
A BILL FOR AN ACT

RELATING TO FIREWORKS.

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

1 SECTION 1. Act 67, Session Laws of Hawaii 2023, created
2 the illegal fireworks task force to, among other things, plan,
3 coordinate, and engage in law enforcement operations to
4 interdict illegal fireworks. The legislature finds that
5 additional provisions are needed for the ability of county and
6 state agencies to address the illegal use of fireworks in
7 Hawaii.

8 The purpose of this Act is to amend the State's Fireworks
9 Control Law to:

- 10 (1) Authorize officers with police powers and every county
11 fire department officer to enter into and inspect the
12 premises of a licensee or permittee for compliance
13 with the Fireworks Control Law and establish penalties
14 for hindering an officer;
- 15 (2) Establish procedures for the department of law
16 enforcement to conduct administrative inspections of
17 controlled premises;



- 1 (3) Require licensees and permittees who hold, store,
2 transport, sell, possess, or otherwise dispose of
3 fireworks and articles pyrotechnic to keep records and
4 maintain inventories;
- 5 (4) Require licensees and permittees to report to the
6 director of law enforcement and appropriate county
7 fire chief if they have reason to believe fireworks or
8 articles pyrotechnic were stolen, embezzled, or
9 otherwise obtained by fraud or diversion;
- 10 (5) Authorize a law enforcement agency or county fire
11 department to safely dispose of confiscated fireworks
12 and articles pyrotechnic;
- 13 (6) Require violators to be held liable for storage and
14 disposal costs;
- 15 (7) Specify that each type of prohibited firework
16 constitutes a separate violation;
- 17 (8) Authorize the department of law enforcement, in
18 addition to the counties, to enforce the Fireworks
19 Control Law; and
- 20 (9) Appropriate funds.



1 SECTION 2. Chapter 132D, Hawaii Revised Statutes, is
2 amended by adding six new sections to be appropriately
3 designated and to read as follows:

4 "§132D- Entry onto premises; inspection of premises,
5 books, and records; obstructing law enforcement or fire
6 department operations; penalty. (a) Any law enforcement or
7 fire officer may at reasonable hours enter and inspect the
8 premises of a licensee or permittee and any books or records
9 therein to verify compliance with this chapter and the
10 conditions of the license or permit.

11 (b) Upon a request by any law enforcement or fire officer
12 to enter and inspect the premises of a licensee or permittee at
13 reasonable hours, the licensee, permittee, or employee of the
14 licensee or permittee shall make available for immediate
15 inspection and examination the premises and all the relevant
16 books and records therein.

17 (c) Any licensee or permittee who refuses entry or access
18 to an officer to the premises of the licensee or permittee shall
19 be found in violation of conditions of the license or permit and
20 the license or permit shall be suspended or revoked by the
21 issuing department after hearing, for violation of any license



1 or permit requirement or condition or any provision of this
2 chapter or rule adopted thereunder. Any order made by the
3 issuing department for the suspension or revocation of a license
4 or permit shall be in writing and shall set forth the reasons
5 for the suspension or revocation. The action of the issuing
6 department in suspending or revoking a license or permit may be
7 reviewed in the manner provided in chapter 91. The department
8 that issued the license or permit shall provide the licensee or
9 permittee with a written notice and order describing the basis
10 for the suspension or revocation. Any person aggrieved by the
11 suspension or revocation determination may request a contested
12 case hearing pursuant to chapter 91. To request a contested
13 case hearing, the person shall submit a written request to the
14 department that issued the license or permit within thirty
15 calendar days of the date of the notice and order of the
16 suspension or revocation. Appeal to the circuit court under
17 section 91-14, or any other applicable statute, shall only be
18 taken from the issuing department's final order pursuant to a
19 contested case.

20 (d) Any licensee, permittee, employee of a licensee or
21 permittee, or other person who:



1 (1) Threatens with the use of violence, force, or physical
2 interference or obstacle, or hinders, obstructs, or
3 prevents any law enforcement or fire officer, or any
4 person called by a law enforcement or fire officer to
5 the officer's aid, from entering into the premises of
6 a licensee or permittee; or

7 (2) Opposes, obstructs, or molests a law enforcement or
8 fire officer in the performance of the officer's duty
9 to enforce this chapter in any respect,

10 shall be guilty of a misdemeanor, punishable by a fine of no
11 more than \$2,000 or imprisonment for no more than one year, or
12 both.

13 (e) Whenever any law enforcement or fire officer, having
14 demanded admittance into the premises of a licensee or permittee
15 and declared the officer's name and office, is not admitted by
16 the licensee, permittee, or person in charge of the premises,
17 the officer may use force to enter the premises.

