guilty of a misdemeanor.

18 (b) Except as provided in subsection (a) or as otherwise
19 specifically provided for in this chapter, any person violating
20 any other provision of this chapter, shall be fined no more than
21 \$5,000 for each violation. Notwithstanding any provision to the

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1 contrary in this section, any person violating section 132D-14.5
2 shall be fined at least \$500 and no more than \$5,000.

3 (c) The court shall collect the fines imposed in
4 subsections (a) and (b) for violating this chapter and, of the
5 fines collected, shall pay twenty per cent to the State and
6 eighty per cent to the county in which the fine was imposed
7 which shall be expended by the county for law enforcement
8 purposes.

9 (d) Notwithstanding any penalty set forth herein,
10 violations of subsection (a) (1) or (3) may be subject to
11 nuisance abatement proceedings provided in part V of chapter
12 712.

13 (e) For the purposes of this section, each type of
14 prohibited fireworks as defined by section 132D-2 imported,
15 purchased, sold, possessed, ignited, or discharged shall
16 constitute a separate violation for each unopened package, and
17 each separate firework imported, purchased, sold, possessed,
18 ignited, or discharged shall be a separate violation if the
19 package is opened or the firework is not in a package.

20 (f) For the purposes of this section:

21 "Package" (1) means any aerial devices, display fireworks,
22 or articles pyrotechnic (A) enclosed in a container or wrapped

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1 in any manner in advance of wholesale or retail sale; and (B)
2 whose weight or measure has been determined in advance of
3 wholesale or retail sale; (2) but does not mean (A) inner
4 wrappings not intended to be individually sold to the customer;
5 (B) shipping containers or wrapping used solely for the
6 transportation of any commodities in bulk or in quantity; (C)
7 auxiliary containers or outer wrappings used to deliver such
8 commodities if such containers or wrappings bear no printed
9 matter pertaining to any particular aerial devices, display
10 fireworks, or articles pyrotechnic; (D) containers used for
11 retail tray pack displays when the container itself is not
12 intended to be sold; or (E) open carriers and transparent
13 wrappers or carriers for containers when the wrappers or
14 carriers do not bear printed matter pertaining to any particular
15 aerial devices, display fireworks, or articles pyrotechnic."

16 SECTION 7. Section 132D-20, Hawaii Revised Statutes, is
17 amended by amending subsection (a) to read as follows:

18 "(a) This chapter shall be enforced by each county~~[+]~~ or
19 the department of law enforcement. The counties, the department
20 of law enforcement, or both are authorized to enforce and
21 administer the provisions of this chapter."

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1 SECTION 8. 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 9. There is appropriated out of the general
5 revenues of the State of Hawaii the sum of \$1,200,000 or so much
6 thereof as may be necessary for fiscal year 2024-2025 to carry
7 out the purposes of this Act, including continued operation of
8 the task force and reimbursement of funds to law enforcement
9 agencies for task-force-related law enforcement operations,
10 including law enforcement personnel, overtime and other salary-
11 related payments, charges for fuel, equipment, and storage and
12 disposal of confiscated fireworks.

13 The sum appropriated shall be expended by the department of
14 law enforcement for the purposes of this Act.

15 SECTION 10. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 11. This Act, upon its approval, shall take effect
18 on July 1, 2024.

19 INTRODUCED BY: _____

20 BY REQUEST

HB-2193

Submitted on: 1/31/2024 11:09:58 AM

Testimony for JHA on 2/1/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Larry Veray	Chairman Pearl City Neighborhood Board No. 21	Support	Written Testimony Only

Comments:

I am in strong support of HB2193 as a measure to empower our police officers to enforce the law on illegal fireworks arriving in Hawaii, Storage in warehouses and residential areas and the continued negative impact on all communities a urban terrorism with aerial bombs being exploding daily in our communities.



Hawaiian Humane Society
People for animals. Animals for people.

