

1 ground farther than a circle having a radius of twelve feet as
2 measured from the point where the item was placed and ignited.

3 "Articles pyrotechnic" means pyrotechnic devices for
4 professional use similar to consumer fireworks in chemical
5 composition and construction but not intended for consumer use
6 and that meet the weight limits for consumer fireworks but are
7 not labeled as such.

8 "Consumer fireworks" means any fireworks designed for
9 general public use that produce visible or audible effects by
10 combustion, and that are designed to remain on or near the
11 ground and, while stationary or spinning rapidly on or near the
12 ground, emit smoke, a shower of colored sparks, whistling
13 effects, flutter sparks, or balls of colored sparks, and
14 includes combination items that produce one or more of these
15 effects. "Consumer fireworks" include firework items commonly
16 known as firecrackers that are single paper cylinders not
17 exceeding one and one-half inches in length excluding the fuse,
18 and one-quarter of an inch in diameter, and that contain a
19 charge of not more than fifty milligrams of pyrotechnic
20 composition; items commonly known as snakes, sparklers, or
21 fountains; cylindrical or cone fountains that emit effects up to



1 a height not greater than twelve feet above the ground;
2 illuminating torches; bamboo cannons; whistles, wheels, and
3 ground spinners that when ignited remain within a circle having
4 a radius of twelve feet as measured from the point where the
5 item was placed and ignited; and other fireworks of like
6 construction that are designed to produce the same or similar
7 effects.

8 "Display" means the use of aerial devices, display
9 fireworks, or articles pyrotechnic for any activity.

10 "Display fireworks" means any fireworks designed primarily
11 for exhibition display by producing visible or audible effects
12 and classified as display fireworks by federal law, and includes
13 salutes containing more than two grains (one hundred and thirty
14 milligrams) of explosive materials, aerial shells containing
15 more than forty grams of pyrotechnic compositions, and other
16 display pieces which exceed the limits of explosive materials
17 for classification as "consumer fireworks". This term also
18 includes fused setpieces containing components that together
19 exceed fifty milligrams of salute power.

20 "Fireworks" means any combustible or explosive composition,
21 or any substance or combination of substances, or article



1 prepared for the purpose of producing a visible or audible
2 effect by combustion, explosion, deflagration, or detonation and
3 that meets the definition of aerial device or consumer or
4 display fireworks as defined by this section and contained in
5 applicable federal regulations. The term "fireworks" does not
6 include any explosives or pyrotechnics regulated under
7 chapter 396, automotive safety flares, toy cannons, toy guns,
8 party poppers, pop-its, or other devices that contain
9 twenty-five hundredths of a grain or less of explosive
10 substance.

11 "Import", and any nounal, verbal, adjectival, adverbial,
12 and other equivalent form of the term used interchangeably in
13 this chapter, means to bring or attempt to bring fireworks into
14 the State or to cause fireworks to be brought into the State,
15 and includes fireworks labeled or designated as samples, even if
16 not intended for retail sale.

17 "Pyrotechnic composition" or "pyrotechnic contents" means
18 the combustible or explosive component of fireworks.

19 **§ -3 General prohibitions.** (a) It shall be unlawful
20 for any person to:

21 (1) Remove or extract the pyrotechnic contents from;



- 1 (2) Throw;
- 2 (3) Set off, ignite, discharge, or otherwise cause to
- 3 explode;
- 4 (4) Import; offer to sell; sell, at wholesale or retail;
- 5 purchase; or
- 6 (5) Possess;
- 7 any fireworks, articles pyrotechnic, or aerial devices.

8 **§ -4 Exceptions.** (a) The prohibitions in section -3
9 do not apply to:

- 10 (1) The use of flares, noisemakers, or signals for
- 11 warning, pest control, or illumination purposes by
- 12 police and fire departments, utility companies,
- 13 transportation agencies, and other governmental or
- 14 private agencies or persons, including agricultural
- 15 operations, in connection with emergencies, their
- 16 duties, or business;
- 17 (2) The sale or use of blank cartridges for a show or
- 18 theater, or for signal, commercial, or institutional
- 19 purposes in athletics or sports; and



1 (3) The testing, disposal, or destruction of illegal
2 fireworks, articles pyrotechnic, or aerial devices by an
3 agency having authority to enforce this chapter.

