
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;
- 15 (3) Amending the definitions of "aerial devices" and
16 "fireworks" within state fireworks law; and
- 17 (4) Appropriating moneys.

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



1 "§266-A Shipping container inspection program. (a) The
2 department of public safety, or after December 31, 2023, the
3 department of law enforcement, in collaboration with the
4 departments of defense and transportation; any federal agencies,
5 including any of the United States armed services, state
6 agencies; and private organizations involved with shipping cargo
7 into the State, shall develop and implement a program to
8 randomly inspect shipping containers arriving in Honolulu for
9 illegal fireworks and explosives smuggled into the State. The
10 program shall begin no later than October 1, 2023.

11 (b) The shipping container inspection program shall:
12 (1) Include the use of explosive-sniffing dogs to inspect
13 incoming shipping containers to the greatest extent
14 reasonable;
15 (2) Prioritize resources toward high-risk containers over
16 low-risk containers. For the purposes of this
17 paragraph, "low-risk container" means any shipping
18 container containing goods to be delivered to the
19 military, state or county agencies, or businesses
20 registered to do business in the State that are in
21 good standing;



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

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

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

12 (d) The department of public safety, or after December 31,
13 2023, the department of law enforcement, shall coordinate and
14 conduct the random inspection of shipping containers pursuant to
15 this section. The Hawaii national guard may be requested to
16 assist in this effort.

17 (e) Any additional inspections shall be conducted by
18 members of an appropriate bargaining unit who are subject to
19 chapter 89, and not by individuals contracted or subcontracted
20 by the department of public safety or department of law
21 enforcement, as the case may be.



1 (f) Any inspections conducted offsite shall be conducted
2 within twenty-four hours of initial arrival at the final
3 container drop-off location or in a non-active harbor area,
4 subject to the director of transportation's discretion.

5 (g) Any contraband discovered during a shipping container
6 inspection shall be investigated by a law enforcement agency.

7 (h) Any person who tampers with secure container seals
8 shall be subject to a fine of not less than \$.

9 (i) The department of public safety, or after December 31,
10 2023, the department of law enforcement, may request funding
11 from the federal government for homeland security and port
12 security measures and work with the military to secure other
13 funding sources for the purposes of the program.

14 (j) The department of public safety, or after December 31,
15 2023, the department of law enforcement, shall adopt rules in
16 accordance with chapter 91 for the purposes of this section.

17 **§266-B Shipping container inspection program special fund.**

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

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



1 ~~firework items~~, as containing one hundred thirty milligrams or
2 less of explosive materials, and that are commonly known as
3 bottle rockets, sky rockets, missile-type rockets, helicopters,
4 torpedoes, daygo bombs, roman candles, flying pigs, and jumping
5 jacks that move about the ground farther than a circle with a
6 radius of twelve feet as measured from the point where the item
7 was placed and ignited, aerial shells, and mines."

8 2. By amending the definition of "fireworks" to read:

9 "Fireworks" means any combustible or explosive
10 composition, or any substance or combination of substances, [~~or~~
11 ~~article prepared for the purpose of producing~~] designed to
12 produce a visible or audible effect by combustion, explosion,
13 deflagration, or detonation, and meets the definition of aerial
14 device or consumer or display fireworks as defined by this
15 section. "Fireworks includes any composition or device that
16 meets the definition of aerial device or consumer or display
17 fireworks as defined by this section and contained in the
18 regulations of the United States Department of Transportation as
19 set forth in Title 49 Code of Federal Regulations. The term
20 "fireworks" shall not include any explosives or pyrotechnics
21 regulated under chapter 396 or automotive safety flares, nor



1 shall the term be construed to include toy pistols, toy cannons,
2 toy guns, party poppers, pop-its, or [~~ether~~] similar devices
3 [~~which contain twenty five hundredths of a grain or less of~~
4 ~~explosive substance~~]."

5 SECTION 4. No later than twenty days prior to the
6 convening of the regular sessions of 2024 and 2025, the
7 department of public safety or the department of law enforcement
8 shall submit to the legislature reports on the implementation of
9 the shipping container inspection program established pursuant
10 to this Act. The reports shall include findings and
11 recommendations, including costs expended to date, the estimated
12 cost of operating the program, and any proposed legislation.

13 SECTION 5. There is appropriated out of the general
14 revenues of the State of Hawaii the sum of \$ or so much
15 thereof as may be necessary for fiscal year 2023-2024 and the
16 same sum or so much thereof as may be necessary for fiscal year
17 2024-2025 for costs to establish and administer the shipping
18 container inspection program, including the purchase, care, and
19 handling of at least two explosive-sniffing dogs.



1 The sums appropriated shall be expended by the department
2 of public safety or the department of law enforcement for the
3 purposes of this Act.

4 SECTION 6. In codifying the new sections added by
5 section 2 of this Act, the revisor of statutes shall substitute
6 appropriate section numbers for the letters used in designating
7 the new sections in this Act.

8 SECTION 7. New statutory material is underscored.

9 SECTION 8. This Act shall take effect on July 1, 2050;
10 provided that section 5 of this Act shall take effect on July 1,
11 2023.



Report Title:

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

Description:

Establishes the Shipping Container Inspection Program and shipping container inspection program special fund. Amends the definitions of "aerial devices" and "fireworks" within state fireworks law. Requires reports to the Legislature on implementation of the Shipping Container Inspection Program. Appropriates funds. Effective 7/1/2050. (SD2)

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