18 (f) For purposes of this section, "premises of a licensee
19 or permittee" does not include the licensee's or permittee's
20 private residences that are dwellings considered to be a



1 person's home, including a single family house, apartment unit,
2 condominium, townhouse, or cooperative unit.

3 §132D- Administrative inspections; controlled premises.

4 (a) The director or the director's designee may conduct
5 administrative inspections of controlled premises upon
6 presenting appropriate credentials to the licensee, permittee,
7 persons subject to this chapter, or their agents in accordance
8 with the following:

- 9 (1) Inspections of controlled premises shall be at
10 reasonable times, within reasonable limits, and in a
11 reasonable manner to verify compliance with this
12 chapter and the conditions of the license or permit;
13 (2) The director or the director's designee shall have
14 access to, and may copy, any and all records, books,
15 logs, or documents pertaining to the holding, storage,
16 transportation, sale, possession, or disposition of
17 fireworks or articles pyrotechnic regulated under this
18 chapter without a warrant;
19 (3) The director or the director's designee may inventory
20 the stock of any fireworks or articles pyrotechnic
21 regulated under this chapter and secure samples or



1 specimens of any fireworks or articles pyrotechnic not
 2 seized as evidence by paying for the sample or
 3 specimen. The director or the director's designee
 4 shall make or cause to be made examinations of samples
 5 or specimens secured under this paragraph to verify
 6 compliance with this chapter or the conditions of the
 7 license or permit; and

8 (4) The regulatory authority under this chapter shall
 9 remain with the five county fire departments. The
 10 director or the director's designee conducting these
 11 inspections are aiding the county fire departments'
 12 enforcement of its regulatory authority.

13 (b) For purposes of this section, "controlled premises"
 14 means a place where persons licensed or permitted under this
 15 chapter are required to keep records and authorized to hold,
 16 store, transport, sell, possess, or otherwise dispose of any
 17 fireworks and articles pyrotechnic. "Controlled premises"
 18 includes factories, warehouses, establishments, businesses,
 19 storefronts, vehicles, and conveyances.

20 §132D- Recordkeeping requirements. (a) A person with
 21 a license or permit issued under this chapter to hold, store,



1 transport, sell, possess, or otherwise dispose of any fireworks
2 and articles pyrotechnic shall keep records and maintain
3 inventories in conformance with the recordkeeping and inventory
4 requirements of this chapter.

5 (b) Every licensee and permittee shall keep a record of
6 all fireworks and articles pyrotechnic received, imported, held,
7 distributed, sold, possessed, or disposed of that shows the
8 amounts of fireworks and article pyrotechnic received, imported,
9 held, distributed, sold, possessed, or disposed of for five
10 years.

11 (c) Records required under this section shall be
12 maintained separately in a file, log book, or electronic
13 database that is readily accessible by the licensee or
14 permittee.

15 (d) All records pertaining to the receipt, importation,
16 storage, distribution, sale, possession, and disposal of
17 fireworks and articles pyrotechnic shall be produced and made
18 available upon request by the director, county fire chiefs, or
19 their designees.

20 §132D- Mandatory reporting requirements. (a)
21 Notwithstanding any other law concerning confidentiality to the



1 contrary, a licensee or permittee who, in the licensee's or
2 permittee's professional or official capacity, has reason to
3 believe that fireworks or articles pyrotechnic in the licensee's
4 or permittee's inventory have been stolen, embezzled, or
5 otherwise obtained by fraud or diversion shall immediately make
6 a verbal report of the matter to the director and county fire
7 chief of the county in which the licensee or permittee resides
8 or conducts business.

9 (b) The licensee or permittee shall submit a written
10 report to the director and county fire chief of the county in
11 which the licensee or permittee resides or conducts business as
12 soon as practicable following the verbal report. The written
13 report shall contain:

14 (1) The name and address of the suspected perpetrator, if
15 known;

16 (2) The nature and extent of the theft, embezzlement,
17 fraud, or diversion; and

18 (3) Any other information that the licensee or permittee
19 believes may be helpful or relevant to the
20 investigation of the theft, embezzlement, fraud, or
21 diversion.



1 (c) Upon demand of the director or county fire chief of
2 the county in which the licensee or permittee resides or
3 conducts business, any person subject to subsection (a) shall
4 provide all information related to the alleged incident of
5 theft, embezzlement, fraud, or diversion, including records,
6 reports, and any image, film, video, or other electronic medium,
7 that was not included in the written report submitted pursuant
8 to subsection (b).

