THE SENATE
THIRTIETH LEGISLATURE, 2019
STATE OF HAWAII

S.B. NO. 150

JAN 18 2019

A BILL FOR AN ACT

RELATING TO FIREWORKS.

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

SECTION 1. The legislature finds that the use of consumer fireworks causes fires and burn injuries, mostly to children. Fireworks produce excessive smoke that makes breathing difficult. Loud fireworks noises traumatize many residents, including war veterans, as well as pets. With the increase in fireworks-related calls, public safety agencies are strained to maintain adequate response levels for other critical emergencies. The legislature further finds that people in the State and its communities deserve to live in peace and security, without the public safety risk and disruptive impact of consumer fireworks.

The purpose of this Act is to limit the use of consumer fireworks by:

(1) Authorizing the sale and use of consumer fireworks only for cultural purposes; and

(2) Discontinuing the authorization of the non-cultural use of consumer fireworks on the three designated
holidays, namely New Year's Eve, the Fourth of July, and Chinese New Year's Day.

This Act is not intended to prohibit the use of display fireworks, articles pyrotechnic, and aerial devices by licensed professionals.

SECTION 2. Section 132D-2, Hawaii Revised Statutes, is amended by amending the definitions of "consumer fireworks" and "cultural" to read as follows:

"Consumer fireworks" means:

(1) Means any fireworks designed primarily for retail sale to the public [during authorized dates and times,] that produces visible or audible effects by combustion, and that is designed to remain on or near the ground and, while stationary or spinning rapidly on or near the ground, emits smoke, a shower of colored sparks, whistling effects, flitter sparks, or balls of colored sparks, and includes combination items that contain one or more of these effects.

"Consumer fireworks" shall comply with the construction, chemical composition, and labeling regulations of the United States Consumer Product...
Safety Commission as set forth in Title 16 Code of Federal Regulations and fireworks classified as UN0336 and UN0337 by the United States Department of Transportation as set forth in Title 49 Code of Federal Regulations. "Consumer fireworks" include:

(2) Includes firework items commonly known as firecrackers that are single paper cylinders not exceeding one and one-half inches in length excluding the fuse and one-quarter of an inch in diameter and contain a charge of not more than fifty milligrams of pyrotechnic composition, snakes, sparklers, fountains, and cylindrical or cone fountains that emit effects up to a height not greater than twelve feet above the ground, illuminating torches, bamboo cannons, whistles, toy smoke devices, wheels, and ground spinners that when ignited remain within a circle with a radius of twelve feet as measured from the point where the item was placed and ignited, novelty or trick items, combination items, and other fireworks of
like construction that are designed to produce the
same or similar effects.

"Cultural" means an event relating to
the arts, customs, traditions, mores, [and] history, or religion
of [all] any of the various ethnic groups of Hawaii."

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

"§132D-3 [Permissible uses] Use of consumer fireworks[ ];
prohibition; exception for cultural events. [Consumer fireworks
may be] It shall be unlawful for any person to set off,
[ignited, discharged,] ignite, discharge, or otherwise [caused]
cause to explode any consumer fireworks within the State [only-
(1) From 9:00 p.m. on New Year's Eve to 1:00 a.m. on New
Year's Day; from 7:00 a.m. to 7:00 p.m. on Chinese New
Year's Day; and from 1:00 p.m. to 9:00 p.m. on the
Fourth of July; or
(2) From ], except during cultural events from 9:00 a.m. to
9:00 p.m. as allowed by permit pursuant to section
132D-10 [if the proposed cultural use is to occur at
any time other than during the periods prescribed in
paragraph (1)];
provided that the purchase of not more than five thousand
individual consumer fireworks commonly known as firecrackers
shall be allowed under each permit."

SECTION 4. Section 132D-5, Hawaii Revised Statutes, is
amended to read as follows:

"§132D-5 General prohibitions. (a) [It] In addition to
the prohibition under section 132D-3, it shall be unlawful for
any person [without a permit issued under section 132D-10 by a
county fire department] to:

(1) Remove or extract the pyrotechnic contents from any
fireworks;

(2) Throw any ignited fireworks:
   (A) From, at, or into a vehicle;
   (B) At a person or an animal; and
   (C) From above the first floor of any building; or

(3) Set off, ignite, discharge, or otherwise cause to
   explode any fireworks:
   (A) Above the first floor of any building;
   (B) In any vehicle;
   [(C) At any time not within the periods for use

prescribed in section 132D-3;]
4 (D) Within one thousand feet of any operating hospital, licensed convalescent home, licensed home for the elderly, zoo, licensed animal shelter, or licensed animal hospital;

5 (E) In any school building, or on any school grounds and yards without first obtaining authorization from appropriate school officials;

6 (F) On any highway, alley, street, sidewalk, or other public way; in any park; on any public beach; in any officially designated forest or wildlife preserve; within fifty feet of a canefield; or within one thousand feet of any building used for public worship during the periods when services are held; and

7 (G) Within five hundred feet of any hotel.

(b) Except for use at cultural events by permit pursuant to section 132D-10, it shall be unlawful to purchase or possess consumer fireworks [more than five calendar days before the time periods for permissible use under section 132D-3.] within the State.
(c) Except for use at cultural events by permit pursuant to section 132D-10, it shall be unlawful to offer, expose for sale, sell, or furnish consumer fireworks [after 12:01 a.m. on New Year's Day, 6:00 p.m. on Chinese New Year's Day, and 8:00 p.m. on the Fourth of July.] to any person within the State."

SECTION 5. Section 132D-8, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

"(d) It shall be unlawful for any licensee, other than a wholesaler who is selling or transferring fireworks or articles pyrotechnic to a licensed retailer, to sell or offer to sell, exchange for consideration, give, transfer, or donate any fireworks or articles pyrotechnic at any time to any person who does not present a permit duly issued as required by section 132D-10 or 132D-16. The permit shall be signed by the seller or transferor at the time of sale or transfer of the fireworks or articles pyrotechnic, and the seller or transferor shall indicate on the permit the amount and type of fireworks or articles pyrotechnic sold or transferred. No person shall sell or deliver fireworks to any permittee in any amount in excess of the amount specified in the permit, less the amount shown on the
permit to have been previously purchased; provided that no
fireworks shall be sold to a permittee holding a permit issued
for purposes of section 132D-3, more than five calendar days
before the applicable [time period under section 132D-3] cultural event."

SECTION 6. Section 132D-10, Hawaii Revised Statutes, is
amended to read as follows:

"§132D-10 Permits[.] for the purchase and use of
fireworks. A permit shall be required for the purchase and use
of:

(1) Any consumer fireworks [commonly known as
firecrackers] for cultural events upon payment of a
fee of $25[.] per permit; and

(2) Any aerial devices, display fireworks, or articles
pyrotechnic for the purposes of section 132D-16 upon
payment of a fee of $110[.]

[(3) Any consumer fireworks for the purposes of section
132D-5 or for cultural uses that occur at any time
other than during the periods prescribed in section
132D-3(1) upon a payment of a fee of $25[.] per
permit."
SECTION 7. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

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

SECTION 9. This Act shall take effect upon its approval.

INTRODUCED BY: [Signature]
By Request
Report Title:
State Fire Council Package; Fireworks; Cultural Events; Prohibitions; Exceptions

Description:
Imposes a statewide limitation on consumer fireworks, except by permit for cultural events.

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