4 (b) Nothing in this chapter shall be construed to apply to
5 the possession, storage, sale, or use of explosives and
6 combustibles in accordance with chapter 396.

7 **§ -5 Liability of parents or guardians.** A parent,
8 guardian, and other person having the custody or control of any
9 minor, who knowingly permits the minor to possess, purchase, or
10 set off, ignite, discharge or otherwise cause to explode any
11 firework or article pyrotechnic, shall be deemed to be in
12 violation of this chapter and shall be subject to the penalties
13 thereunder.

14 **§ -6 Penalty.** (a) Any person:

15 (1) Importing aerial devices, display fireworks, or
16 articles pyrotechnic shall be guilty of a class C
17 felony;

18 (2) Purchasing, possessing, setting off, igniting, or
19 discharging aerial devices, display fireworks, or
20 articles pyrotechnic; or storing, selling, or
21 possessing aerial devices, display fireworks, or



1 articles pyrotechnic; or allowing an individual to
2 possess, set off, ignite, discharge, or otherwise
3 cause to explode any aerial device in violation of
4 section -7:

5 (A) If the total weight of the aerial devices,
6 display fireworks, or articles pyrotechnic is
7 twenty-five pounds or more, shall be guilty of a
8 class C felony; or

9 (B) If the total weight of the aerial devices,
10 display fireworks, or articles pyrotechnic is
11 less than twenty-five pounds, shall be guilty of
12 a misdemeanor;

13 (3) Who transfers or sells aerial devices, display
14 fireworks, or articles pyrotechnic to any person shall
15 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.



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 no more than
4 \$5,000 for each violation. Notwithstanding any provision to the
5 contrary in this section, any person violating section -7
6 shall be fined at least \$500 and no more than \$5,000.

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

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

17 (e) For the purposes of this section:

18 (1) Each type of prohibited firework imported, purchased,
19 sold, possessed, set off, ignited, or discharged shall
20 constitute a separate violation for each unopened
21 package; and



- 1 (2) Each separate firework imported, purchased, sold,
2 possessed, set off, ignited, or discharged shall be a
3 separate violation if the package is opened or the
4 firework is not in a package.
- 5 (f) For the purposes of this section, "package":
- 6 (1) Means any aerial device, display firework, or article
7 pyrotechnic:
- 8 (A) Enclosed in a container or wrapped in any manner
9 in advance of wholesale or retail sale; and
- 10 (B) Having a weight or measure determined in advance
11 of wholesale or retail sale; and
- 12 (2) Does not mean:
- 13 (A) Inner wrappings not intended to be individually
14 sold to the customer;
- 15 (B) Shipping containers or wrapping used solely for
16 the transportation of any commodities in bulk or
17 in quantity;
- 18 (C) Auxiliary containers or outer wrappings used to
19 deliver commodities if the containers or
20 wrappings bear no printed matter pertaining to



1 any particular aerial device, display firework,
2 or article pyrotechnic;

3 (D) Containers used for retail tray pack displays
4 when the container itself is not intended to be
5 sold; or

6 (E) Open carriers and transparent wrappers or
7 carriers for containers when the wrappers or
8 carriers do not bear printed matter pertaining to
9 any particular aerial devices, display fireworks,
10 or articles pyrotechnic.

11 **§ -7 Liability of homeowner, renter, or person otherwise**
12 **responsible for real property.** A homeowner, renter, or person
13 otherwise responsible for real property who intentionally,
14 knowingly, or recklessly allows an individual, while on that
15 real property, to possess, set off, ignite, or otherwise cause
16 to explode any aerial device shall be deemed to be in violation
17 of this chapter and shall be subject to the penalties specified
18 in section -6(a)(2) and (b).

19 **§ -8 Enforcement; probable cause for arrest.** (a) This
20 chapter shall be enforced by the department of law enforcement
21 or each county.



