

JAN 20 2023

A BILL FOR AN ACT

RELATING TO FIREWORKS.

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

1 SECTION 1. To address the problem of illegal fireworks,
2 Act 170, Session Laws of Hawaii 2010, established the illegal
3 fireworks task force to develop strategies and make
4 recommendations to the legislature to address the illegal
5 importation and use of fireworks in the State. Among other
6 recommendations, 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 purpose of this Act is to address the illegal
5 importation and use of fireworks in the State by:

6 (1) Establishing a shipping container inspection program
7 to randomly inspect shipping containers arriving in
8 the State for illegal fireworks and explosives,
9 including the use of explosive-sniffing dogs to
10 inspect the containers;

11 (2) Creating the shipping container inspection program
12 special fund to collect shipping container import fees
13 established under this Act and appropriating funds for
14 the shipping container inspection program; and

15 (3) Increasing the maximum fine for certain violations of
16 the fireworks law.

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

20 "§266-A Shipping container inspection program. (a) The
21 department of public safety, in collaboration with the



1 departments of defense and transportation, and any federal
2 agencies, including any of the United States armed services,
3 state agencies, and private organizations involved with shipping
4 cargo into the State, shall develop and implement a program to
5 randomly inspect shipping containers arriving in Honolulu for
6 illegal fireworks and explosives smuggled into the State. The
7 program shall begin no later than October 1, 2023.

8 (b) The shipping container inspection program shall:

9 (1) Include the use of explosive-sniffing dogs to inspect
10 incoming shipping containers to the greatest extent
11 reasonable;

12 (2) Prioritize resources toward high-risk containers over
13 low-risk containers. For purposes of this paragraph,
14 "low-risk container" includes shipping containers
15 containing goods to be delivered to the military,
16 state or county agencies, and businesses registered to
17 do business in the State that are in good standing;

18 (3) Inspect all shipping containers containing legal
19 fireworks using personnel who are able to distinguish
20 legal fireworks from illegal fireworks; and



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

3 (c) Beginning July 1, 2023, the department of
4 transportation shall assess a fee of \$1 for each shipping
5 container arriving in the State. Beginning July 1, 2024, the
6 department of transportation shall assess a fee of \$2 for each
7 shipping container arriving in the State. All fees received by
8 the department of transportation pursuant to this subsection
9 shall be deposited into the shipping container inspection
10 program special fund established under section 266-B.

11 (d) The department of public safety shall coordinate and
12 conduct the random inspection of shipping containers pursuant to
13 this section. The Hawaii national guard may be utilized to
14 assist in the random inspection of shipping containers.

15 (e) The department of public safety may request funding
16 from the federal government for homeland security and port
17 security measures and work with the military to secure other
18 funding sources for the purposes of the program.

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



1 §266-B Shipping container inspection program special fund.

2 (a) There is established in the state treasury the shipping
3 container inspection program special fund, into which shall be
4 deposited:

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

6 (2) Gifts, donations, and grants from public agencies and
7 private persons; and

8 (3) All proceeds collected by the department of
9 transportation from shipping container import fees
10 under section 266-A(c).

11 (b) All moneys in the special fund shall be used for
12 support and administration of the shipping container inspection
13 program established under section 266-A."

14 SECTION 3. No later than twenty days prior to the
15 convening of the regular sessions of 2024 and 2025, the
16 department of public safety shall submit to the legislature
17 reports on the implementation of the shipping container
18 inspection program established pursuant to this Act. The
19 reports shall include findings and recommendations, including
20 costs expended to date, the estimated cost of operating the
21 program, and any proposed legislation.



1 SECTION 4. There is appropriated out of the general
2 revenues of the State of Hawaii the sum of \$ or so
3 much thereof as may be necessary for fiscal year 2023-2024 and
4 the same sum or so much thereof as may be necessary for fiscal
5 year 2024-2025 for costs to establish and administer the
6 shipping container inspection program, including the purchase,
7 care, and handling of at least two explosive-sniffing dogs.

8 The sums appropriated shall be expended by the department
9 of public safety for the purposes of this Act.

10 SECTION 5. In codifying the new sections added by section
11 2 of this Act, the revisor of statutes shall substitute
12 appropriate section numbers for the letters used in designating
13 the new sections in this Act.

14 SECTION 6. New statutory material is underscored.

15 SECTION 7. This Act shall take effect upon its approval;
16 provided that section 4 of this Act shall take effect on July 1,
17 2023.

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INTRODUCED BY:

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S.B. NO. 498

Report Title:

Illegal Fireworks; PSD; DOT; Shipping Container Inspection Program; Special Fund; Fees; Fines

Description:

Establishes the shipping container inspection program and shipping container inspection program special fund. Increases the maximum fine for each violation of the fireworks law. Requires PSD to submit reports to the legislature on implementation of the shipping container inspection program.

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

