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# 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) Appropriating funds.

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

19 "§266-A Shipping container inspection program. (a) The  
20 department of public safety, in collaboration with the  
21 departments of defense and transportation, and any federal



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

7 (b) The shipping container inspection program shall:

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

11 (2) Prioritize resources toward high-risk containers over  
12 low-risk containers. For the purposes of this  
13 paragraph, "low-risk container" includes shipping  
14 containers containing goods to be delivered to the  
15 military, state or county agencies, and businesses  
16 registered to do business in the State that are in  
17 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. All fees received by the  
6       department of transportation pursuant to this subsection shall  
7       be deposited into the shipping container inspection program  
8       special fund established under section 266-B.

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

13       (e) Any inspections conducted offsite shall be conducted  
14       within twenty-four hours of initial arrival at the final  
15       container drop-off location or in a non-active harbor area,  
16       subject to the director of transportation's discretion.

17       (f) Any contraband discovered during a shipping container  
18       inspection shall be investigated by a law enforcement agency.

19       (g) Any person who tampers with secure container seals  
20       shall be subject to a fine of not less than \$ .



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

5       (i) The department of public safety shall adopt rules in  
6 accordance with chapter 91 for the purposes of this section.

7       §266-B Shipping container inspection program special fund.

8       (a) There is established in the state treasury the shipping  
9 container inspection program special fund, into which shall be  
10 deposited:

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

12       (2) Gifts, donations, and grants from public agencies and  
13 private persons; and

14       (3) All proceeds collected by the department of  
15 transportation from shipping container import fees  
16 under section 266-A(c).

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

20       SECTION 3. No later than twenty days prior to the  
21 convening of the regular sessions of 2024 and 2025, the



1 department of public safety shall submit to the legislature  
2 reports on the implementation of the shipping container  
3 inspection program established pursuant to this Act. The  
4 reports shall include findings and recommendations, including  
5 costs expended to date, the estimated cost of operating the  
6 program, and any proposed legislation.

7 SECTION 4. There is appropriated out of the general  
8 revenues of the State of Hawaii the sum of \$1,000,000 or so much  
9 thereof as may be necessary for fiscal year 2023-2024 and the  
10 same sum or so much thereof as may be necessary for fiscal year  
11 2024-2025 for costs to establish and administer the shipping  
12 container inspection program, including the purchase, care, and  
13 handling of at least two explosive-sniffing dogs.

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

16 SECTION 5. In codifying the new sections added by section  
17 2 of this Act, the revisor of statutes shall substitute  
18 appropriate section numbers for the letters used in designating  
19 the new sections in this Act.

20 SECTION 6. New statutory material is underscored.



1           SECTION 7. This Act shall take effect on July 1, 2050;  
2 provided that section 4 of this Act shall take effect on July 1,  
3 2023.



**Report Title:**

Illegal Fireworks; Shipping Container Inspection Program;  
Special Fund; Fees; Fines; Appropriation

**Description:**

Establishes the Shipping Container Inspection Program and shipping container inspection program special fund. Requires reports to the Legislature on implementation of the Shipping Container Inspection Program. Appropriates funds. Effective 7/1/2050. (SD1)

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