9 (d) This section shall not be construed to provide a basis
10 for a cause of action against the director, department of law
11 enforcement, county fire chief, or county fire departments.

12 (e) Any person subject to this section who knowingly
13 prevents another person from complying with the mandatory
14 reporting requirements of this section, or who knowingly fails
15 to provide information as required by this section, shall be
16 guilty of a misdemeanor.

17 §132D- Disposal of confiscated fireworks and articles
18 pyrotechnic. A law enforcement agency or county fire department
19 that confiscates prohibited fireworks or articles pyrotechnic
20 pursuant to this chapter may safely destroy or dispose of the
21 confiscated fireworks and articles pyrotechnic; provided that



1 the law enforcement agency or county fire department shall
2 retain a sample or specimen of each type of confiscated
3 fireworks or articles pyrotechnic for evidentiary purposes.

4 §132D- Storage and disposal fine. (a) In any
5 administrative, civil, or criminal action, following notice and
6 an opportunity for hearing, an agency or a court hearing the
7 action shall hold liable any party in violation of this chapter
8 and from whom fireworks or articles pyrotechnic were
9 confiscated, seized, or otherwise taken into custody by the
10 state or county agency or agencies for the total amount of the
11 costs incurred by the agency or agencies for the storage and
12 disposal of the confiscated or seized fireworks or articles
13 pyrotechnic.

14 (b) An administrative or civil order to pay a storage and
15 disposal fine may be collected in the same manner as a judgment
16 in a civil action. An agency or agencies may collect the full
17 amount of the storage and disposal fine together with any costs,
18 interest, and attorney's fees incurred in any action to enforce
19 the order to pay a storage and disposal fine."



1 SECTION 3. Section 132D-2, Hawaii Revised Statutes, is
2 amended by adding two new definitions to be appropriately
3 inserted and to read as follows:

4 "Director" means the director of law enforcement.

5 "Law enforcement or fire officer" means any law enforcement
6 officer having police power or county fire department officer,
7 which includes firefighters."

8 SECTION 4. Section 132D-8, Hawaii Revised Statutes, is
9 amended to read as follows:

10 **"§132D-8 Application for license.** (a) All licenses
11 required under section 132D-7 shall be issued by the county and
12 shall be nontransferable. Licenses to import shall specify the
13 date of issuance or effect and the date of expiration, which
14 shall be March 31 of each year. The application shall be made
15 on a form setting forth the date upon which the importations are
16 to begin, the address of the location of the importer, and the
17 name of the proprietor or, if a partnership, the name of the
18 partnership and the names of all partners or, if a corporation,
19 the name of the corporation and the names of its officers. The
20 application for a license to import display fireworks, articles
21 pyrotechnic, or aerial devices shall include written



1 documentation of the proposed display event and related contact
2 information in a form prescribed by the applicable county. If
3 the state fire council or county discovers at a later date that
4 a licensee has been convicted of a felony under this chapter,
5 the licensee's license shall be revoked and no new license shall
6 be issued to the licensee for two years.

7 (b) Each storage, wholesaling, and retailing site shall be
8 required to obtain a separate license. The license shall
9 specify the date of issuance or effect and the date of
10 expiration, which shall be March 31 of each year. The
11 application shall be made on a form setting forth the date upon
12 which the storage, sale, or offers for sale are to begin, the
13 address of the location of the licensee, and the name of the
14 proprietor~~[7]~~ or, if a partnership, the name of the partnership
15 and the names of all partners or, if a corporation, the name of
16 the corporation and the name of its officers. Any license
17 issued pursuant to this chapter may be revoked by the county if
18 the licensee violates any provision of this chapter or if the
19 licensee stores or handles the fireworks in [~~such~~] a manner [~~as~~
20 ~~to present~~] that presents an unreasonable safety hazard.



1 (c) Permanent and temporary fireworks storage buildings or
2 structures and buildings or facilities where redistribution
3 activities are performed shall comply with the currently adopted
4 county building or fire codes or the latest edition of
5 nationally recognized standards.