1 (b) Arrests for offenses under this chapter or under a
2 county fireworks ordinance shall be made in compliance with
3 chapter 803. The facts and circumstances to establish probable
4 cause for an arrest may include but are not limited to:

5 (1) Statements from individuals who witnessed the offense,
6 even if those individuals are not law enforcement
7 officers; and

8 (2) Photographs, video recordings, or other recordings
9 that show the commission of the offense and can be
10 authenticated by one or more witnesses; provided that
11 a recording made using an unmanned aerial vehicle
12 shall be exempt from the requirement of authentication
13 by one or more witnesses.

14 For the purposes of this subsection:

15 "Other recording" includes any photograph or a video made
16 using an unmanned aerial vehicle.

17 "Unmanned aerial vehicle" means any aerial vehicle that is
18 operated without the possibility of direct human intervention
19 within or on the aerial vehicle. The term "unmanned aerial
20 vehicle" does not include a remote-controlled airplane.



1 § -9 Health care facilities; report of fireworks and
2 articles pyrotechnic incidents. Health care facilities in this
3 State shall report all incidents of serious injuries and
4 fatalities caused by legal and illegal fireworks or articles
5 pyrotechnic to the department of health and the police
6 department of the county in which the insured or deceased person
7 was attended or treated. All reports shall be in writing or in
8 a manner specified by the department of health.

9 As used in this section, "health care facilities" includes
10 any outpatient clinic, emergency room, or physician's office,
11 private or public, whether organized for profit or not, used,
12 operated, or designed to provide medical diagnosis, treatment,
13 nursing, rehabilitative, or preventive care to any person or
14 persons. The term includes but is not limited to health care
15 facilities that are commonly referred to as hospitals, extended
16 care and rehabilitation centers, nursing homes, skilled nursing
17 facilities, intermediate care facilities, hospices for the
18 terminally ill that require licensure or certification by the
19 department of health, kidney disease treatment centers,
20 including freestanding hemodialysis units, outpatient clinics,
21 organized ambulatory health care facilities, emergency care



1 facilities and centers, home health agencies, health maintenance
2 organizations, and others providing similarly organized
3 services, regardless of nomenclature.

4 **§ -10 Disposal of confiscated fireworks or articles**
5 **pyrotechnic.** Any law enforcement agency or county fire
6 department that confiscates prohibited fireworks or articles
7 pyrotechnic pursuant to this chapter may safely destroy or
8 dispose of the confiscated fireworks or articles pyrotechnic;
9 provided that the law enforcement agency or county fire
10 department shall retain a sample or specimen of each type of
11 confiscated firework or article pyrotechnic for evidentiary
12 purposes.

13 **§ -11 Storage and disposal fine.** (a) In any
14 administrative, civil, or criminal action to enforce this
15 chapter, after providing notice and an opportunity for hearing,
16 the agency or a court hearing the action shall hold any party
17 violating this chapter liable for the total amount of any costs
18 incurred by the agency or agencies for the storage and disposal
19 of confiscated or seized fireworks or articles pyrotechnic.

20 (b) An administrative or civil order to pay a storage and
21 disposal fine may be collected in the same manner as a judgment



1 in a civil action. An agency or agencies may collect the full
2 amount of the storage and disposal fine together with any costs,
3 interest, and attorney's fees incurred in any action to enforce
4 the order to pay."

5 SECTION 2. Section 711-1121, Hawaii Revised Statutes, is
6 amended by amending subsection (4) to read as follows:

7 "(4) For purposes of this subsection:

8 "Contraband" has the same meaning as in section 710-1023.

9 "Dangerous instrument" has the same meaning as in section
10 707-700.

11 "Drug" has the same meaning as in section 710-1022.

12 "Electric gun" has the same meaning as in section 134-81.

13 "Explosive" means a device composed of a single ingredient,
14 or mixture of ingredients, capable of instantaneously releasing
15 a sufficient amount of energy to inflict substantial damage to
16 persons or property, and includes fireworks as defined in
17 section [~~132D-2.~~] -2.