2700 Waiālae Avenue Honolulu, Hawaii 96826
808.356.2200 • HawaiianHumane.org

Date: Jan. 31, 2024

To: Chair Rep. David A. Tarnas
Vice Chair Gregg Takayama
and Members of the Committee on Judiciary and Hawaiian Affairs

Submitted By: Stephanie Kendrick, Director of Community Engagement
Hawaiian Humane Society, 808-356-2217

RE: Testimony with support for HB 2193: Relating to Fireworks
Thursday, Feb. 1, 2024, 2 p.m., Room 325 and Via Videoconference

Aloha Chair Tarnas, Vice Chair Takayama and Committee Members,

On behalf of the Hawaiian Humane Society, thank you for considering our support for House Bill 2193, which establishes jurisdiction for the Department of Law Enforcement over enforcement of chapter 132D, HRS, relating to illegal fireworks; establishes provisions for police and fire officers to enter premises and for the Director of Law Enforcement to inspect premises; requires license and permit holders to maintain records and report instances of illegality in relation to fireworks; declares that the general fund expenditure ceiling is exceeded; and makes an appropriation.

For increasingly long stretches of the year, illegal fireworks fill our neighborhoods with unexpected explosions that terrorize pets and people alike. That makes it impossible for pet owners to prepare and creates sustained stress on people and animals, which can do lasting damage to their emotional, mental and physical health.

The work of the Illegal Fireworks Task Force has exceeded our expectations. In just a year, the task force has succeeded in keeping 35 tons of destructive material off the local black market. The results Act 67 has achieved so far point to the enormous scale of this illicit trade.

We commend the resolve of law enforcement to interdict illegal fireworks and prevent the bombardment of our neighborhoods by illegal explosives. We support the tools offered by HB 2193 toward advancing that work. Please pass this measure.

Mahalo for your consideration.

HB-2193

Submitted on: 1/31/2024 12:10:18 AM

Testimony for JHA on 2/1/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Marian Hussenbux	Animal Interfaith Alliance in Britain	Support	Written Testimony Only

Comments:

HB2193 Relating to Fireworks establishes jurisdiction for the Department of Law Enforcement over enforcement of chapter 132D, HRS, relating to illegal fireworks, establishes provisions for police and fire officers to enter premises and for the Director of Law Enforcement to inspect premises, and requires licence and permit holders to maintain records and report instances of illegality in relation to fireworks, among other provisions.

We fully support this Bill which should go some way to protecting vulnerable people, companion animals and wildlife from fear and distress.

HB-2193

Submitted on: 1/30/2024 1:12:52 PM

Testimony for JHA on 2/1/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Beverly Takushi	Individual	Support	Written Testimony Only

Comments:

To Whom It May Concern:

Two years ago, I encountered a new neighbor who was extremely hostile when I told his brother to stop launching illegal fireworks which started at 5:30 p.m. on New Year's Eve and did not stop until after midnight on New Year's morning. It was the first time I was threatened not only by the danger of the aerial fireworks to my family and property, but also for my safety from this neighbor who accused me of not respecting his culture. He has since apologized but this is the reason why no one wants to get involved and report their neighbors setting off bombs and aerals. I am in support of any legislation that can curb this illegal activity. I don't even feel safe to walk outside my house to see if my roof is okay without thinking that a stray aerial may be headed my way.

This is not a cultural issue. A string of firecrackers at midnight to ward off bad spirits is cultural, not loud explosives that sound like you are in the middle of a war. It was slightly better this past New Year's Eve as the neighbors were not home. But other homes nearby were picking up the slack.

Please do something to help our communities.

Respectfully submitted,

Beverly Takushi

HB-2193

Submitted on: 1/30/2024 4:15:49 PM

Testimony for JHA on 2/1/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lois Crozer	Individual	Support	Written Testimony Only

Comments:

Let's get this moving. Fireworks and bombs at all times are extremely dangerous and disruptive to the community.

HB-2193

Submitted on: 1/30/2024 4:36:02 PM

Testimony for JHA on 2/1/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Taurie Kinoshita	Individual	Support	Written Testimony Only

Comments:

To the Honorable Committee,

Please pass HB 2193. Fireworks are a scourge on our city. The smoke, the danger--both people and animals deserve better protection. Please pass HB 2193.

