
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 illegal
2 fireworks is both a nuisance to residents and concerning to the
3 elected officials of Hawaii. Despite the city and county of
4 Honolulu's ban on most consumer fireworks in 2010, the problems
5 associated with illegal aerial fireworks have not been solved,
6 and in fact seem to have gotten worse in recent years. Videos
7 taken and shared of New Year's Eve 2021 celebrations on Oahu
8 were a stark illustration of just how ineffective current
9 measures are at curbing the importation and distribution of
10 illegal fireworks.

11 The legislature further finds that the 2016 New Year's
12 celebration on Oahu saw a significant increase in the use of
13 illegal aerial fireworks. From November through December of
14 2015, more than three thousand complaints were made to the
15 Honolulu police department regarding fireworks usage. The
16 number of arrests for fireworks violations also increased over
17 this time and a historical home in Ewa caught fire and sustained



1 thousands of dollars of damage as a result of an illegal aerial
2 firework. The ease of importing illegal explosives into the
3 State is a public safety concern that impacts all Hawaii
4 residents and businesses.

5 The legislature further finds that the inspection of
6 shipping containers, whether by the State or counties, is a
7 major element in the fight against terrorism and illegal
8 fireworks. Particularly in light of the State's geographical
9 isolation and the numerous containers arriving by ship, it is
10 imperative that the State broaden its inspection of incoming
11 shipping containers. Over ninety per cent of more than two
12 hundred thousand shipping cargo containers that arrive in Hawaii
13 each year are from the continental United States. Only a small
14 fraction of these containers, however, are inspected by
15 government agencies. The lack of sufficient cargo inspections
16 means that there is ample opportunity for illegal fireworks and
17 explosives to be smuggled into the State. The legislature also
18 finds that increased inspections need to be carefully crafted to
19 avoid delays and inefficiencies in harbor operations that could
20 impede commerce.



1 The legislature further finds that the report of the
2 illegal fireworks task force to the legislature for the regular
3 session of 2011, which was prepared in accordance with Act 170,
4 Session Laws of Hawaii 2010, made recommendations in an effort
5 to reduce illegal firework use and importation. These
6 recommendations include increased fireworks fees and fines,
7 increased random inspections of cargo containers, and promotion
8 of cooperation among stakeholders.

9 The purpose of this Act is to implement certain
10 recommendations from the report of the illegal fireworks task
11 force to the legislature for the regular session of 2011 and
12 establish a shipping container inspection program using x-ray
13 scanners to inspect cargo shipments after arrival at the
14 harbors.

15 SECTION 2. Chapter 266, Hawaii Revised Statutes, is amended
16 by adding three new sections to be appropriately designated and
17 to read as follows:

18 "§266-A Power to inspect shipping containers. (a) In
19 addition to any other powers provided by law, the department of
20 public safety, sheriff division, may in its discretion inspect
21 any shipping container situated anywhere at any commercial



1 harbor, as defined in section 266-1, or work site to detect and
2 confiscate any material constituting a threat directly or
3 indirectly to the security of life or property in Hawaii,
4 including explosives, but excluding fireworks regulated under
5 chapter 132D.

6 (b) The department of public safety, sheriff division, may
7 collaborate with any federal agency, including any of the United
8 States armed services, and state and county agencies to
9 effectuate this section. The department of public safety shall
10 serve as the lead state agency to coordinate the inspection of
11 shipping containers pursuant to this section.

12 (c) This section shall supersede any labor work rules or
13 contracts that are contrary to the intent of this section.

14 **§266-B Shipping container inspection program.** (a) The
15 department of public safety, in collaboration with the
16 departments of defense and transportation, and any federal
17 agencies, including any of the United States armed services,
18 state agencies, and private organizations involved with shipping
19 cargo into the State, shall develop and implement a program to
20 randomly inspect shipping containers arriving in Honolulu for



1 illegal fireworks and explosives smuggled into the State. The
2 program shall begin no later than October 1, 2023.

3 (b) The shipping container inspection program shall:

4 (1) Include the use of X-ray technology to inspect every
5 incoming shipping container;

6 (2) Prioritize resources toward high risk containers over
7 low risk containers; for purposes of this paragraph,
8 "low risk container" includes shipping containers
9 containing goods to be delivered to the military,
10 state or county agencies, established businesses, and
11 major retailers;

12 (3) Conduct the majority of inspections away from ports,
13 to allow timely removal of shipping containers and
14 avoid off-loading delays;

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

17 (c) Beginning July 1, 2023, the department of
18 transportation shall assess a fee of \$1 for each shipping
19 container arriving in the State. Beginning July 1, 2024, the
20 department of transportation shall assess a fee of \$2 for each
21 shipping container arriving in the State. All fees received by



1 the department of transportation pursuant to this subsection
2 shall be deposited into the shipping container inspection
3 program special fund established under section 266-C.