6 (d) It shall be unlawful for any licensee, other than a
7 wholesaler who is selling or transferring fireworks or articles
8 pyrotechnic to a licensed retailer, to sell or offer to sell,
9 exchange for consideration, give, transfer, or donate any
10 fireworks or articles pyrotechnic at any time to any person who
11 does not present a permit duly issued as required by section
12 132D-10 or 132D-16. The permit shall be signed by the seller or
13 transferor at the time of sale or transfer of the fireworks or
14 articles pyrotechnic, and the seller or transferor shall
15 indicate on the permit the amount and type of fireworks or
16 articles pyrotechnic sold or transferred. No person shall sell
17 or deliver fireworks to any permittee in any amount in excess of
18 the amount specified in the permit, less the amount shown on the
19 permit to have been previously purchased; provided that no
20 fireworks shall be sold to a permittee holding a permit issued



1 for purposes of section 132D-3, more than five calendar days
2 before the applicable time period under section 132D-3.

3 (e) Aerial devices, display fireworks, or articles
4 pyrotechnic shall only be sold or transferred by a wholesaler to
5 a person with a valid permit under sections 132D-10 and 132D-16.
6 No person with a valid permit under sections 132D-10 and 132D-16
7 shall sell or transfer aerial devices, display fireworks, or
8 articles pyrotechnic to any other person.

9 (f) Any license issued pursuant to this chapter shall be
10 prominently displayed in public view at each licensed location.

11 (g) A licensee under this chapter shall be deemed to have
12 consented to allow the director or the director's designee to
13 inspect the premises of the licensee, except for private
14 residences. If a licensee withdraws consent to inspect the
15 premises of the licensee, the license shall be revoked."

16 SECTION 5. Section 132D-8.6, Hawaii Revised Statutes, is
17 amended by amending subsection (b) to read as follows:

18 "(b) The department of law enforcement or fire department
19 of a county, in which a shipment of fireworks or articles
20 pyrotechnic has landed and becomes subject to the jurisdiction
21 of the fire department, shall be allowed to inspect, if it



1 chooses, any shipment declared on the shipping manifest as
2 fireworks or articles pyrotechnic[-] or any facility in which
3 fireworks or articles pyrotechnic are to be stored."

4 SECTION 6. Section 132D-9, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "**§132D-9 Application for permit.** (a) The permit required
7 under section 132D-10 or 132D-16 shall be issued by the county
8 or its authorized designees and shall be nontransferable. The
9 county or its authorized designees shall issue all permits for
10 which complete applications have been submitted and [~~which~~] that
11 contain only correct information. The permit shall specify the
12 date of issuance or effect and the date of expiration but in no
13 case for a period to exceed one year. The permit for the
14 purchase of consumer fireworks for the purposes of section 132D-
15 3 shall not allow purchase for more than one event as set forth
16 in section 132D-3. The application shall be made on a form
17 setting forth the dates for which the permit shall be valid, the
18 location where the permitted activity is to occur, and the name
19 of the proprietor or, if a partnership, the name of the
20 partnership and the names of all partners or, if a corporation,
21 the name of the corporation and the names of its officers. The



1 permit application may be denied if the proposed use of
2 fireworks or articles pyrotechnic presents a substantial
3 inconvenience to the public or presents an unreasonable fire or
4 safety hazard.

5 (b) Any permit issued pursuant to this chapter shall be
6 prominently displayed in public view at the site.

7 (c) A permittee under this chapter shall be deemed to have
8 consented to allow the director or the director's designee to
9 inspect the premises of the permittee, except for private
10 residences. If a permittee withdraws consent to inspect the
11 premises of the permittee, the permit shall be revoked."

12 SECTION 7. Section 132D-14, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "**§132D-14 Penalty.** (a) Any person:

15 (1) Importing aerial devices, display fireworks, or
16 articles pyrotechnic without having a valid license
17 under section 132D-7 shall be guilty of a class C
18 felony;

19 (2) Purchasing, possessing, setting off, igniting, or
20 discharging aerial devices, display fireworks, or
21 articles pyrotechnic without a valid permit under



1 sections 132D-10 and 132D-16, or storing, selling, or
2 possessing aerial devices, display fireworks, or
3 articles pyrotechnic without a valid license under
4 section 132D-7, or allowing an individual to possess,
5 set off, ignite, discharge, or otherwise cause to
6 explode any aerial device in violation of section
7 132D-14.5:

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

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

16 (3) Who transfers or sells aerial devices, display
17 fireworks, or articles pyrotechnic to a person who
18 does not have a valid permit under sections 132D-10
19 and 132D-16, shall be guilty of a class C felony; and

20 (4) Who removes or extracts the pyrotechnic contents from
21 any fireworks or articles pyrotechnic and uses the



1 contents to construct fireworks, articles pyrotechnic,
2 or a fireworks or articles pyrotechnic related device
3 shall be guilty of a misdemeanor.