Thank you for your consideration.

Sincerely,

Taurie Kinoshita

HB-2193

Submitted on: 1/30/2024 5:40:51 PM

Testimony for JHA on 2/1/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nandita Sharma	Individual	Support	Written Testimony Only

Comments:

The level of fireworks being blasted off in Hawaii is outrageous. It represents a serious diminishment of the quality of life here. Humans, dogs, cats, birds, and every living thing is negatively affected. The alarming noise, the stench, and the noxious fumes are truly awful.

The fact that so many of the fireworks being blasted are already illegal is equally outrageous. Flagrant acts of disobeying existing fireworks regulations - and failure of officials to enforce the laws - have a highly corrosive effect on our society. If people feel they don't need to abide by fireworks regulations or see that those who blast them off are not being held accountable, people lose faith in the honesty and integrity of those who are charged with enforcing them.

Please do something to mitigate the horribleness of the situation.

HB-2193

Submitted on: 1/30/2024 8:20:07 PM

Testimony for JHA on 2/1/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Bonnie Gollero	Individual	Support	Written Testimony Only

Comments:

ABSOLUTELY YES! With this statute police will FINALLY have the authority to actually DO SOMETHING with these perpetrators! Neighbors KNOW who these violators are, we have their addresses, we live next door, on the same street, and every year, are subjected to ear deafening bombs, because there's absolutely no enforcement! ALL FIREWORKS should be banned - they are toxic, pollute the ocean and environment, people can't breathe - are hospitalized, are severely burned and injured, even died, homes burned to the ground, innocent neighbors can be killed by mishandled projectiles, our pets and PTSD vets are traumatized, the bombardment of noise pollution from all fireworks far exceed the decibel limit mandated by law, every year our neighbor hoods turn into a war zone. The police, fire department, emergency response, tell you fireworks are dangerous, lethal. This craziness has to stop! Hawaii's constitution guarantees each and every citizen a legal right to breathe clean air, and to reside in a peaceful and healthy environment. Lawmakers are failing in their obligation to ensure this. ALL FIREWORKS are a nuisance, disturbance, to our safety, health, and well being. Does the State have to be sued before they take this issue seriously?!

HB-2193

Submitted on: 1/30/2024 8:51:59 PM

Testimony for JHA on 2/1/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Melanie Kim	Individual	Support	Written Testimony Only

Comments:

Injuries from illegal fireworks, result in devastating injury, loss of life, and economic hardship, resulting from disability. They also increase the risk of fires, which is a concern for the state of Hawaii, already dealing with climate change, and prolonged dry/drought seasons which makes it easier for fires to occur

This bill will help support oversight on individuals who want to use legal fireworks, and also helps to monitor and report individuals who bring in and use illegal fireworks.

HB-2193

Submitted on: 1/30/2024 9:10:32 PM

Testimony for JHA on 2/1/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
lynne matusow	Individual	Support	Written Testimony Only

Comments:

It appears the deck is stacked against law enforcement and the people. This bill is an important tool in combatting illegal fireworks. Please pass.

HB-2193

Submitted on: 1/30/2024 9:47:42 PM

Testimony for JHA on 2/1/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Stephanie McLaughlin	Individual	Support	Written Testimony Only

Comments:

Please support this important bill. Fireworks are a dangerous menace to all pets, wildlife and humans in Hawaii.

HB-2193

Submitted on: 1/30/2024 11:55:26 PM

Testimony for JHA on 2/1/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Gaye Chan	Individual	Support	Written Testimony Only

Comments:

Illegal fireworks cause significant harm to animals and people who have respiratory illnesses and PDSD. The increase of firework usage has been exacerbated by illegal shipment into the state. This bill can help mitigate harm.

HB-2193

Submitted on: 1/31/2024 5:16:44 AM

Testimony for JHA on 2/1/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jennifer Chiwa	Individual	Support	Written Testimony Only

Comments:

Aloha Chairperson Tarnas, Vice Chairperson Takayama and Members of the Committee on Judiciary and Hawaiian Affairs.