4 (d) The department of public safety shall coordinate and
5 conduct the inspection of shipping containers pursuant to this
6 section, as authorized under section 266-A. The Hawaii national
7 guard may be utilized to assist in the inspection of shipping
8 containers.

9 (e) The department of public safety may request funding
10 from the federal government for homeland security and port
11 security measures and work with the military to secure other
12 funding sources for the purposes of the program.

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

15 **§266-C Shipping container inspection program special fund.**

16 (a) There is established in the state treasury the shipping
17 container inspection program special fund, into which shall be
18 deposited:

19 (1) Appropriations by the legislature to the special fund;

20 (2) Gifts, donations, and grants from public agencies and

21 private persons; and



1 (3) All proceeds collected by the department of
2 transportation from shipping container import fees
3 under section 266-B(c).

4 (b) All moneys in the special fund shall be used for
5 support and administration of the shipping container inspection
6 program established under section 266-B."

7 SECTION 3. Section 132D-14, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "**§132D-14 Penalty.** (a) Any person:

- 10 (1) Importing aerial devices, display fireworks, or
11 articles pyrotechnic without having a valid license
12 under section 132D-7 shall be guilty of a class C
13 felony;
- 14 (2) Purchasing, possessing, setting off, igniting, or
15 discharging aerial devices, display fireworks, or
16 articles pyrotechnic without a valid permit under
17 sections 132D-10 and 132D-16, or storing, selling, or
18 possessing aerial devices, display fireworks, or
19 articles pyrotechnic without a valid license under
20 section 132D-7, or allowing an individual to possess,



1 set off, ignite, or otherwise cause to explode any
2 aerial device in violation of section 132D-14.5 [÷
3 ~~(A) If the total weight of the aerial devices,
4 display fireworks, or articles pyrotechnic is
5 twenty-five pounds or more, shall be guilty of a
6 class C felony; or~~
7 ~~(B) If the total weight of the aerial devices,
8 display fireworks, or articles pyrotechnic is
9 less than twenty-five pounds, shall be guilty of
10 a misdemeanor;] shall be guilty of a class C
11 felony.~~

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

16 (4) Who removes or extracts the pyrotechnic contents from
17 any fireworks or articles pyrotechnic and uses the
18 contents to construct fireworks, articles pyrotechnic,
19 or a fireworks or articles pyrotechnic related device
20 shall be guilty of a [~~misdemeanor.~~] class C felony.



1 (b) Except as provided in subsection (a) or as otherwise
2 specifically provided for in this chapter, any person violating
3 any other provision of this chapter, shall be fined not more
4 than [~~\$5,000~~] \$10,000 for each violation. Notwithstanding any
5 provision to the contrary in this section, any person violating
6 section 132D-14.5 shall be fined at least \$500 and no more than
7 \$2,000.

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

14 (d) Notwithstanding any penalty set forth herein,
15 violations of subsection (a)(1) or (3) may be subject to
16 nuisance abatement proceedings provided in part V of chapter
17 712."

18 SECTION 4. No later than twenty days prior to the
19 convening of the 2024 and 2025 regular sessions, the department
20 of public safety shall submit to the legislature a report on the
21 implementation of the shipping container inspection program



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

5 SECTION 5. There is appropriated out of the general
6 revenues of the State of Hawaii the sum of \$250,000 or so much
7 thereof as may be necessary for fiscal year 2023-2024 and the
8 same sum or so much thereof as may be necessary for fiscal year
9 2024-2025 to be deposited into the shipping container inspection
10 program special fund established pursuant to this Act.

11 SECTION 6. There is appropriated out of the shipping
12 container inspection program special fund the sum of \$250,000 or
13 so much thereof as may be necessary for fiscal year 2023-2024
14 and the same sum or so much thereof as may be necessary for
15 fiscal year 2024-2025 for costs to establish and administer the
16 shipping container inspection program, including the purchase,
17 care, and handling of at least two container X-ray scanning
18 portals.

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



1 SECTION 7. In codifying the new sections added by section
2 2 of this Act, the revisor of statutes shall substitute
3 appropriate section numbers for the letters used in designating
4 the new sections in this Act.

5 SECTION 8. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

7 SECTION 9. This Act shall take effect upon its approval;
8 provided that sections 5 and 6 of this Act shall take effect on
9 July 1, 2023.

10

INTRODUCED BY: _____



JAN 20 2023



H.B. NO. 686

Report Title:

Illegal Fireworks; Inspections; Fees; Penalties; Appropriation

Description:

Authorizes Department of Public Safety to inspect shipping containers for illegal fireworks and explosives. Establishes a shipping container inspection program using X-ray scanning portals and associated special fund. Authorizes Department of Transportation to impose shipping container import fees. Increases fine and punishment for fireworks violations.

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

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