18 "Firearm" has the same meaning as in section 134-1.

19 "Prison" includes jails, prisons, correctional centers,
20 correctional facilities, and detention centers.



1 "Serious bodily injury" has the same meaning as in section
2 707-700.

3 "Weapon of mass destruction" means any weapon that is
4 designed or intended to cause death or serious bodily injury
5 through the release, dissemination, or impact of toxic or
6 poisonous chemicals, or other precursors, and includes any
7 weapon involving a biological agent, toxin, or vector and any
8 weapon designed to release radiation or radioactivity at a level
9 dangerous to human life."

10 SECTION 3. Section 712-1270, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "**§712-1270 Places used to commit offenses against public**
13 **health and morals or other offenses, a nuisance.** Every
14 building, premises, or place used for the purpose of violating:

15 (1) Those laws pertaining to offenses against public
16 health and morals contained in this chapter, except
17 offenses under part IV that do not involve the
18 manufacture or distribution of drugs and activities
19 under part III that involve only social gambling as
20 defined in section 712-1231(a);

21 (2) Section [~~132D-14(a)(1)~~] -6(a)(1) or (3); or



1 (3) Any offense under part II of chapter 708 that involves
2 a person unlawfully residing on or otherwise occupying
3 real property to which the person has no title, lease,
4 or other legal claim,
5 and every building, premises, or place in or upon which
6 violations of any of the laws set forth in paragraph (1), (2),
7 or (3) are held or occur, is a nuisance that shall be enjoined,
8 abated, and prevented, regardless of whether it is a public or
9 private nuisance."

10 SECTION 4. Section 712-1270.3, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "**§712-1270.3 Citizen's rights.** Any citizen who brings a
13 nuisance abatement suit against a place used for the purpose of
14 committing:

- 15 (1) Fireworks related offenses contained in section
16 ~~[132D-14(a)(1)]~~ -6(a)(1) or (3); or
17 (2) Drug offenses under part IV of this chapter or who
18 files a complaint with the local police or drug
19 nuisance abatement unit of the department of the
20 attorney general,



1 shall be entitled to the same rights and protections of victims
2 and witnesses in criminal proceedings in accordance with
3 chapter 801D."

4 SECTION 5. Section 712-1281, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "[+]§712-1281 Forfeiture; fireworks.[+]" In addition to
7 any other penalty that may be imposed for violation of section
8 [~~132D-14(a)(1)~~] -6(a)(1) or (3), any property used or
9 intended for use in the commission of, attempt to commit, or
10 conspiracy to commit an offense under section [~~132D-14(a)(1)~~]
11 -6(a)(1) or (3), or that facilitated or assisted such activity,
12 and any proceeds or other property acquired or maintained with
13 the proceeds from violation of section
14 [~~132D-14(a)(1)~~] -6(a)(1) or (3) may be subject to forfeiture
15 pursuant to chapter 712A."

16 SECTION 6. Chapter 132D, Hawaii Revised Statutes, is
17 repealed.

18 SECTION 7. All rules, policies, procedures, guidelines,
19 and other material adopted or developed by any state or county
20 agency before the effective date of this Act to implement
21 provisions of the Hawaii Revised Statutes repealed or amended by



1 this Act shall remain in full force and effect, to the extent
2 the new provisions of the Hawaii Revised Statutes established by
3 this Act are substantively similar to the repealed or amended
4 provisions of the Hawaii Revised Statutes. Rules, policies,
5 procedures, guidelines, and other materials remaining in effect
6 pursuant to this section may be amended or repealed pursuant to
7 applicable law.

8 SECTION 8. This Act does not affect rights and duties that
9 matured, penalties that were incurred, and proceedings that were
10 begun before its effective date.

11 SECTION 9. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 10. This Act shall take effect on July 1, 2025.

14

INTRODUCED BY: _____



JAN 17 2025



H.B. NO. 633

Report Title:

Fireworks; Articles Pyrotechnic; Aerial Devices; Prohibited

Description:

Prohibits fireworks. Imposes penalties.

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