Please support House Bill 2193 which would strengthen the law against illegal fireworks. As I stated in my testimony supporting House Bill 1888, fireworks bills fail over and over again due to lack of support. I said this in my testimony in support of House Bill 1888, and I will say it again for emphasis. Please support hospital workers, law enforcement, firefighters, emergency medical technicians, the people who are at the forefront of caring about our safety and health.

Again, please support House Bill 2193.

Mahalo.

Jennifer Chiwa

Makiki

HB-2193

Submitted on: 1/31/2024 8:52:11 AM

Testimony for JHA on 2/1/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Beverly Heiser	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Takayama, and Committee Members

I am in Strong Support of Bill HB 2193. I agree that additional provisions are needed.

Allowing officers to search without warrant, the premises of suspected licencees and permittees, should further help to reduce the amount of illegal fireworks. Monitoring inventories and bookkeeping is also important to ensure compliance. Any indictments that result will also send a strong message to others.

I am thankful that Bill SB 821 SD1 HD2 CD1 was passed in 2023 to establish the Illegal Fireworks Task Force within the Department of Law Enforcement. Taking effect in July, 2023, I was impressed that three containers of illegal fireworks were seized at the ports during the month of December in such a short time. The amount of illegal fireworks this past New Year's Eve indicates the magnitude of the problem and the need to continue funding this multi-agency task force capable of handing what may be linked to criminal networks or organizations. I have read the 2024 report submitted to the Legislature by Director Jordan Lowe and am pleased with the results. I am grateful he takes the time to update the public on the illegal fireworks seized and thankful for the hard work by all the agencies involved.

Please support Bill HB 2193 that can further enhance the Department of Law Enforcement's and the Illegal Fireworks Task Force's efforts to reduce the amount of Illegal Fireworks.

Thank you for this Bill and the opportunity to testify.

HB-2193

Submitted on: 1/31/2024 9:03:03 AM

Testimony for JHA on 2/1/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ryan Willis	Individual	Oppose	Written Testimony Only

Comments:

I stronly oppose

HB-2193

Submitted on: 1/31/2024 9:03:16 AM

Testimony for JHA on 2/1/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Carole R. Richelieu	Individual	Support	Written Testimony Only

Comments:

support keeping neighborhoods safe from illegal fireworks

HB-2193

Submitted on: 1/31/2024 9:04:43 AM

Testimony for JHA on 2/1/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Alexis Kerver	Individual	Support	Written Testimony Only

Comments:

Aloha,

My name is Alexis Kerver and I strongly support HB2193 regarding law enforcement jurisdiction to enter and inspect premises relating to illegal fireworks. Illegal fireworks are not only hazardous to our environment, but also pose extreme stress to our animals and wildlife.

Many environmental organizations and research studies have shown the harmful effects of fireworks, including the increases of harmful gaseous concentrations such as carbon monoxide (toxic by hindering a living organism's ability to transport oxygen throughout its body), and nitric oxide (toxic by inhalation and skin absorption). Amongst these ongoing research studies and publications are from The International Organisation for the Protection of Animals (OIPA), University of Amsterdam's Institute for Biodiversity and Ecosystem Dynamics, National Geographic, The Humane Society of the United States, to name a few.

Given Hawai'i's unique and critical habitats, it is imperative that action is taken to eliminate the use of recreational illegal fireworks.

Thank you for your time,

Alexis Kerver

HB-2193

Submitted on: 1/31/2024 12:55:23 PM

Testimony for JHA on 2/1/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lorna Holmes	Individual	Support	Written Testimony Only

Comments:

Everything possible to be done for enforcement of fireworks bans please do. The constant barrage of sound ruins the peace and makes life similar to living in a war zone.