4 (b) Except as provided in subsection (a) or as otherwise
5 specifically provided for in this chapter, any person violating
6 any other provision of this chapter, shall be fined no more than
7 \$5,000 for each violation. Notwithstanding any provision to the
8 contrary in this section, any person violating section 132D-14.5
9 shall be fined at least \$500 and no more than \$5,000.

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

16 (d) Notwithstanding any penalty set forth herein,
17 violations of subsection (a) (1) or (3) may be subject to
18 nuisance abatement proceedings provided in part V of chapter
19 712.

20 (e) For the purposes of this section, each type of
21 prohibited fireworks imported, purchased, sold, possessed, set



1 off, ignited, or discharged shall constitute a separate
2 violation for each unopened package, and each separate firework
3 imported, purchased, sold, possessed, set off, ignited, or
4 discharged shall be a separate violation if the package is
5 opened or the firework is not in a package.

6 (f) For the purposes of this section, "package":

7 (1) Means any aerial devices, display fireworks, or
8 articles pyrotechnic:

9 (A) Enclosed in a container or wrapped in any manner
10 in advance of wholesale or retail sale; and

11 (B) Whose weight or measure has been determined in
12 advance of wholesale or retail sale; and

13 (2) Does not mean:

14 (A) Inner wrappings not intended to be individually
15 sold to the customer;

16 (B) Shipping containers or wrapping used solely for
17 the transportation of any commodities in bulk or
18 in quantity;

19 (C) Auxiliary containers or outer wrappings used to
20 deliver commodities if the containers or
21 wrappings bear no printed matter pertaining to



1 any particular aerial devices, display fireworks,
2 or articles 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 SECTION 8. Section 132D-20, Hawaii Revised Statutes, is
12 amended by amending subsection (a) to read as follows:

13 "(a) This chapter shall be enforced by the department of
14 law enforcement or each county. The department of law
15 enforcement and counties, or both, are authorized to enforce and
16 administer the provisions of this chapter."

17 SECTION 9. In accordance with section 9 of article VII of
18 the Hawaii State Constitution and sections 37-91 and 37-93,
19 Hawaii Revised Statutes, the legislature has determined that the
20 appropriations contained in Act 164, Regular Session of 2023,
21 and this Act will cause the state general fund expenditure



1 ceiling for fiscal year 2024-2025 to be exceeded by
 2 \$ or per cent. This current declaration takes
 3 into account general fund appropriations authorized for fiscal
 4 year 2024-2025 in Act 164, Regular Session of 2023, and this Act
 5 only. The reasons for exceeding the general fund expenditure
 6 ceiling are that:

- 7 (1) The appropriation made in this Act is necessary to
- 8 serve the public interest; and
- 9 (2) The appropriation made in this Act meets the needs
- 10 addressed by this Act.

11 SECTION 10. There is appropriated out of the general
 12 revenues of the State of Hawaii the sum of \$ or so
 13 much thereof as may be necessary for fiscal year 2024-2025 to
 14 carry out the purposes of this Act, including continued
 15 operation of the illegal fireworks task force established by Act
 16 67, Session Laws of Hawaii 2023, and reimbursement of funds to
 17 law enforcement agencies for task force-related law enforcement
 18 operations, including law enforcement personnel, overtime and
 19 other salary-related payments, charges for fuel, equipment, and
 20 storage and disposal of confiscated fireworks.



1 The sum appropriated shall be expended by the department of
2 law enforcement for the purposes of this Act.

3 SECTION 11. This Act does not affect rights and duties
4 that matured, penalties that were incurred, and proceedings that
5 were begun before its effective date.

6 SECTION 12. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 13. This Act shall take effect on July 1, 3000.



Report Title:

DLE; Fireworks Control Law; Illegal Fireworks; Task Force;
Expenditure Ceiling; Appropriation

Description:

Authorizes law enforcement and fire officers to enter and inspect any licensee's or permittee's premises, under certain conditions, to verify compliance with the State's Fireworks Control Law. Establishes procedures for the Department of Law Enforcement to conduct administrative inspections of controlled premises. Requires certain licensees and permittees to keep records and maintain inventories. Requires licensees and permittees to report any stolen fireworks or articles pyrotechnic. Authorizes a law enforcement agency or county fire department to safely dispose confiscated fireworks and articles pyrotechnic. Requires violators to be held liable for storage and disposal costs. Specifies that each type of prohibited firework constitutes a separate violation. Authorizes the Department of Law Enforcement, in addition to the counties, to enforce the Fireworks Control Law. Appropriates funds. Effective 7/1/3000. (HD1)

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