LATE

HB-2193

Submitted on: 1/31/2024 5:58:59 PM

Testimony for JHA on 2/1/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Serena Stefanic-Phillip	Individual	Support	Written Testimony Only

Comments:

I AM IN SUPPORT OF BILL HB2193

LATE

HB-2193

Submitted on: 1/31/2024 6:00:30 PM

Testimony for JHA on 2/1/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Helen Josypenko	Individual	Support	Written Testimony Only

Comments:

My name is Helen Josypenko, I am a resident of Kaneohe. I do not oppose cultural celebrations as outlined in this bill. These celebrations are a valued aspect of our community. Having lived in Kaneohe for over 30 years, I have seen these wonderful traditions become marred by the outrageous use of illegal fireworks, malicious use days before and after holidays, and observed the carnage left behind after their use.

The noise is deafening, early morning walks the morning after these "celebrations" are silent from the normal song of the waking birds. The ground shakes from illegal fireworks thrown in the drainage under our townhouse community.

You can hear gunshots intermittently amongst the noise. How do I know? Twenty-one years in the Marine Corps, I can tell the difference between a gun shot and the other noises. Yes, PTSD, what about our Veterans?

My dog is terrified when she hears the first firework in the distance. Even when medicated she is frozen. When taken outside to do her business, she is frozen, legs stiff, and will not walk. She will not go to the bathroom; she will not walk. She must be carried back and forth to the house, all 54 pounds; legs locked straight down, body frozen in fear.

Enough is enough. It is time for action. What law enforcement has done is NOT working, it is time to stop this insanity. We all should enjoy living in Kaneohe. We should not dread the upcoming holidays when we know there will be ILLEGAL FIREWORKS. Not joyful celebrations of patriotism or happiness to bringing in the New Years.

Please pass this bill.

LATE

HB-2193

Submitted on: 1/31/2024 9:16:59 PM

Testimony for JHA on 2/1/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sandie Wong	Individual	Support	Written Testimony Only

Comments:

I support this measure. Pls. pass it out. Thank you.

HB-2193

Submitted on: 1/31/2024 9:51:23 PM

Testimony for JHA on 2/1/2024 2:00:00 PM

LATE

Submitted By	Organization	Testifier Position	Testify
Ann S Freed	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs and members,

I am in very strong support of this measure... We are Maui waiting to happen. Still can't believe that the careless and selfish perpetrators of illegal fire bombs are willing to put themselves, their families and all the rest of us in jeopardy, just so they can't get their very temporary jollies.

Mahalo,

Ann S. Freed

Mililani resident, tired of the lack of enforcement in our town and throughout the island....

LATE

HB-2193

Submitted on: 2/1/2024 6:43:25 AM

Testimony for JHA on 2/1/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Susan Collins	Individual	Support	Written Testimony Only

Comments:

I fully support this bill. This year, it seemed the amount of fireworks was worse than ever leading to PTSD for animals and humans. Many animals were lost and many people suffered days of loud explosions which were similar to being in a war scene. Many of my animals suffered from labored breathing and one even had an episode similar to a heart attack.

We don't need fireworks to make holidays a celebratory event when it causes so much suffering.

To make this bill actual be useful, law enforcement must be supported to respond to calls. Many calls do not go answered during these times according to neighbors on the Big Island.

LATE

HB-2193

Submitted on: 2/1/2024 6:52:32 AM

Testimony for JHA on 2/1/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ilene Cohen Harrington	Individual	Support	Written Testimony Only

Comments:

Aloha,

My name is Ilene Harrington. I am the president and co-founder of Domestic Violence Hurts Animals and People. We launched a program called the Fireworks Awareness Partnership to help educate the public about the dangers caused by fireworks. Some of them include:

Firework's explosions trigger people with stress disorders

Their noise causes people, pets and wildlife to suffer

Some people can't breath and they cause fires that kill our native species and forests

Their litter is eaten by our pets and wildlife causing sickness and death plus they pollute our aina and ocean

We understand that certain cultures believe it is important to celebrate using fireworks. However, given the tragic outcome for our people, wildlife, domestic animals, native species and more, it is time for these cultures to put aside what they believe are their rights and understand the horrible outcome of the continued use of fireworks. Most people in our state are sick and tired fireworks. Please pass this bill to support getting rid of illegal fireworks and a healthy Hawaii. Mahalo.